

Planning Committee



Application Address	Purbeck Court, 65-67 Boscombe Overcliff Drive, Bournemouth, BH5 2EN
Proposal	Erection of a 5 storey building consisting of 13 x 2-bed flats and 6 x 3-bed flats with associated access and parking, involving demolition of existing residential and garage buildings Re-submission of application no. 7-2022-3914-B
Application Number	7-2022-3914-C
Applicant	Collerino Developments Ltd
Agent	Ken Parke Planning Consultants
Ward and Ward Member(s)	Boscombe East & Pokesdown Councillor Andy Jones Councillor George Farquhar
Report status	Public Report
Meeting date	19 January 2023
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Councillor A.Jones called the case in setting out constituent concerns about overdevelopment of the site and harm from increase in traffic
Case Officer	Franc Genley

Description of Proposal

- 1 Full planning permission is again sought to demolish the extant 3-storey 1950s block of 12no. flats and detached garage structures and erect a single block of 19no. flats set over 5 storeys, with associated access and new basement parking level. The proposals also include the demolition of the garage block to the rear. The proposal includes no affordable housing or contribution, with a viability appraisal setting out the provision of such would be unviable. On plan, the development remains exactly as proposed on the recent 7-2022-3914-B application presented and considered at 22 September 2022 Planning Committee.
- 2 The proposal would provide a modern flat roofed building, centrally sited and comprising 5 floors of accommodation with a basement level below ground for cycles and bin storage. The 5th storey would step 1m inwards from both ends of the building.

The frontage would stagger back gradually in three steps, with similarly stepped balconies across the floors accentuating the offsets. The elevations would be broken up with some square and rectangular framing formed from external materials, with framed glazing and glass balconies featuring prominently to the frontage. To the rear no balconies are proposed but windows remain full length. To the sides, windows are limited in number and size, typically lighting either bedrooms or kitchens and set within rendered elevations.

- 3 To the rear, the ground level would be lowered by approx. 2.5m and a basement level for parking provided beneath part of the site. The table below sets out some comparators between the proposal and the existing flats.

	Existing	Proposed
Site area	0.2 ha	0.2 ha
Depth building at longest point	15.1m	24.8m
Depth adj to boundary with 63	15.1m	21.83m
Depth adj to boundary with 67	15.1m	22.15m
Width at widest point	26.75m	26.85m
No of storeys above ground	3	5
...below ground	0	1 cycle parking
Height from existing ground	10.5m to ridge	14.5m* flat roof
Including plant	-	15.25m* plant
Height from proposed ground	-	-
Distance from facing elevations (closest points, similar to window interface distances)	North (rear) 35m/41m; East (side) 4.79m West (side) 5.18m	North (rear) 34m/29.6m/27m; East (side) 5.9m; West (side) 3.9m
Car parking spaces	12 garage + 16 informal	25
Cycle Parking spaces	0	44
No. of residential units	12 (4 per floor)	19 (4/3 per floor)

* from external ground level, excludes the basement *beneath* to be excavated.

Adjacent sites for comparisons

	69 (as existing)	69-71 (approved)	63 (as built)
Site area	0.1ha (inc tennis ct)	0.14ha	0.07ha
Depth of building at longest point	12.6m	21.7m	18.7m
Width at widest point	14.7m	26.9m	NA
No of storeys above ground	2 (sunken garden)	4	4
... below ground	0	1 parking	1 parking
Height from existing ground	8.1m	10.4m	10.9m
Including plant	-	11.1m	11.2m
Height from proposed ground	10.6m**	12.8m**	13.7m**
Distance from facing elevations (closest points, similar to window interface distances)	North 22m/23m; East 5.32m West 4.98m	North 14m; East 5.65m; West 4.98m	North 29.5m; East 6.9m; West 4m
Car parking spaces	5	24 car/32 cycle	7
No. of residential units	1	14	7

