

# Planning Committee



Application Address	Southbourne Crossroads Car Park Southbourne Overcliff Drive Bournemouth BH6 3NH
Proposal	Erection of 4 blocks (total of 27 flats) with bin and cycle stores and formation of vehicular access and associated undercroft car parking
Application Number	7-2021-28119
Applicant	Vivir Estates Ltd
Agent	David James Architects LLP
Ward and Ward Member(s)	East Southbourne & Tuckton
Report status	Public Report
Meeting date	17 March 2022
<b>Summary of Recommendation</b>	<b>Approve subject to a S106 and conditions</b>
Reason for Referral to Planning Committee	Major application relating to council owned land; and 640 letters of objection received
Case Officer	Julie Allington

## Executive Summary

The proposal relates to the Southbourne Crossroads car park which was identified by Cabinet in April 2017 as underutilised and surplus to requirements and offered as a redevelopment site. The site also includes an area of land between the car park and the roundabout which was designated a Site of Nature Conservation Interest (SNCI) in 2007 and has been utilised more recently by local residents as a 'community garden' although there is no formal consent for this.

Concerns from local residents relate mainly to the loss of parking, and subsequent impact on local businesses; loss of the community garden; impact on the flats within the two terraces of properties to the north and facing the site; and the design and scale of the development.

The development entails the erection of four blocks totalling 27 flats, between 1 and 4 storeys in height and has been significantly changed from the original drawings submitted at pre-app stage to accommodate concerns raised relating to the impact on neighbouring residents. The design is modern and considered to be appropriate for this cliff top location and of a height and scale that would be in keeping with surrounding development.

Integral cycle and bin stores are provided within each of the blocks and all heating and hot water will be provided via a ground source heat pump. The developer also proposes to use solar power for communal lighting and rain water harvesting for planting areas to make the development more sustainable.

Three flats within the neighbouring terrace have been identified as being adversely impacted by the development due to changes in daylight to windows. The overall impact on these windows has been assessed and it is considered that on balance the degree of harm would not be sufficiently adverse to outweigh the benefits of the proposal.

The development would provide 27 new dwellings, and the developer has agreed to also pay a £70,000 contribution towards off site affordable housing; £20,000 towards a replacement bus shelter on Belle Vue Road; provide a zebra crossing; £10,1875.75 compensation for loss of habitat and towards SNCI maintenance; and £7,317 towards Heathland mitigation.

Overall, it is considered that the benefits of the scheme in terms of bringing a currently under-utilised brownfield site into use and providing much needed housing would outweigh the harm identified, and therefore the application is recommended for approval.

### **Description of Proposal**

1. Planning consent is sought for the erection of 4 blocks of flats ranging in height from 1 to 4 storeys. The development would provide 27 flats in total with 29 under-croft parking spaces for residents and bin and cycle stores.

### **Description of Site and Surroundings**

2. The application relates to the Southbourne Crossroads Car Park site which is situated on the cliff top adjacent to the roundabout linking Southbourne Overcliff Drive with Southbourne Coast Road and St Catherine's Road. The site is long and narrow and comprises the existing surface level car park with additional sections of attached land to the east and west of the car park. It is bounded to the north by St Catherine's Terrace which forms a vehicular access to properties fronting St Catherine's Road, to the south by Southbourne Overcliff Drive and to the west the by the roundabout.
3. The car park was built on the cliff top circa 1960 and surfaced with tarmac. It would appear a section of land to the northwest between the car park and roundabout was retained for landscaping and planted with ornamental plants such as small palm trees. A small area of land to the east was also retained but left largely untouched. The car park itself is in a poor state of repair but is currently still operational.
4. The landscaped area between the car park and roundabout was added to the wider Bournemouth Cliffs SNCI in 2007 as well as a small section of hedge to the south of the site. This part of the site has also in recent years been planted out and maintained by local residents as a 'community garden', although there is no formal consent for this use currently. It now contains a variety of plants, a small boat and wooden sculpture, garden gnomes, bird feeders, chairs and areas of grass and artificial grass.
5. Development around the site is generally 3-4 storeys in height and is predominantly in residential use with some commercial uses at ground floor level around St Catherine's Road and Belle Vue Road. The architectural style within the locality varies with the traditional Victorian era terraces to the north and a variety of more modern development including a number of blocks of flats.

### **Relevant Planning History**

6. At a Cabinet meeting on 26<sup>th</sup> April 2017 and as part of the Council's Capital Strategy and Corporate Asset Management Plan, it was declared that the Southbourne Crossroads car park site was underutilised and operating at a loss and was therefore surplus to requirements. It was agreed that the site (which included the area of land to the northwest) be offered for sale on the open market as a redevelopment opportunity with an invitation for informal tender.

7. On 29<sup>th</sup> June 2018 an Officer Decision Record details the addition of a small area of land immediately to the east of the car park to be included within the redevelopment site. This decision to include this land was taken in order to add value to the car park site and because the area of land was considered to be a maintenance liability. This was also considered to be in accordance with Priority EC4 of the Council's Corporate Plan, 'making the best use of our assets' and in accordance with the Capital Strategy and Corporate Asset Management Plan 2018-2021.
8. The applicant was the successful bidder and engaged in a lengthy pre-application process as part of a Planning Performance Agreement with the local planning authority which has resulted in a significant reduction in scale and a number of amendments to the scheme to address concerns raised.

### **Constraints**

- Part of site designated SNCI
- Cliff top location
- Potential contamination from car park use
- Narrow, linear site
- Proximity of neighbouring terraces

### **Public Sector Equalities Duty**

9. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other relevant duties**

10. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
11. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
12. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

### **Consultations**

#### Highways

13. The Council's Highways Officer has considered the proposal and advised that he is satisfied that the proposed parking layout and car and cycle parking provision accords with the requirement of the Parking Standards SPD and that the financial contributions towards a new crossing and bus shelter will mitigate against some of the additional pressure on existing services and infrastructure.

## Urban Design

14. The Urban Design Officer has been involved with the scheme since the original pre-application submission and is satisfied that the height and scale is now reasonable for the character of the area but has commented that the use of good quality materials will be essential, as will the design of the perforated screens, landscaping and lighting. Careful consideration will need to be given to the access lane to the north of the site.

## Specialist Environmental Consultants

15. A Ground Condition Study was submitted by the applicant in relation to possible contaminants being present on the site. The report was considered by specialist consultants who carried out an assessment and noted a potential low risk from on-site leaks from vehicles parked in the car park into underlying soils through potholes and the potential for soil gas emissions from organic lenses/peat. A condition has been recommended requiring a more detailed investigation be carried out prior to the commencement of any development on the site.

## Dorset Wildlife Trust

16. Dorset Wildlife Trust have considered the Ecological Impact Assessment that was submitted with the application and confirmed that they are satisfied that the limited loss of habitat on this somewhat isolated site, would not result in a significant impact on the extent and distribution of habitats or the structure and function of the habitats within the wider SNCI. The proposed mitigation measures and financial contribution towards improvement of the wider SNCI would outweigh this loss.

## Biodiversity Officer

17. The Council's Biodiversity Officer has also confirmed that he is satisfied with the proposed mitigation and Biodiversity Net Gain measures subject to the required financial contribution towards SNCI improvement and conditions requiring more detailed information in the form of a Construction Management Plan and a Landscape Environmental Management Plan.

## Cliff Stability consultant

18. The specialist consultant advised that he was satisfied with the preliminary proposals but that a detailed ground investigation and assessment of the final design would be required prior to the commencement of development to ensure no adverse impact on cliff stability, but that this could be addressed with a suitably worded condition.

## Flooding and Drainage Team

19. A detailed Surface Water Drainage Report and Layout drawing have been provided by the applicant, as well as confirmation from Wessex Water that they are happy for the development to connect to and discharge to the existing sewer. The Flooding and Drainage Team have considered the submitted details and confirmed that they are satisfied with the proposals. A condition has therefore been added requiring the developer to adhere to the installation and maintenance details contained within the submitted report.

## **Representations**

20. Site notices were posted in the vicinity of the site on 13/05/2021 with an expiry date for consultation of 04/06/2021.
21. Further site notices were posted on 22/10/2021 advising local residents that additional information in the form of an Ecological Impact Assessment had been received. The notices gave an expiry date for consultation of 11/11/2021.