** includes the ground *outside the footprint* excavated to create car parking.

- 4 The closest part of the building to the flank elevation of the newly built flats at no 63 would be approximately 1m closer than the existing side elevation of Purbeck Court. To the east, the new building would be approx. 0.8m further way from the boundary of the site with no 69. The building would step forwards towards the building line at no 69, and (including balconies) site approx. 1.5m forward of the closest part of no.63, though that property subsequently steps forward as it moves away from the boundary. Generous balconies are proposed to the frontage of each unit, with ground floor flats having a larger (than balcony) patio area facing the sea.
- 5 The proposal would host 13no. two-bedroom flats and 6no.three bed flats. Two pedestrian entrances are proposed to the rear of the building, with glazed lobby. A connecting path and gate link the car park and rear entrances to the clifftop. Each building entrance serves a vertical stack of either 10no. or 9no. flats, with a separate (external) staircase and lift down to a basement bin and cycle store area. Following changes, the bin store and cycle store are linked internally to the main lobbies. Bin stores are accessible to residents via internal stairwell and lift shafts, and collection arrangements possible via rear lift. Each entrance has a concierge area set inside the entry door.
- 6 Although hard surfaced and connected to the rear car park, the forecourt fronting the sea is not used for car parking. No vehicular access is possible from the seafront Boscombe Overcliff Drive and the boundary comprises historic planted and landscaping with an ungated footpath. The frontage and part of the site where the existing/proposed flats do/will sit is approx. 1.5m higher than the Boscombe Overcliff Drive roadway. Vehicular access would remain from Rotherfield Road to the rear, with a bin collection day dwell space proposed alongside the rear entrance next to 4 Rotherfield Road, a bungalow. The rear access operates over a fall in ground levels with the clifftop approx. 1.5m higher than carriageway level to Rotherfield Road. 13 of the 25 car parking spaces are to be fitted with active EV charging capacity, the remaining 12 laid out with passive conduits.
- 7 The scheme remains as previously proposed and presented to Members at Committee in September 2022 with the exception that no parking spaces are to be allocated to any of the flats. Paragraph 10(i) lists the reasons for refusal given by Members at Committee. Paragraphs 34-36 of this report discuss the applicant's justification for making no changes to the built form, layout and unit mix since the previous determination at Committee. No affordable housing contribution is offered with this proposal and the matter is discussed later in this report.

Description of Site and Surroundings

- 8 The site is located on the north side of Boscombe Overcliff Drive and comprises a 3-storey flatted block known as Purbeck Court which dates to the 1950's. The building is elevated above road level and has a similar depth footprint to the neighbouring 2-storey dwellings albeit with subservient 3-storey rear 'wings' either end. Notwithstanding its larger size, the building features a pitched roof, with seaward balconies on each floor. It sits comfortably between the neighbouring 2-storey dwellings. The building provides 12 units of accommodation. Vehicular access is to the rear between 4 and 6 Rotherfield Road providing entrance to car parking and garaging behind the building. There is no vehicular access to the front of the site.
- 9 Boscombe Overcliff Drive comprises a mix of original two-storey dwellings to the north side that are gradually making way for flatted developments typically of four storeys with flat roofs and a contemporary appearance. Local Design is mixed but upper floors are generally of set back and with a subservient appearance. Front elevations tend to

be flat but characterised by large, wide balconies. Permission was granted in Feb 2022 for the demolition of nos 69 and 71 and replacement with a block of 14 no. flats. During 2020, no. 63 was demolished and replaced with a block of flats completed in 2021 following grant of planning permission in 2019.

Relevant Planning History

10 The following planning applications are relevant to the determination of this case.

a) Purbeck Ct, 65-67 Boscombe Overcliff Dr:

- i) 7-2022-3914-B: Erection of a 5 storey building consisting of 13 x 2-bed flats and 6 x 3-bed flats with associated access and parking, involving demolition of existing residential and garage – **Refused** at Sept 2022 Committee against officer recommendation for 2 reasons:

1- Parking - The proposed development, by reason of a shortfall of visitor parking spaces, would lead to an increase in indiscriminate parking at and within the vicinity of the site, reducing the capacity and free-flow of the local network and exacerbating parking pressures on surrounding roads, contrary to the requirements of the BCP Parking Standards SPD (2021) and the general aims of Policy CS16 of the Adopted Core Strategy (2012).

2 – Housing Mix - The proposed development, by reason of the mix of units provided, would result in a development that does not cater to identified local housing need. The proposals fail to provide sufficient evidence to demonstrate that the density and housing mix is appropriate on this site and would also fail to meet the aims of Policies BAP1 and BAP6 of the Boscombe and Pokesdown Neighbourhood Plan (2019).

- ii) **7-2021-3914-A:** Prior approval procedure - Erection of 6 additional flats on top of the existing block of flats (two additional floors) – **Approved** (August 2021).
- iii) **PRE-3914** – Pre-Application Enquiry: Demolition of block and erection of larger building with 27 flats (increase of 15 units). Response Issued.

b) 69-71 Boscombe Overcliff Drive

7-2020-12924-A: Demolish existing buildings and erection of a single block of 14no. flats set over 4 storeys, with associated access and new basement level parking, bin and cycle stores – Approved subject to s106 Feb 2022

c) 71 Boscombe Overcliff Dr:

- i) **7-2018-18630-A:** Demolition of existing bungalow, erection of 4 storey block of 6 flats, formation of vehicular access and parking spaces. **Refused** - August 2018. This proposal did not include the tennis court.
- ii) **7-2018-18630-B:** Demolition of existing bungalow, erection of 4 storey block of 4 flats, formation of vehicular access and parking spaces - **Withdrawn:** 13 March 2020

d) 63 Boscombe Overcliff Dr:

7-2019-27186: Erection of a block of 7 flats with partial undercroft car parking, modification of vehicular access and formation of parking spaces. **Approved** (Sept 2019). Varied by 3no. S73 Minor Material Amendment applications in 2020.

Constraints

- 11 Cliff stability. This being a clifftop dwelling, a stability report was submitted for assessment.
- 12 The site includes a number of (non TPO) trees set away from the building to the north, alongside the access from Rotherfield Road.

Public Sector Equalities Duty

- 13 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

- 14 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.
- 15 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.
- 16 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

- 17 The following statutory parties were consulted on the proposals:
 - a) **Highway Officer:** No objections subject to conditions;
 - b) **Waste & Recycling Officer:** No objections subject to conditions;
 - c) **Environmental Health (Noise):** *No objections subject to conditions;*
 - d) **Environmental Health (Contamination):** *No objections subject to condition*
 - e) **Land Stability Engineer:** *No objections received;*
 - f) **Coastal Erosion Team:** *No objections received*
 - g) **Lead Local Flood Authority (LLFA):** *Objection to lack of SUDs, conditions needed.*
 - h) **Drainage Officer:** *Objection to lack of drainage strategy, requiring conditions to address.*

- i) **Wessex Water:** *No response given, standing advice given on previous application.*
- j) **Biodiversity Officer:** *No objections subject to conditions;*
- k) **Tree Officer:** *No objections subject to conditions;*
- l) **Sustainability Team:** *No objections received;*

Representations

- 18 Three site notices were erected outside the site on 8.11.2022 establishing a consultation expiry date of 02.12.22. Letters were also sent to adjacent properties. The site notices were erected on Boscombe Overcliff Drive and to the rear of the site along Montague Road. A press notice was published on 07.11.2022 in the local Daily Echo.
- Response to Initial proposal (as submitted)
- 19 21 responses received; all of which object. The previous application (3914-B) received 9 letters of support and 23 objections (31 total), some of which despite objecting set out support for the replacement of the building with a structure matching its scale and footprint.
- 20 Summary of the 21 objections:
- *Vast increases in height will cause loss of light and privacy and increase overlooking;*
 - *Additional flats would increase traffic congestion, illegal parking and disturbance on Rotherfield;*
 - *A more modest redevelopment is needed, four storeys rather than five would be better;*
 - *Would be the first 5 storey development and set an unwelcome precedent;*
 - *Footprint too large for plot, causing overlooking and shadowing of neighbouring houses/gardens;*
 - *Excessive depth on side elevations will impact negatively on properties to the east and west;*
 - *Excessive height and harmful impact from of loss of light*
 - *Would be overdevelopment of this site, and the tallest along the cliff, contrary to Policy CS21;*
 - *Building should be services from the frontage, not the rear;*
 - *19 flats will generate traffic past bedroom window in quiet bungalow;*
 - *Other flats on frontage have been for sale for long period, demonstrating limited demand;*
 - *Contrary to the Boscombe & Pokesdown Neighbourhood Plan seeks to stop older buildings being replaces by poor quality contemporary design;*
 - *Design of the development is attractive, but frontage dominates and needs breaking up;*
 - *Design of the development is very bland an unimaginative;*
 - *The loss of this old fashioned 1920s/30s building would harm the character of the area;*
 - *The balconies help the building creep forward of the building line;*
 - *Height not appropriate outside a town centre, contrary to townscape policies;*
 - *Overdevelopment such as this is forcing owner occupiers families out of the area; and*
 - *Developments along this clifftop are hollowing out sandy substructure and endangering its structural integrity;*
 - *Recent PD application to increase no. of floors by two is noted, but this proposal would increase the footprint by 100% and is a significant increase over the permitted development approach, having harmful impacts;*