22. 644 representations have been received, 640 raising objection and 4 in support. The issues raised comprise the following (summary):-

- Will exacerbate parking issues at busy times leading to more on street and illegal parking and highway safety issues
- Loss of car park will discourage tourists to area
- Public transport not sufficient to compensate loss of parking
- Need car park to support shops and businesses on St Catherine's Road/Belle Vue Road, pilates studio and local running and exercise groups who park and meet here
- Bistro on the Beach development is to attract more tourists to the area, but taking away parking will detract
- Should redevelop to provide improved car park or replace car park with park and ride scheme
- More people working from home and more people staying in the UK as a result of the pandemic, increasing the number of visitors who require parking
- Loss of community garden and impact on wildlife particularly birds, lizards and insects
- Loss of hedgerows.
- Impact on mental health with loss of community garden
- Loss of parking close to beach for families with pushchairs and carers with special equipment and beach equipment. Beach car park tight spaces difficult to get out with children or those with disabilities
- Car park is busy on peak Bank Holiday days and during summer holidays and has been full by 10.00am
- Loss of disabled access parking close to beach
- Already too many flats in this area
- Don't need high rise flats here and height out of keeping
- Scale and density represents over development of the site
- Design box-like and materials not characteristic
- Site does not need a 'Landmark Development' here as not a gateway or town centre site
- Building so close to roundabout and pavement imposing and out of character
- Loss of open view towards historic terrace
- Loss of view from flats fronting St Catherine's Terrace
- Loss of value to flats fronting St Catherine's Terrace
- Loss of light to gardens and properties of St Catherine's Road properties
- Development too close to flats fronting St Catherine's Terrace
- Loss of privacy and overlooking
- Noise impact from balconies
- Noise impact of construction on pilates studio
- Impact and pressure on existing services such as schools, GPs and dentists
- Fear of crime and feeling unsafe created by alleyway to rear
- Proposed flats are not of benefit to the local community as will likely be high price and not affordable to existing residents and not family housing but likely to be second homes or holiday homes
- Impact on cliff stability (beach cliffs deteriorating)
- Not enough commitment to sustainable energy
- Increase existing issues with sewage and surface water flow back in heavy downpours
- Conflict of interest as BCP is landowner and local planning authority
- The car park has deliberately been left in a poor state and neglected
- Site not allocated for housing so don't need to develop it to meet targets
- Can condition be added restricting lettings to a minimum term contract
- Lack of amenity space for future residents

23. The letters of support made the following comments:

- Meets need for more local housing
- Car parking is available elsewhere
- Car park under utilised

- Support for redevelopment of rundown neglected area
- Would improve this section of the cliff top which is least attractive part

### **Key Issue(s)**

24. The key issues involved with this proposal are:

- Loss of car parking
- Loss of community garden
- Impact on SNCI
- Impact on character and appearance of the area
- Impact on neighbouring properties
- Affordable housing
- Parking/cycle storage provision for development
- Sustainable Development
- Heathlands mitigation

25. These issues will be considered along with other matters relevant to this proposal below.

### **Policy Context**

26. Local documents:

#### **Bournemouth Local Plan: Core Strategy(2012)**

CS1 Sustainable Development  
 CS2 Sustainable Homes and Premises  
 CS3 Sustainable Energy and Heat  
 CS4 Surface Water Flooding  
 CS6 Delivering Sustainable Communities  
 CS14 Delivering Transport Infrastructure  
 CS15 Green Travel Plans and Transport Assessments  
 CS16 Parking Standards  
 CS17 Encouraging Greener Vehicle Technologies  
 CS18 Increasing Opportunities for Cycling and Walking  
 CS22 Housing Outside Preferred Locations  
 CS33 Heathlands Mitigation  
 CS35 Nature and Geological Conservation Interests  
 CS38 Minimising Pollution  
 CS41 Quality Design

#### **Bournemouth District Wide Local Plan (2002)**

3.25 Coastal Zone Management  
 6.9 Development on Brownfield Land  
 6.10 Flats Development  
 8.22 Parking

#### **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD 2020  
 Residential Development: A Design Guide – PGN (2008)  
 Sustainable Urban Drainage Systems (SUDS) - PGN  
 Parking Standards – SPD  
 Waste and Recycling Services Planning Guidance Note

#### **National Planning Policy Framework (“NPPF”/”Framework”)**

## Section 2 – Achieving Sustainable Development

### Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

### Section 11 – Making Effective Use of Land

### Section 12 – Achieving well-designed places

### Section 14 – Meeting the challenges of climate change, flooding and coastal change

### Section 15 – Conserving the natural environment

## **Planning Assessment**

### Presumption in favour of sustainable development

- 27. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Bournemouth Core Strategy Policy CS1.
- 28. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 29. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
- 30. The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Bournemouth area there is a 2.3 year housing land supply with a 20% buffer (a shortfall of 4,862 homes) and a 2021 HDT result of 67%. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes and under the HDT test threshold of 75%.
- 31. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

### Loss of existing car park use

- 32. The proposed development would result in the loss of the existing public car park which currently provides 78 parking spaces including 2 disabled parking spaces. As part of the Council's Capital

Strategy and Corporate Asset Management Plan 2017-2020 the site was identified as an under-used property asset. Under this strategy a property was said to be considered under-used where the return from the site (either in terms of its contribution towards Council objectives or financially) was significantly below that which could be achieved from: a. an alternative use; b. disposing of the site and investing the income; or c. intensifying the existing use. At the Council's Cabinet meeting on 26<sup>th</sup> April 2017 it was declared that the car park was surplus to requirements and agreed that it would be marketed as a redevelopment opportunity.

33. Policy 8.22 of the Bournemouth District Wide Local Plan (2002) is a saved policy and states that where redevelopment would affect public car parking spaces (whether publicly or privately owned), any spaces lost should be replaced either on site; in the vicinity of the site; or by the provision of alternative transport measures.
34. It should be noted however in assessing this application that this policy is now somewhat out of date as it evolved from a 'Parking Study' carried out prior the adoption of the Bournemouth District Wide Local Plan, more than 20 years ago, the main focus of which was on car parks within the town centre and Lansdowne. It is also worth noting that more recent policies relating to parking reflect the national position of seeking to reduce levels of car use and encourage people to adopt more sustainable travel habits.
35. Given the fact that the policy appears to be somewhat out of date and the car park has been declared surplus to requirements and deemed underutilised by the Council, it would seem inappropriate and unnecessary to require replacement parking spaces or the provision of alternative transport measures. However, it is acknowledged that the proposed development would technically be contrary to Policy 8.22 as no alternative or replacement parking is proposed.
36. Concern has been raised that losing the car park would have a detrimental impact on local commercial businesses and shops, but it is considered that these businesses are adequately served by short stay on-street parking in front of premises on St Catherine's Road and Belle Vue Road as well as surrounding streets including Southbourne Coast Road.
37. Comments have been received in relation to the loss of 2 existing disabled parking spaces within the car park. The Cabinet report approving disposal of the car park touched on this issue stating  

'The closure of the car park will result in the loss of 2 accessible spaces. However, these are not considered to be conveniently located for service users. The impact will be monitored and increased provision of accessible spaces will be considered at the nearby Warren Edge car park if this proves necessary'.
38. The impact is therefore something that will need to be observed and considered further once the car park has closed.
39. Representations have also been received questioning the availability of parking spaces suitable for parents with young families and carers for people such as the elderly and children who have identified the car park as being convenient. However, there are alternative car parks in the vicinity such as Warren Edge or Solent Beach, along with a considerable amount of unrestricted on-street parking in the area which are also considered to provide suitable parking facilities for these groups.
40. It is noted that a number of comments have been made relating to height of summer season and Bank Holiday days when the car park has been fully occupied. However, the number of days when this happens are limited. The car park is generally underutilised for the majority of the year and has been running at a significant loss due to generally poor usage, therefore making limited contribution to the useful parking supply within the conurbation.
41. Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Saved policy 6.9 of the



Bournemouth District Wide Local Plan also encourages residential development on appropriate derelict/vacant and underused land subject to consideration against other policies within the plan.