- *Proposals are driven by developer profit/greed; upsetting to see no compromise in proposals despite recent refusal;*
- *Criticism of the 'inadequate' parking provision and 'excessive' number of proposed flats;*
- *Indicative CGI images mislead by showing what has been approved next door not what exists.*
- *Notices 'erected a few days before the 2nd Dec comment deadline'.*

21 Summary of Support:

This time, no letters of support have been received. For context, the previous scheme (for exactly the same development), generated 8 letters of support on the following grounds:

- *Existing accommodation is dated and in need of upgrade;*
- *Proposals would provide better arrangement and situation of floorspace, with practical balconies;*
- *Existing block is ugly, dilapidated and lacks any architectural merit;*
- *Five storeys is appropriate and reflects the general pattern of taller replacement buildings;*
- *Proposals would provide for a more attractive building on site;*
- *Landscaping in car park would tidy up the current unkempt area; and*
- *Maintenance work and costs for existing are spiralling upwards, new building would reduce this*

22 A letter of objection was received from Cllr Andy Jones, as follows:

- *Overdevelopment of the site*
- *Unacceptable increase in vehicular movements to/from site via quiet residential road to rear*

23 Bournemouth Civic Society objected to the previous scheme but have not responded on this duplicate submission.

24 This summary is correct as of 04.01.23. Any additional comments received prior to committee will be presented in an addendum report.

Key Issue(s)

25 The key issues involved with this proposal are:

- Principle of the proposed development
- Context of Previous Refusal
- Impact on character and appearance of the area
- Residential Amenity – Neighbouring Residents
- Residential Amenity – Future Residents
- Highway Safety, Capacity & Flow
- Affordable Housing

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

Policy Context

27 Local documents:

a) Core Strategy (2012)

CS1: NPPF – Presumption in Favour of Sustainable Development
CS2: Sustainable Homes and Premises
CS3: Sustainable Energy and Heat
CS4: Surface Water Flooding
CS5: Promoting a Healthy Community
CS6: Delivering Sustainable Communities
CS16: Parking Standards
CS17: Encouraging Greener Vehicle Technologies
CS18: Increasing Opportunities for Cycling and Walking
CS21: Housing Distribution Across Bournemouth
CS31: Recreation, Play and Sports
CS33: Heathland
CS41: Design Quality

b) District Wide Local Plan (2002)

3.25: Cliff Stability
4.25: Landscaping
6.10: Flatted Development

c) Boscombe and Pokesdown Neighbourhood Plan (2019)

BAP1: The scale and density of development
BAP2: Good design for the 21st century
BAP6: The number and type of new homes
BAP7: The quality of new homes

d) Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2015
Residential Development: A Design Guide – PGN (2008)
Sustainable Urban Drainage Systems (SUDS) - PGN
BCP Parking Standards – SPD

28 National Planning Policy Framework (“NPPF” / “Framework”)

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and is a material consideration in planning decisions.

Section 2 – Achieving Sustainable Development. At the heart of the NPPF is the presumption in favour of sustainable development, reiterated in Bournemouth Core Strategy Policy CS1. NPPF paragraph 11 applies this presumption to decision making where the local plan classed as out of date. Footnote 8 of paragraph 11 classifies a local plan as 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.

The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP wide 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%. The local plan is thus considered 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%. The presumption in favour of sustainable development thus applies and the benefit of providing additional new homes must be considered.