42. The proposed development is considered to represent a more effective use of the existing under utilised car park and would therefore meet the aims of Policy 6.9 of the Bournemouth District Wide Local Plan.

#### Loss of community garden

43. The small area of land to the northeast between the car park and roundabout, which appears to have originally been developed at the same time as the main car park and maintained as an area of landscaping, is currently being used by local residents as a community garden.
44. It would appear that in 2011/2012, as part of a borough wide initiative to encourage people to take pride in their local area, a group of residents entered into a short-term agreement with the Council that required them to keep the land tidy and weed free and that all tubs, plants and materials were to remain within the ownership of the Council and be removed and disposed of after notification. The agreement lapsed however and Google street view photos show that in August 2012 the site was mostly covered with shingle.
45. An aerial photograph dated 2014/15 shows that around this time a small wooden boat and wooden sculpture were added, and more extensive cultivation carried out although no record has been found of this being with formal written agreement from the Council.
46. Google street view images indicate that an access gate was installed in 2016 enabling public access to the site which it is assumed was carried out by local residents as I have been advised by the Council's Estates Team that there was not at that time a formal written agreement for the use of the site by the community. There is still no formal agreement in place at the time of writing this report, but the use has been allowed to continue without action pending the outcome of this planning application.
47. A large number of the comments received raise objection to the loss of this 'community garden', and there are clearly strong feelings about this being of value to the local community. However, it would appear from the information currently available that the authorised use for this land remains as landscaping associated with the original car park and road layout development, as the land has never been officially changed to a publicly accessible garden, and has not been in use as such for sufficient longevity to have established an alternative lawful use. Therefore, the loss of this land must be assessed on the merits of it being landscaping associated with the overarching car park use.

#### Impact on Habitats

48. In 2007 the land now known as the 'community garden' and a smaller section of land adjacent to the southern boundary were included in a survey by Dorset Wildlife Trust as part of a wider survey of the Bournemouth Cliffs Site of Nature Conservation Interest (SNCI) which predominantly covers the cliffs and cliff top area on the other side of Southbourne Coast Road. SNCI status is given to sites which are considered to have substantive local nature conservation and geological value.
49. The 2007 survey recorded 6 Dorset notable species: common ramping-fumitory, common bird's-foot-trefoil, subterranean clover, common stork's-bill, sand sedge and tree-mallow, as well as the presence of rough clover as being present at that time. A 'Dorset notable' is one of the three categories that uncommon species are given by Dorset Wildlife Trust to assist SNCI Panel members in the selection of sites to become a SNCI, the other two being, 'Dorset Rare' and 'Dorset Scarce'. The greater the number of these species and their rarity, the more likely a site would be declared SNCI as the presence of the species indicates that SNCI habitat is present.
50. In this case, the presence of sand sedge, common stork's-bill and subterranean clover suggest the main habitat on site at that time would have been SNCI habitat of acid grassland with elements of

maritime cliff and slope habitat, indicated by the presence of tree mallow. Common ramping-fumitory is an indicator of arable while common bird's-foot-trefoil generally suggests neutral grassland. Although it can be found on slightly acid soils.

51. An Ecological Impact Assessment, carried out by a qualified Ecologist, has been submitted in support of the application. The survey was carried out in August 2021 and describes the habitat as being a mix of semi-improved grassland/ephemeral, semi-improved (amenity) grassland, colonised hard standing and ornamental vegetation/hedge which is a significant change from the 2007 findings. Dorset Wildlife Trust and the Council's Biodiversity Officer have advised that the habitat on site would no longer meet criteria for selection as a SNCI, and that none of the six Dorset Notables recorded in 2007 were found in the 2021 survey. Of the six Dorset notables recorded in 2021 only hare's-tail clover, ox-eye and bucks-horn plantain were in a grassland type habitat (but not SNCI habitat), but other species recorded (such as dove's-foot crane's-bill) show that area no longer provides an acid grassland habitat. The other Dorset notables recorded in 2021 were upon hard standing.
52. Comments from local residents refer to possible sightings of protected species such as sand lizards, great crested newts and stag beetles. The consultant carried out a detailed survey which included a visual assessment of the area to record species of plants, birds, animals, reptiles and insects, and a visual check for suitable habitat. In the case of stag beetles, no evidence of them being on site and no suitable habitat was found. With regards to greater crested newts, no evidence of their presence was recorded during the survey. There are no ponds within 260m of the site and whilst there may be limited cover from the longer grassland and ornamental planting, the isolated nature of the site surrounded by roads would make it highly unlikely that they would be present on site.
53. As specific reference has been made to the possible presence of sand lizards, 'reptile mats' were set up on site. They were put in place one week before the survey and monitored between 25<sup>th</sup> August 2021 and 17<sup>th</sup> September 2021. Again, it was noted that the longer grassland and ornamental vegetation may provides some limited habitat for common reptiles such as wall lizard or common lizard. However, no reptiles were observed on any of the visits carried out during the survey.
54. Concern was also raised about the loss of habitat for birds. A number of house sparrows were noted within the hedges and shrubs on the site, although no nests were found. It was concluded that whilst the site provides foraging ground around the existing planting and some potential for nesting, it is likely the birds are nesting in nearby buildings. The provision of suitable nest boxes on the proposed buildings would provide permanent nesting opportunities for house sparrow and provide some mitigation for the loss of this site.
55. The development would result in the loss of a small section of the SNCI representing only 0.09% of the overall SNCI designation. The Council's Biodiversity Officer and Dorset Wildlife Trust have considered the submitted Ecological Impact Assessment and are satisfied that given the small size and isolated location of the areas of habitat involved, their loss would not result in a significant impact on the extent and distribution of habitats or the structure and function of the habitats within the SNCI.
56. Paragraph 174 of the NPPF requires decisions to protect and enhance sites of biodiversity or geological value and provide net gains for biodiversity and Policy CS35 of the Core Strategy states that when determining applications that would have an adverse impact on a SNCI, the Council will seek to ensure that the sites, and biodiversity interest are maintained and enhanced, and that where harm cannot be avoided, the Council will work with developers to restore or add to the Borough's biodiversity and geological networks.
57. In this case, although the site has been declared as not worthy of retention as part of the SNCI land, the developer has offered a number of on-site mitigation measures that represent Net Biodiversity Gain:

- a brown roof on Block B (342sqm) which will have a sandy substrate and will be left to colonise naturally,
- sedum green roofs on other sections of flat roof,
- bee bricks to be installed 1m above the green roofs within the brickwork of the building;
- four groups of three swift bricks and four house sparrow terrace bricks (each capable of housing three nesting pairs) shall be installed.

58. The applicant has also offered to make a financial contribution of £10,1875.75 to compensate for the loss of habitat that would result from the development. This figure has been calculated in accordance with the Dorset Biodiversity Appraisal Protocol plus an additional 10% volunteered by the applicant. At present there is no local policy requirement for a contribution to be made, but this is something that is encouraged and will become a requirement under the Environment Act in 2023.
59. The Council's Biodiversity Officer has confirmed that the financial contribution for off-site work would be spent on the established parts of the Bournemouth Cliffs SNCI to improve its nature conservation condition by managing non-native plants such as garden privet, seaside daisy, pampas grass, bamboo and Hottentot fig and managing age structure of native gorse. Some money may also be spent on the areas of the cliff and over cliff adjacent to the SNCI to improve its condition to be included as potential SNCI.
60. A condition has been recommended requiring the submission of a Landscape Environmental Management Plan (LEMP) to provide full details of the proposed planting, short and long-term management of the landscaping areas; birds brick and bee brick installation and maintenance; and lighting type and levels. It is considered that subject to approving these details, the proposed development would be acceptable and the limited harm to the wider SNCI from the loss of the existing habitat would be satisfactorily mitigated and compensated by the biodiversity net gain additions and contribution towards off-site works. Therefore, the proposed development of this site accords with the aims of Policy CS35 of the Core Strategy and paragraph 174 of the NPPF.
61. 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). Working in collaboration with Dorset Council and with advice from Natural England, BCP Council has adopted the Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document, the purpose of which is to set out the approach to avoid or mitigate harm to these protected sites. Policy CS33 of the Bournemouth Local Plan Core Strategy also states that residential development within 5km of a heathland will be required to mitigate adverse effects upon the heathland site's integrity, either within the site or through mitigation measures designed to avoid adverse impacts.
62. In this instance, it is considered that the proposal is likely to have a significant effect on the Dorset Heathlands; however, having undertaken an appropriate assessment, it is believed that the integrity of these sites can be maintained through appropriate mitigation measures. In this case, a financial contribution of £7,137.00 plus an administration fee of £365.00 is considered necessary for the purposes of such mitigation (Strategic Access Management and Monitoring (SAMM)). This contribution is to be secured by way of an appropriate planning obligation in accordance with Policy CS33 and the Dorset Heathlands Planning Framework.

#### Cliff Stability

63. A cliff stability report was submitted with the application which was considered by a specialist consultant engineer. The development site is approximately 15m from the cliff frontage adjacent to St Catherine's Path, which according to the specialist engineer consulted by the Council, has shown signs of historic slope movement.
64. Following detailed consideration of the report the Consultant advised that the preliminary proposal for piled support was reasonable (provided the piles were installed by replacement method and not driven) and that this would reduce risk in relation to cliff stability. He also advised that a more thorough report and assessment would be required at the detailed design stage before works start

on the site as well as a site-specific ground investigation. He also recommended that a geotechnical risk register be developed and maintained throughout the detailed design and construction process to ensure that any risks encountered can be properly monitored.

65. A condition has been added requiring the submission and approval in writing of both a ground investigation report and geotechnical design report prior to the commencement of development.

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

66. This part of the cliff top has changed considerably over recent years and whilst the western terrace of St Catherine's Road retains much of its original characteristics, most surrounding development is of a more modern appearance and design. The predominant character of properties to the east and west of the site is residential flats, 3 to 4 storeys in height.
67. The site as existing is a largely tarmacked surface car park with a mesh fence surround, and is in a somewhat neglected state. The 'community garden' provides an area of informal green space that provides some relief from the harsh nature of the car park and surrounding built form, but its contribution to the wider character of the area is somewhat limited due to its small size.
68. The open nature of the site as existing allows views to the St Catherine's Road terraces. Whilst the south elevation of the western terrace is reasonably attractive, the ad hoc nature of additions to the eastern terrace has resulted in a rather complicated and disjointed appearance and it is not considered that the loss of these views or the open nature of the site would have a significantly detrimental impact on the wider character of the area.
69. The proposed development has been reduced in scale significantly from its original concept to accommodate the somewhat awkward and narrow shape of the site, and the proximity of the terrace to the north. The proposed scheme now takes the form of 4 blocks of between 1 and 4 storeys which reflects the scale of surrounding development and is considered would sit comfortably within the wider street scene.
70. The use of white render, together with copper and metal detailing is considered to successfully articulate the building providing vertical details that break up the horizontal nature of the site. Reasonable gaps between the blocks also reduce the overall bulk.
71. The narrow form of the site limits the opportunities for landscaping, but the introduction of green and brown roofs and the addition of planting areas to the front and hedges to the rear help to soften the appearance of the development.
72. It is considered that the development provides interesting architectural detailing, is of a scale, form and design that is characteristic of modern development along the cliff top and would sit comfortably within the wider street scene. Therefore, the proposed development is considered to be in accordance with the aims of Policy CS41 of the Core Strategy, Policy 6.10 of the Local Plan, and Paragraph 130 of the NPPF.

#### Amenities for future occupiers

73. The proposed units of accommodation are all of a size that is greater than the requirements of the Government's 'Technical standards - nationally described space standards' document.
74. Block A comprises 3 x 1 bedroom and 3 x 2 bedroom properties with a communal staircase in the centre of the building and an integral bin and cycle store accessed from the outside. The 2 bedroom units have access to private balconies.
75. Block B provides 11 x 2 bed and 2 x 3 bed properties. There is a large bin store, cycle store and plant room at ground floor level within the building, as well as a communal staircase and lift. Upper floors have private balconies and ground floor have access to small private terrace areas

76. Block C comprises 5 x 2 bedroom duplex properties with larger private terrace gardens at ground floor. The flats within this block sit above the undercroft parking and a small cycle and bin storage facility.
77. Block D is a part 1 and part 2 storey development housing 3 x 2 bedroom flats which also has its own cycle and bin stores integral to the building at ground floor.
78. All of the 2 and 3 bedroom properties would be provided with a private balcony or terrace, and the duplex properties, which will likely be suitable for families, are provided with a larger terrace garden. Given the proximity of the site to the cliff top and the beach, it is considered that the level of amenity space and living conditions for future residents would be good and in accordance with the Council's guidance document 'Residential Development: A Design Guide' and policy CS41.

#### Impact on neighbouring properties

79. The proposed development would sit directly to the south and in close proximity to the two terraces of Victorian properties fronting St Catherine's Road. Those to the west are three storeys in height and largely remain as originally built. The rear elevations have large bay windows and provide a stepped access to the main residential entrance door at first floor level. There is an access road in front of them known as St Catherine's Terrace with the facing elevation of the properties set back behind areas of hard standing and garden.
80. The eastern terrace however has undergone substantial change with numerous extensions and balcony additions to properties which have been added in an ad hoc fashion. These additions have significantly reduced the gap between these properties and the application site. The applicant has made substantial reductions to the bulk and height of this part of the scheme through the pre-application process of the Planning Performance Agreement.
81. Saved policy 6.10 of the Bournemouth District Wide Local Plan requires flats development to respect the living conditions of occupiers of buildings within the vicinity of development site. Policy CS22 of the Bournemouth Local Plan: Core Strategy states that development outside the core areas will only be permitted where it does not harm local amenity of living conditions and policy CS41 seeks to ensure that development enhances the amenities of both future occupiers and neighbouring residents.
82. Also of relevance is the Council's guidance document 'Residential Development: A Design Guide' which suggests considerations for assessing residential development, including potential impact on neighbouring properties. The guidance also sets out minimum distances that should be retained between existing residential properties and proposed development to ensure no harmful overlooking.
  - back to back distance between 2 or 3 storey buildings with rear facing windows (but not living rooms) on upper floors is 21m;
  - back to back distance for 3 storey buildings with living rooms and 4 storey development is 25m;
  - back to side distance for 2 or 3 storey buildings with rear facing windows and no windows on facing side elevation 12.5m

#### Impact of Block A

83. This block would be three storeys and would have a height of 9.7m. Number 5 St Catherine's Road is the nearest property but as this is single storey and in use as a take-away with no facing side windows, the development would not have a detrimental impact on this property in terms of amenity.
84. A gap of between 8.7m and 14m would be retained between the development and the side elevation of number 7 St Catherine's Road, the nearest residential property. This property has 4 windows at first floor and 2 at second floor on the facing side elevation. The floor plans indicate that

the 2 larger windows at first floor serve a bedroom, and a bathroom and the two small windows at first floor set further back along the elevation, are secondary to the living room which is also served by a larger bay at the rear. At second floor there are 2 windows. The first serves a bedroom and the second serves a bathroom. A gap of approximately 12.5m is retained between these windows and the proposed development (which does not have windows) which is considered to be in accordance with the back to side separation distance set out in the design guide.

85. Given the nature of the windows being secondary or serving bedrooms and bathrooms, and the size of the gap retained, the development would not have an oppressive or overbearing impact on these windows and the lack of windows to the facing elevation of Block A would ensure no harmful overlooking.
86. Block A would also be within fairly close proximity of the rear elevation of number 7 but would be set to one side leaving the area immediately in front of the windows reasonably open with the main outlook towards the rear elevation of Block B. It is considered that Block A would not have an unduly oppressive or overbearing impact on these windows.