Planning Assessment

Principle of the proposed development

- 29 Core Strategy Policy CS21 seek to ensure a balanced Distribution of residential development across Bournemouth, and ensure that the best use is made of appropriate sites if and when they become available for redevelopment. The site is within the Urban area of Boscombe.
- 30 The recent Prior Notification was approved in 2021 for the addition of two storeys (six flats) on top of the extant block of flats which if enacted would provide 18 flats on site over five floors. Although the prior notification did not increase the ground footprint of the built flats, the principle of increasing the height is now permitted by legislation and the granted prior approval permits a 1.7m increase in ridge height over the height of the flat roof proposed by this planning application. The prior approval comprises an 'implementable permission' until August 2024. Neighbours have expressed concern that the 1950s building may not be able to take the structural load of the additions permitted. However, having reviewed the Prior Notification Legislation this does permit additional structural support so long as it is not placed externally. The applicant has reminded the LPA that the scheme is capable of being built out and the LPA have no evidence to the contrary before it. The Prior Notification scheme is considered to comprise a legitimate fall-back option for comparison purposes. The fall-back option proposed 5no. two-bed units and 1no. one-bed unit above the 12no. two-beds that already exist within.
- 31 Of similar and perhaps more importance are the granted permissions in 2019 for the redevelopment of no 63 (now complete) and recently in Feb 2022 for the demolition of houses 69-71 to provide a 4-storey block of 14 flats. This proposal resembles the larger site area assembled as part of 69-71 and offers similar benefits in terms of the creation of housing stock with more internal space and of higher specification and better densities and amenities than the 1950s flats they would replace. Subject to satisfactory and compatible design, conditions can deliver a well-suited development that increases the ability of the site to provide necessary homes to meet borough targets, but also in a desirable location with reasonable public transport connections and within walking distance of local services. Thus, from a policy perspective the principle of the proposed development holds considerable merit.
- 32 The building set for demolition is of no significant heritage quality. While uniform in its appearance, it is not unlike thousands of similar examples of post WWII flat blocks erected nationwide as the country recovered, its material and design palette limited by the effects of rationing against a building boom. Its loss would be of no great consequence even in this clifftop location given the abundance of similar examples along the UK coastlines. The proposed building offers sufficient visual interest to offset the loss of the existing flats. As discussed later in this report, it is the view of planning officers that the proposal has sufficient regard for both the scale and height of the established and emerging local character to warrant approval in view of design policies.
- 33 Exactly how the proposal would address the issues of local character, neighbouring amenity, highways etc are assessed later in the report. However, with regards to the principle of this development; because the development would deliver new flatted housing in a sustainable location and manner it would satisfy the aims of Core Strategy Policy CS21 and District Wide Local Plan Policy 6.10. It is the balanced opinion of planning officers that the principle of the proposed residential development

would be acceptable, subject to compliance on the design detail and site-specific impacts assessed below.