#### Block B

87. Proposed Block B would be 4 storeys in height with the top storey stepped in from the main elevations. This part of the development would sit directly to the rear of the properties within the western terrace and would have an impact on numbers 7-21 St Catherine's Road. This part of the terrace remains generally unaltered without extensions and as indicated on the site plan the separation distance between the rear of elevations of these properties and the main rear elevation of proposed Block B would be approximately 25m or more. This would accord with the Council's guidance document which suggests a minimum of 25m between 3-4 storey development with facing living rooms. In this case it is noted the windows at first and second floor are limited in number and would serve bedrooms and studies. The top floor would be set back by approximately 3.5m. There are some secondary windows serving kitchen and living rooms but the set back within the roof would reduce visibility and would also increase the gap. It is considered that the gap retained to all the residential properties on this terrace would be reasonable and ensure that the development would not be unduly overbearing or oppressive to these properties.
88. At the rear of number 21 is a 2 storey flat roofed building originally used for storage which has more recently been converted into a pilates studio. The structure abuts the access lane to its rear and side elevation. The gap between Blocks B and C has been widened compared with the original pre-application scheme to provide some relief to the overall built form and to afford a greater gap to this studio. The result is that the outlook from the rear window of this property will largely be through the gap between the two residential blocks and this will ensure that the development would not have an oppressive or overbearing feel.

#### Block C

89. This block has been significantly reduced in depth and height as a result of pre-application discussions to overcome concerns raised about the impact on existing properties within the eastern terrace of St Catherine's Road. The rear elevations of this terrace have been changed significantly with a number of ad hoc extensions and balconies added over time.
90. The proposed development here would be three storeys in height providing 5 duplex dwellings with open plan living room/kitchens at first floor above the under-croft parking area with terrace gardens to the rear, and bedrooms and bathrooms at second floor level.
91. Block C sits directly to the rear of numbers 23 to 29 St Catherine's Road. The site plan indicates that the distance between the closest part of the proposed development and the original rear elevation of these properties would be more than 26m which exceeds the minimum separation distance requirement of the Council's Design guidance. The setting back of the second floor beyond the first floor terrace gardens significantly reduces the bulk of building to the north boundary and the impact on properties at the rear and the gardens are shown to be enclosed with a wall to prevent

harmful overlooking. The closest part of the building would be 4.7m in height to the top of the garden wall and the 3 storey part of the development would 9.8m.

92. Due to the number, size and variety of extensions and additions to this terrace, each number has been considered individually in terms of impact below:

#### 23 St Catherine's Road

93. This property has a 2 storey pitched roof extension projecting across part of the rear elevation. At ground floor a lounge is served by patio doors and at first floor there is an attached balcony also serving a lounge. The separation distance between the proposed development and the rear elevation of the extension would be approximately 26m and would therefore be in accordance with the design guide. The ground floor patio doors are partly enclosed by the existing single storey garage at the rear of the site, and it is considered the separation distance and setting back of the second floor would ensure the development would not have an overbearing or oppressive impact on these properties.

#### 25 St Catherine's Road

94. This property has been significantly altered with a number of extensions and terrace/balconies added. The Ground Floor Flat has a small courtyard which is largely enclosed by boundary walls and existing single storey development on the site to the rear. The first floor flat has a conservatory set at an angle with an outlook to the southwest and a small attached terrace above the garage. The gap between the rear part of this property and the proposed development would be only around 7.5m, but it should be noted that the orientation of the first floor terrace and patio doors is with an outlook towards the southwest which looks beyond the end of Block C and through the gap between Blocks B and C. It is considered that the development would not have an overbearing or oppressive impact on these properties.

#### 27 St Catherine's Road

95. There is an attached two storey extension with ground and first floor windows serving lounge/kitchens which would have a direct outlook towards the middle part of block C. The distance between the extension and the rear of the development would be 12.3m, but this would be to the wall of the terrace garden and therefore lower than two storey height. A separation distance of 18.4m from these windows to the three storey part of the development would be achieved. Whilst this is below the level set out within the design guide, it is considered that the set back of the building at first floor level would ensure that the development would not be unduly oppressive or overbearing.
96. The extension at number 27 is directly opposite the part of the building that contains the communal staircase which has no windows with a direct outlook towards this property. There are windows on other parts of the facing elevation, but it is considered that the separation distance, set back beyond the garden terraces and angle of outlook would limit overlooking so that it would not have a harmful impact on amenities for these properties.

#### 29 St Catherine's Road

97. The entire curtilage of this site is covered with built form, with the rear part of the site comprising a single storey structure with no windows. There is a small part two/part three storey extension that would be 23.38m from the development at the closest point. It is considered that the separation distance between the development and this property would ensure no harmful oppressive or overbearing impact and that the set back of the upper floor and distance would ensure no harmful overlooking.

#### 31 St Catherine's Road

98. This property has a garage and workshop to the rear with obscure glazed windows. The separation distance between the main rear elevation and the proposed development would ensure no harmful impact.

#### Block D

99. The scale of Block D was reduced considerably during the pre-application process to take account of existing development at numbers 33 and 35 St Catherine's Road and the proximity of this part of the site to the back of the terrace.

#### 33 St Catherine's Road

100. This property has balconies on the main rear elevation at first and second floor level, and a projecting extension to one half of the rear elevation with a window at ground floor and Juliet balcony at first floor level. The extension aligns partly with the gap between Blocks C and D and partly with the 2 storey element of the proposed development. The separation distance between the two would be 12.1m and there would be no facing windows that directly align with this property. It is considered that the gap to the southwest between the building would provide reasonable relief and ensure that the development would not feel oppressive or overbearing to the occupiers of this property. Whilst views would be possible from the first floor bedroom window of Flat D3, it is considered the alignment would prevent harmful overlooking.

#### 35 St Catherine's Road

101. This property extends to its rear boundary with windows at ground floor level and a terrace to the rear and the side of the extension at first floor level. Due to the proximity of these to the development site, the facing part of Block D has been reduced to single storey height. The gap between the proposed development and this property is 6.7m but given the single storey height of the development it is considered that the proposal would not be oppressive or overbearing. It should also be noted that the room within the ground floor of the property is also served by a window to the west elevation and patio doors to the east. As this part of the development is single storey and the separation distance would be more than 12m it is considered that there would not be harmful overlooking.
102. It is not considered that the development would result in any adverse overlooking or overbearing impact on the existing properties within the terraces and therefore it would meet the aims of Policies 6.10, CS22 and CS41 in these regards.

#### Daylight

103. There is no question that the southerly outlook from properties within the terraces of St Catherine's Road, and the amount of daylight and sunlight reaching the windows, would be affected if the currently open car park site is developed.
104. Two daylight assessments have been carried out by consultants during the application process, one on behalf of the applicant by 'Right to Light' consultants, and the other by 'Hawkins' on behalf of local residents. Both reports have been carried out in accordance with Building Research Establishment (BRE) guidance 'Site Layout Planning for Daylight and Sunlight' which provides a useful tool for assessing the effects of development. However, it should be noted that the guidance also states the following:

*"The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design."*



105. The first point to note is the significance of the BRE 25 degree 'rule' whereby if a proposal does not obstruct a 25 degree line in a vertical section from a point at the centre of the lowest window, there is no need to go further, and the effect is deemed to be acceptable. Where development breaks the 25 degree line however, a more detailed assessment is required as is the case with the current proposal.
106. The assessment required measures the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from a centre point of a window. A window achieving 27% or more is considered to provide good levels of light. Where the development would result in a figure less than 27% and would also reduce the level of light compared with the existing situation, by 20% or more (ratio of 0.8 or less), the loss would be noticeable.
107. It is relevant to note that the baseline light levels for these properties are higher than would usually be expected in a typical urban location due to the existing windows being largely unobstructed with the open aspect to the car park. Therefore, a greater percentage reduction as a result of a development should be expected. Recent appeal decisions in London have concluded that the 27% VSC target is derived from a low density suburban housing model and that in inner city areas values in the mid teens would be considered acceptable, and values in excess of 20% reasonably good. Whilst this is not an inner city site, it gives an idea of the values that are considered to be acceptable by Inspectors.
108. The report carried out by Hawkins on behalf of the neighbouring residents identified 15 windows across 10 dwellings that would not fully achieve the 27% VSC and would be less than 0.8 times the existing levels of daylight, and therefore the reduction in daylight to these windows would be noticeable. Of these, the majority would only fail to meet the guidelines by a small margin, and it was deemed the development would have only a 'minor adverse' impact on them, but for 3 of the dwellings the development would have a 'moderate adverse' impact on some of their windows.
109. It should be noted that the report carried out by Right to Light produced similar results although the actual figures relating to level of impact were found to be more favourable, and it is likely this is due to more accurate modelling and data. For the purposes of this report however both sets of figures have been considered, and the windows identified as being subject to a 'moderate adverse' impact are detailed below.

	Hawkins VSC	Right to Light VSC	Hawkins ratio	Right to Light ratio	
First Floor Flat, 9					
Left side window of bay	24.8%	29.7%	0.76	0.78	1 window within a bay of 3 where the other 2 windows are found by both reports to meet the guidelines
Ground Floor Flat, 9					
Left side window of bay	23.8%	27.2%	0.73	0.75	
Middle window of bay	19.68%	22%	0.72	0.78	
Ground Floor Flat, 7					
Left side window of bay	14.9%	18.7%	0.46	0.56	
Middle window of bay	21.54%	24.2%	0.65	0.69	
Right side window of bay	Not surveyed	12%	Not surveyed	0.78	

110. The affected window of the first floor flat at number 9 was found to be slightly below the guidelines by the Hawkins report but to meet them by Right to Light. Given this is 1 window within a bay of 3 where the other 2 meet the guidelines, it is considered the overall level of light to the room served by the bay would not be adversely affected to a significant degree.
111. One of the windows within the bay to the ground floor flat at number 9 serving the living room was shown by the Right to Light report to meet the BRE guidelines with a second window below. The Hawkins report however found both windows to be below the guidelines. The levels for both windows would be above mid teens. Given fact that the bay is served by 2 windows means that the overall levels of light would be better than for a room served by a single window and the ratios for both windows would be greater than 0.7 compared with the existing daylight scenario, it is considered that the levels of light on balance to this property would be reasonable.
112. The worst affected flat would be the ground floor at number 7. The main living room is served by the ground floor bay which contains 3 windows. All 3 windows would fail to meet the levels of daylight indicated in the guidelines, although the middle window was found by both reports to have a VSC above 20%. It is acknowledged that there would be an adverse effect on this property but again, given the existence of 2 other windows within the bay the overall level of light would be greater.
113. In considering the impact of the development on these flats we must remember that the BRE guidance is only one aspect of the assessment, and that other factors must also be taken into consideration. The original design of the terrace has resulted in the rear elevation and rooms facing south, with properties within it enjoying a high level of sunlight, daylight and open outlook. However, such an open outlook within an urban environment is unusual.
114. Clearly the development would result in a degree of harm in terms of impact on daylight to identified windows within three flats, and would therefore technically be contrary to the aims of Policies 6.10, CS22 and CS41 as it would result in harm to the existing amenities and living conditions of a small number of flats. However, the level of harm as discussed in the paragraphs above would be somewhat mitigated by other windows serving the rooms.

#### Sunlight

115. The BRE guidance suggests that sunlight assessments are particularly important when considering the impact of development on living rooms and conservatories and, to a lesser extent, in relation to kitchens and bedrooms. The Daylight and Sunlight report submitted on behalf of the local residents confirms that all of the windows within the terrace have been assessed as meeting the BRE guidelines in terms of loss of sunlight, and that any impact is 'negligible'. The report submitted by the applicant concludes the same.
116. The development would therefore meet the aims of Policies 6.10, CS22 and CS41 as it would not result in harm to the existing amenities or living conditions in terms of impact on available sunlight.

#### Overshadowing

117. The studies also consider potential overshadowing impact of the gardens and balconies of the existing neighbouring properties, and both conclude that any impact would be 'negligible' and therefore the development would be in accordance with Policies 6.10, CS22 and CS41 in this regard.

#### Affordable housing

118. The affordable housing Development Plan Document (DPD) sets out an approach to achieving contributions towards the delivery of affordable housing in Bournemouth. Policy AH1 contained within the DPD requires all residential development to contribute towards meeting the target of 40% affordable housing. When considering residential development, the Council will seek a 40% contribution except where it is proven to not be financially viable.

119. In this case the application was supported by Viability Assessment which indicated that the scheme would not be viable should the required contribution towards affordable housing be made. This Assessment was passed to the District Valuation Office for an independent opinion. Their review concluded that in order for the scheme to be viable the full 40% contribution would not be possible, but that the scheme would be viable with a surplus of £70,000.00 which in accordance with the affordable housing policy, should be secured via a Section 106 Agreement as a contribution towards the provision of off-site affordable housing. Provision of an affordable housing contribution is a significant benefit to a scheme and carries significant weight where provided.
120. An overage clause is not considered appropriate in this case as this approach is not supported by the Bournemouth affordable housing policy documents. There is also potential that such an approach could affect the delivery of the scheme due to lack of certainty for developers in terms of financing the development. Whilst the preference of the policy is for on site provision of affordable housing, it is accepted that where a significant on-site provision cannot be made, a financial contribution towards off-site, purpose-built schemes would be acceptable and in accordance with Policy AH1.

### Sustainable Development

121. Policy CS2 of the Bournemouth Local Plan: Core Strategy (2012) requires all development for 10 units of residential accommodation or more to provide at least 10% of the energy used within the development to come from decentralised and renewable or low carbon sources unless it can be demonstrated that this would not be viable. In this case the applicant has indicated a willingness to implement a number of measures.
122. The Agent has confirmed that ground source heat pumps will be installed at the site to provide the heating and hot water requirements for the future dwellings and that materials and insulation will be chosen to provide a high thermal mass where possible.
123. The proposed buildings have also been designed with most of the windows and glazing to the south elevation which as well as minimising overlooking, also enables the best use of solar gain during the day. The applicant has also indicated the photovoltaic panels will be installed, the energy from which will be used for all communal lighting, and that all lighting within the development will be low energy.
124. The use of green and brown roofs will additionally contribute to the sustainability of the development as will rainwater harvesting for communal planting areas.
125. A condition has been added requiring an energy strategy outlining the details of all of the above items as well as any additional measures that are proposed that would contribute towards carbon reduction.

### Highways/Parking

126. The proposal is for 27 flats comprising 3x one bed (2 habitable rooms), 22x two beds (3 habitable rooms), and 2x two beds (4 habitable rooms), integral cycle stores and 29 parking spaces. The Parking Standards SPD indicates that this site is within Zone D (Suburban/rural zone) and therefore the parking requirements for the proposed development would be as set out below:

3 x 1 bedroom flats (2 habitable rooms) (1 per unit)	= 3
22 x 2 bedroom flats (3 habitable rooms) (1 per unit)	= 22
2 x 2 bedroom units (4 habitable rooms) (2 per unit)	= 2
<b>Total requirement</b>	<b>= 27</b>

127. The proposed 29 parking spaces would provide 2 spaces more than required by the SPD. The spaces typically measure 2.6m x 5m, with an aisle width of 6m and 2m by 2m visibility splays. The parking layout and provision is therefore considered to be acceptable and compliant with the

requirements of policy CS16 of the Bournemouth Local Plan: Core Strategy and the Parking Standards SPD.

128. The development is likely to lead to increased use of the existing bus network and it is noted that the existing bus stop on Belle Vue Road does not currently benefit from Real Time Information. To help encourage the use of buses by future residents as a more sustainable form of transport, and provide an improvement to the existing service, the applicant has agreed to make a financial contribution of £20,000 to provide a new shelter and RTI information.
129. The BCP Parking Standards SPD indicates 1 cycle space per bed and 0.1 spaces per unit are required for new development in all zones. The proposal has an expectation of 48 cycle spaces (45 resident and 3 visitor). A total of 48 spaces are now shown spread across the site: 7 for block A, 28 for block B, 8 for block C and 5 for block D.
130. During early discussions a need was identified for the provision of a zebra crossing on Southbourne Overcliff Drive to replace the existing pedestrian refuge island and improve access towards the beach. The applicant has indicated a willingness to enter into a legal agreement to provide this.
131. There is a Public Right of Way (PROW) running along the entirety of St Catherine's Terrace with links to St Catherine's Road to the north via three points. There is also an existing PROW towards the east end of the site which is indicated on the plan to be increased in width to 3m to improve accessibility, and small bollards to prevent vehicular use.
132. There is also an existing informal route through the middle of the site providing access from St Catherine's Road to Southbourne Coast Road. This route is not a formal PROW and although it was suggested it would be desirable to retain this route, the provision of undercroft parking on this part of the site make this difficult.
133. As an alternative, the Highways Team suggested that a section of PROW be provided to the southwestern part of the site between the proposed blocks A and B to join up with the existing PROW at the rear of St Catherine's Terrace to compensate for the loss of the desire route. The applicant has indicated a willingness to do this. However, the existing PROW crosses land within separate ownership that sits between the application site and terrace of properties. A small section would be required to be created on this land to join the new to the existing, but the owner of the land has indicated an unwillingness to allow this at this time, but this is something that could be pursued separately outside of the application process, and it is considered expedient for the proposed section to be included within the development.