Context of the Previous Refusal

- 34 Planning consent was refused in September 2022 for the two reasons outlined in paragraph 10 a) i) above. The proposals were considered acceptable in all other respects except for the parking and density/unit mix. The applicant has considered the previous report presented to Committee in September, the Recommendation to approve, the discussion held at the meeting, and the eventual reasons for the refusal [see paragraph 10 a) (i)] given by Members. The applicant has reviewed all options, including the scope for revising the flat sizes/mix and adjusting the car parking as part of this submission but explains in supporting documents that the scheme as already presented to committee remains the best balanced configuration for their proposals on this site.
- 35 The applicant advises that an Appeal against the previous refusal was submitted to the Planning Inspectorate on 03.01.2023. In tandem to this fact, the applicant has submitted a written statement that sets out how an alternative layout with a fully compliant housing mix in accordance with policy BAP6 would effectively trigger a parking requirement that could not be met on the site without losing more landscaping and trees, risking actual policy conflict. A theoretical scheme with 4no. more three-bed units to provide 50% of the total unit mix (10 x 3 bed flats) would require 20 car parking spaces, with the remaining 9 flats requiring 9 spaces, and 29 in total. The site can comfortably deliver 25 spaces with the current footprint, but would be 4 short if the unit mix were to be altered to satisfy Policy BAP6-B (see paragraphs 63-64).
- 36 The applicant explains that to deliver 29 spaces on site would therefore come at the expense of soft landscaping and trees. Similarly, the applicant explains in their supporting document that the corresponding increase in side-facing windows to light reconfigured /rearranged units (living spaces and bedrooms) would upset the balance achieved in respect of the inter-unit stacking arrangements between floors, harming future resident amenity. Balconies may also become smaller to accommodate changes to internal circulation space. Having considered the supporting document and in assessing the constraints of the site, Planning Officers agree with the applicant's conclusions.
- 37 Furthermore, in a reconfiguration, to ensure the same density was achieved, and the best use of the site made, bedrooms and units that could not be accommodated with the parameters of the proposed building would trigger a need to further increase height or mass. Officers agree that height increases above those proposed would be counter-productive in terms of scale and fit with the setting. A further alternative is discussed by the applicant, to propose a lower density development but this has viability implications and officers also agree that this would then be in conflict with the NPPF by not making the best use of the site.
- 38 The issues related to unit mix and density, and visitor parking therefore require re-consideration and are dealt with respectively in paragraphs 62-64 and 76 of this report, with a revised summary and planning balance located at the end.

Impact on character and appearance of the area

- 39 Core Strategy Policy CS6 requires good design principles for new buildings, regard for how spaces are treated, and enhancement of features that contribute to an area's character and local distinctiveness. Policy CS21 requires good design and for

proposals to enhance the quality of the street scene. Policy CS41 is similar and relates to securing good design.

- 40 Given the mixed character of the locality with older houses interspersed with new flatted blocks, there is no design/character objection on policy grounds to the loss of the tired 1950s flat block. To the east sit three relatively recently approved and built blocks of flats on former residential plots and a new block approved earlier this year on 69-71 but as yet unbuilt. All comprise a mixture of 3 and 4 floor residential apartment buildings, several with excavated ground levels, where previous buildings stood on land approximately 2.2m higher than the current blocks. Balconies feature to all street frontages of these flatted developments. The recent Prior Approval on Purbeck Ct. to raise the frontage of the block to 5 storeys remains implementable until August 2024 and this is material to the assessment of this current proposal. It is material as the central aims of the GPDO clauses that permit these work revolve around making better use of previously developed urban land and maximising the number of housing units a site is capable of taking, factoring in neighbouring and future resident amenity. In terms of scale and bulk, the Prior Approval ridge height would sit approx. 1.65m higher than the proposed flat roof under this proposal, with eaves 1.3m lower than the proposed flat roof. This would result in the Prior Approval structure having a greater physical and visual impact as well as height than the proposal. The fallback position would deliver a taller scheme with none of the benefits described elsewhere in this report.

Density / No. of Dwellings

- 41 To make the best use of the sustainable urban site for housing provision and having regard for the significantly set-back front building line (which prevents ground floor footprint forward of this), means that there exists a planning argument in support of the fifth floor to deliver the quantum of flats the site is capable of comfortably hosting. The potential for the site to host a given number of dwellings is subject to the assessments of impact on neighbouring amenity, privacy, outlook and sunlight/daylight/shadowing made later in this report. To summarise the assessment (which follows in the next heading), the report sets out how the site is physically capable of hosting the proposed number and density of units proposed. The floor plans confirm double aspect apartments on all floors and internal floorspaces significantly in excess of the national minimums. The proposals are thus an 'under development', responding to the constraints of the site. The existing building hosts 12no. two-bed flats, and this proposal would deliver 6no. three beds units on site and increase the no. of two-bed units to 13. The mix is discussed later in this report but the introduction of generously sized family units to the site is a significant benefit of the proposal. The proposal also represents an improvement over the fall-back prior approval that would only deliver more two-bed and a one bed unit/s.