#### Community Infrastructure Levy

134. The development is liable to pay the Community Infrastructure Levy.

#### Planning Balance/Conclusion

135. Given the shortfall of number of homes delivered in the Bournemouth area, the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. In this case, the proposed scheme would contribute to the need for new housing, delivering 27 additional homes and is considered would contribute positively to the character of the neighbourhood and enhance the quality of the street scene. It would also provide a contribution of £70,000.00 to off-site affordable housing.
136. Set against this significant benefit are the considerations of the loss of the existing car park, loss of a small part of the existing SNCI and impact on neighbouring development. With regards to the car park, as this has been declared surplus to requirements and underutilised, it is considered that the existing use does not represent the most efficient use of the land. Whilst Policy 8.22 of the Bournemouth District Wide Local Plan has a requirement that any parking spaces lost to development should be replaced on site or nearby. In the context of the site having been declared

surplus to requirements and under-utilised and the fact that the development would make a valuable contribution to housing supply, it is considered that on balance, the requirement for replacement parking would be inappropriate in this case.

137. Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield sites such as this one, and promote and support the development of under-utilised land, especially where this would help to meet identified housing needs where land supply is constrained. Policy 6.9 of the Bournemouth District Wide Local Plan also supports this view. Therefore, whilst the development would not accord with Policy 8.22, it would accord with the wider aims of both national and local planning policy.
138. Paragraph 174 of the NPPF requires planning decisions to protect and enhance sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality and provide net gains for biodiversity. In this case it has been established that the loss of the remaining habitat would have very limited impact on the SNCI and that much of the reasons for its designation have been lost due to changes that have been made to the site. Mitigation measures and biodiversity net gain within the development are considered to outweigh the harm and provide justification for the loss of this site to enable the delivery of residential units.
139. Some moderate adverse harm has been identified in relation to individual windows serving 3 properties within a neighbouring terrace. In each case however, the windows form part of a larger bay served by additional windows and the overall levels of light are considered to be acceptable. The fact that there would be harm to these windows means that the development would be contrary to the aims of policies CS22 and CS41. However, taking account of the existing unusually open aspect and higher levels of light and that the windows form part of a bay, the reduction is not considered to be sufficiently harmful to warrant refusal of the application. The scale and form of development and separation distances would ensure no harmful overlooking, overbearing or overshadowing impact on these properties and the impact in terms of sunlight would be negligible.
140. In conclusion, with the tilted balance in mind, the adverse impacts of the proposal will not significantly and demonstrably outweigh the benefits provided through the provision of new housing. The proposal will therefore achieve the economic, social and environmental objectives of sustainable development, as set out in local plan policies and the provisions of the NPPF and is recommended for grant of planning permission.

## **Recommendation**

### **141. GRANT permission subject to**

- (a) the following conditions with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
- (b) a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the following terms with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:

### **Section 106 terms**

- A contribution of £20,000 towards a replacement of the existing bus shelter on Belle Vue Road adjacent to Belle Vue Stores with a new shelter, including real time passenger information;
- Provide a zebra crossing on Southbourne Coast Road (delivered via S278 works, Highways Act 1980);
- Alterations to street lighting; highway drainage; road marking and road signage;

- Affordable housing contribution of £70,000.00;
- £10,1875.75 to compensate for the loss of habitat and maintain SNCI;
- Heathland Mitigation Measures (SAMM) £7,317.00 plus £365.85 administration fee;
- Maintenance of bird and bat boxes (RSPB request)

## **Conditions**

### **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:

Dwg no 1820 06A - Site Plan  
 Dwg no 182 07 - Site Plan (showing top floors)  
 Dwg no 1820 08A – Ground, First and Second Floor Plans, Front Elevation  
 Dwg no 1820 09 - Block A Rear and Side Elevations  
 Dwg no 1820 10A - Block B Ground and First Floor Plans  
 Dwg no 1820 11 - Block B Second and Third Floor Plans  
 Dwg no 1820 12 - Block B Elevations South/South-West and North/North-East  
 Dwg no 1820 13A - Block B Side Elevation (East) Indicative and Side Section (East)  
 Dwg no 1820 14 - Block B Side Elevation (North-West) and Side Section (North-West)  
 Dwg no 1820 15A - Block C Ground, First and Second Floor Plans  
 Dwg no 1820 16A - Block C Front (South-West) Elevation and Rear (North-East) Elevation  
 Dwg no 1820 17 - Block C Side Elevation (South-East) and Side Section (South-East)  
 Dwg no 1820 18 - Block C Side Elevation (North-West) and Side Section (North-West)  
 Dwg no 1820 19 - Block D Ground and First Floor Plans; Elevations; and Indicative 3D Views  
 Dwg no 1820 20 - Indicative Street Scene to Southbourne Coast Road  
 Dwg no 1820 21 - Indicative Street Scene to St Catherine's Terrace Access Road  
 Dwg no 1820 22 - Indicative Sections A-A and B-B  
 Dwg no 1820 23 - Indicative Sections C-C and D-D  
 Dwg no 1820 24 - Indicative Section E-E  
 Dwg no 1820 25 - Indicative Aerial 3D Views  
 Dwg no 1820 28 - Site Plan (partial)  
 Dwg no 200 - Proposed Impermeable Areas Plan  
 Dwg no 400 - Exceedance Route Plan

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

### **2. Remediation Scheme for Contaminated Land**

(a) Prior to the commencement of any part of the development hereby permitted including the digging of any trench, an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority ("the Approved Risk Assessment"). This assessment must be undertaken in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- (i) *a survey of the extent, scale and nature of contamination; and*
- (ii) *the potential risks to:*
  - (A) *human health;*
  - (B) *property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;*
  - (C) *adjoining land;*
  - (D) *ground waters and surface waters;*
  - (E) *ecological systems; and*
  - (F) *archaeological sites and ancient monuments.*

- (b) In the event that the Approved Risk Assessment identifies land affected by contamination which poses risks identified as unacceptable in the Approved Risk Assessment, then no development shall take place on site other than for the purposes of meeting the requirements of this condition unless:
- (i) a detailed remediation scheme has been submitted to and approved in writing by the local planning authority ("the Approved Remediation Scheme") that includes
- (A) an appraisal of remediation options;
  - (B) identification of the preferred option(s);
  - (C) the proposed remediation objectives and remediation criteria;
  - (D) a description and programme of the works to be undertaken; and
  - (E) a verification plan which sets out the measures that will be undertaken to confirm that the Approved Remediation Scheme has achieved its objectives ("the Verification Plan").

The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use; and

- (ii) the Approved Remediation Scheme has been carried out; and
- (iii) upon completion of the Approved Remediation Scheme a verification report has been submitted to and approved in writing by the local planning authority which identifies the results of the Verification Plan and confirms whether all the contamination objectives and remediation criteria set out in the Approved Remediation Scheme have been met ("the Approved Verification Report").
- (c) In the event that the Approved Verification Report identifies that any of the objectives or remediation criteria of the Approved Remediation Scheme have not been met then:
- (i) *further detailed remediation scheme(s) which accord with the requirements of paragraph (b) (i) above and seek to resolve any of the objectives or remediation criteria that have not been met shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme(s) ("Supplemental Remediation Scheme(s)");*
- (ii) *further verification report(s) in respect of the Supplemental Remediation Scheme(s) shall be submitted to and approved in writing by the Local Planning Authority, and*
- (iii) *no part of the development hereby permitted shall be commenced other than that required for the purposes of this condition until there has been submitted to and approved in writing by the local planning authority a verification report which confirms that all the objectives and remediation criteria of the Supplemental Remediation Scheme(s) to which it relates have been met.*
- (d) In the event that any contamination is found during the implementation of the development hereby permitted that was not previously identified then this shall be reported immediately to the local planning authority and development on the part of the site affected shall be suspended and shall not recommence save for the purposes of compliance with this condition until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority and either:
- (i) the local planning authority has confirmed in writing that work can recommence without any further action; or
- (ii) (A) remediation scheme(s) in relation to that identified contamination that accord with the requirements of paragraph (b)(i) above have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme(s); and

(B) a verification report has been submitted to and approved in writing by the local planning authority which confirms that the objectives and remediation criteria of the relevant approved remediation scheme have been met.

- (e) The assessments, schemes, plans and reports required for the purposes of this condition shall only be undertaken by a person whose qualifications and experience have been previously submitted to and approved in writing by the local planning authority provided that the local planning authority will not withhold consent of any person unless it is considered that person is not suitably qualified or experienced for the carrying out of such activities having regard to the site concerned.

Reason: To ensure that the development is carried out safely in the public interest and in accordance with best practice and with Policy 3.20 of the Bournemouth District Wide Local Plan (February 2002).

### **3. Ground Investigation and Geotechnical Design Report**

A site specific ground investigation shall be carried out following the recommendations of BS EN 1997-2. A factual and interpretive report on the investigation and a Geotechnical Design Report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved.

The ground investigation shall include sufficient data to establish ground conditions beneath the site to give a full profile of materials beneath the proposed structure and a full stability study to assess the risk for potential instability and any mitigation works required to accommodate the proposed works

This ground investigation shall inform the production of the Geotechnical Design Report which shall be prepared in accordance with BS EN 1997-1. The Geotechnical Design Report shall consider all geotechnical issues of the site and include the assumed construction methodology; the sequence of development/construction; details of backfilling and reprofiling; the provision of a geotechnical risk register and any supporting calculations. The development shall only be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To ensure that the structural stability of the site and surrounding development is maintained and in accordance with saved Policy 3.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **4. Construction Environmental Method Statement**

A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved.

The Construction Environmental Management Plan shall include but not be limited to the following:

Detailed scheme of measures to be taken should protected species be found on site;  
Dust control measures;  
Noise control measures;  
Pollution control and response measures;

All works associated with the development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: In accordance with NPPF (2021) paragraphs 8, 174 and 180 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity"; S40 of NERC Act 2006 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.



## **5. Construction Management Plan**

No development shall take place, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

A construction programme including phasing of work;  
24 hour emergency contact number;  
Hours of operation;  
Expected number and type of vehicles accessing the site;  
Deliveries, waste, cranes, equipment, plant, works, visitors;  
Size of construction vehicles;  
The use of a consolidation operation or scheme for the delivery of materials and goods;  
Phasing of works;  
Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming;  
Waste management;  
Construction methodology;  
Shared deliveries;  
Car sharing;  
Travel planning;  
Local workforce;  
Parking facilities for staff and visitors;  
On-site facilities;  
A scheme to encourage the use of public transport and cycling;  
Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;  
Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;  
Locations for storage of plant/waste/construction materials;  
Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;  
Arrangements to receive abnormal loads or unusually large vehicles;  
Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;  
Any necessary temporary traffic management measures;  
Measures to protect vulnerable road users (cyclists and pedestrians);  
Arrangements for temporary facilities for any bus stops or routes;  
Method of preventing mud being carried onto the highway;  
Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

## **6. Landscape Environmental Management Plan**

Prior to commencement of the development hereby approved, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include full details of the following:

brown roof formation including details of sandy substrate which should incorporate topsoil retained from the areas of grassland on site that have the notable species present or seed harvested from a nearby local site in order to establish a seedbank;  
proposed planting of all landscaped areas;  
short and long-term management of all landscaping areas including sedum roofs and brown roof;  
swift and sparrow brick installation and maintenance;  
bee brick installation and maintenance;  
and lighting type and levels.

Prior to first occupation of any part of the development hereby permitted the measures identified in the approved LEMP shall be carried out and thereafter the development shall be maintained in accordance with the approved measures for the lifetime of the development.

Reason: In the interests of ensuring compliance with S40 of NERC Act 2006 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' and in meeting the aims of Policy CS30 of the Bournemouth Local Plan: Core Strategy.

## **7. Prior Approval of Materials, Components and Architectural Detailing**

Details and samples of all the materials to be used in the construction of the approved development, including but not limited to those listed below, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site.

white render;  
white render/aluminium bands;  
copper cladding panels;  
perforated metal panels;  
patterned/etched glass to match metal panels;  
copper effect vertical louvres;  
windows;  
doors;  
balustrades;  
fascias.

Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **8. Hard Landscaping**

No part of the development hereby permitted shall take place above damp course level until details of hard landscape proposals have been submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate:  
Proposed finished levels; Layout of car parking space(s); Surfacing materials; External fixtures e.g. lighting; bollards; Vehicle and pedestrian access and circulation.

The approved hard 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).

## **9. Soft Landscaping**

No part of the development hereby permitted shall take place above damp course level until details of soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate:

Planting plans; Schedule of plants; Implementation timetable; landscape maintenance plan . 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).

**10. Boundary Treatment**

No part of the development hereby permitted shall take place above damp course level until details of the boundary treatment proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials; details of on-going maintenance. The approved boundary treatment scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**11. Vegetation Clearance**

Vegetation clearance on this site shall not be carried out within the bird breeding season of 1st March to 31st August inclusive unless and until it has been demonstrated by a qualified ecologist and agreed in writing by the local planning authority that no nesting birds are present on the site.

Reason: Prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981 (as amended).

**12. Lighting Scheme**

No part of the development hereby permitted shall take place above damp course level until details of the lighting scheme have been submitted to the local planning authority for approval in writing. The submitted lighting scheme shall be compliant with the requirements set out within the 'Bats and artificial lighting in the UK' document by the Institution of Lighting Professionals with BCT, Guidance Note 8, 2018 to use lights with colour temperature less than 2700K or 3000K if lower not currently practicable and shall also include details of on-going maintenance.

The lighting within the site shall be installed and maintained in accordance with details within the lighting scheme as approved.

Reason: To be compliant with National Planning Policy Framework paragraph 170 "decisions should contribute to and enhance the natural and local environment ...minimising impacts on and providing net gains for biodiversity"; CS41 "conserve and improve landscape and townscape, biodiversity and habitats."

**14. Sustainable Energy Statement**

Prior to the commencement of the development hereby approved, an energy statement shall be submitted to and approved in writing by the local planning authority to demonstrate how the development shall ensure that at least 10% of the energy used will come from decentralised and renewable or low carbon sources, including but not limited to the items below as stated within the Design and Access Statement and email from the David James Architects dated 19.11.21.

ground source heat pumps to supply all heating for all residential units  
photovoltaic solar panels for communal lighting  
low energy lighting  
rain water harvesting system

The approved scheme shall be implemented prior to the first occupation of the development and the installations and measures retained as such thereafter.

Reason: In the interests of encouraging the provision of sustainable homes, premises and the provision of renewable and low carbon energy sources and infrastructure in accordance with the aims of Policy CS2 of the Core Strategy (2012).

**15. Surface Water Drainage Implementation and Maintenance**

Prior to the occupation of the development hereby approved, the drainage works as detailed within the 'Surface Water Drainage Report Rev P1 (Reference C1539)', by GSV Civils and issued 29.07.21 and the 'Drainage Layout Drawing C1539-100-Rev P1' (which forms part of the document) shall be implemented in full accordance with the approved details.

The drainage systems shall be installed and maintained for the lifetime of the development in accordance with the details set out within the approved Surface Water Drainage Report.

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.

**16. Turning and Parking Construction**

Before the development is occupied or utilised the turning and parking shown on the approved plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

**17. Electric Charging Points**

The Electric Vehicle Charging Points and associated infrastructure details forming part of the planning application submission and indicated on the approved 'Site Plan (partial)' drawing reference 1820 28, shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved or any commercial use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of highway safety and in accordance with Policies CS17 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

**18. Visibility Splays**

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the hereby approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

**19. 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 1820 06A and 1820 and thereafter retained, maintained in a fully usable condition 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).

**20. Provision of a Refuse Management Plan**

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 (such

as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection.

The development shall only be occupied whilst there is accordance with the details of the approved refuse management plan.

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 CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).