Height

- 42 The development would step up one floor from the adjacent 63, then down again to the approved 69-71. The existing building is set upon a raised site, and although the adjacent sites (69-71, 73, 75) all dig/dug down a level, there is no justification to do so here. Unlike adjacent sites vehicular access is not taken from Boscombe Overcliff Drive. so no parking excavations are needed on the frontage, maintaining the main seaward appearance of the site character. The top floor would be flat roofed and have no visual dominance or discernible harm on the general streetscene due to the stepping in and back of the frontage (see next para). The proposed sea-frontage, including balconies, would sit between 2.3m and 6m forward of the existing building line across the site, but be so designed to stagger and step back into the site as it crosses it, referencing existing and approved building lines on immediately adjacent sites. Excluding the balcony protrusions the actual sea-frontage of the building would

be 0.8m and 4.3m forward respectively of the existing building line. The staggers would also add shadow lines, articulation and interest to the street elevation.

- 43 The top floor of the building would be set in by over 2m from the main frontage below, with the rear projecting parts reducing in with as they step outwards. The top floor would also be set in from the staggered rear elevation by 1.4m, 0.9m and 4.3m from the corresponding rear elevation walls below. Similarly, the flanks of the top floor would be set in 1.2m from the position of the main flank walls below. The set-ins at the upper floor levels, along with the staggers, balcony and architectural framing features would combine to reduce the overall perceived scale and of the building. The extant building presents a continuous frontage with balconies finished in the same external render as the main building. At best it comprises an unimaginative neutral block from the 1950s, with no character or identity. The replacement offers sufficient interest and articulation to bridge the design gap between the redeveloped no 63 and the approved development at 69-71 and redeveloped flatted blocks beyond. The design treatments, staggers and set ins will assist in breaking up the visual impact of each elevation. This will, in turn, help diminish the scale of the building with the top floor and rear portions stepping back and revealing more sky when viewed from the rear car park and/or neighbouring plots.
- 44 With reference to the interface distances set out the table of paragraph 3, the building would still be set in from both side boundaries. The inter-elevation distances between the closest parts of the proposed side elevations the facing flank walls of no63 and no 69, need careful consideration as two scenarios exist. There is the impact on the current house (no.69) to consider and the impact on the approved scheme for 69-71. The interface distances compare favourably with the emerging pattern of redevelopment along this road and would not create a block with a terraced character. On balance, it is considered that sufficient space would remain between the proposal and facing adjacent elevations on Boscombe Overcliff Drive to ensure the typical gaps between buildings on this road are reflected.
- 45 On balance, the setting is such that the Planning Service does not raise a character/streetscene objection to the impact of the proposed 5 storey development in this location. Consequently, Planning Officers have no objection on design grounds to the proposed 5-storey height above ground. Furthermore, although an alternative exists on paper to extend the existing building upwards, Officers support the current proposals over the Prior Approval approach on design and grounds as a more appropriate way of redeveloping the site in terms of housing numbers delivered, the mutual rise in internal living standards within the new block and the opportunity to deliver a more in-keeping contemporary clifftop development that moves away from the unremarkable 1950s exterior. An assessment of the proposal against policies designed to safeguard neighbouring amenity follows in the next section.
- 46 With regards to the manner in which the new building will be visually linked to the street, the relationship would be an improvement on the existing arrangement offering scope to secure a landscaping scheme by way of condition that makes more practical use of the asphalted land in front of the building with private patio areas and a better landscaped garden than the current situation. In terms of increased accessibility, a pathway is proposed to link down the side of the development should visitors/ residents arrive from the main road on foot. Although an absence of a frontage entrance door reduces the discernible residential 'identity' of the building, the presence of ground patios, contemporary balconies and domestic paraphernalia within the windows will assist in helping passers-by identify the building as residential in nature. Augmented planting is proposed and will offer a better degree of privacy to the ground floor spaces, affording privacy to garden users. The modern maritime-apartment style

of the building would reflect the already established local pattern of similarly redeveloped sites.

- 47 The scale, form and layout of the proposed structure thus established, it would be for the elevational treatments and exterior design to secure and enhance the building's relationship with the street scene. Whilst the drawings are indicative of a stylistic and contemporary riparian building, the *excellence* of the final building as constructed will hinge on the use of high-quality palette of finish materials. Similarly so, the prone clifftop location of the site will require careful consideration of how robust or suitable each material choice would be. Applying suitable conditions could address both these points. The rear and side elevations work well in their respective directions and settings. Conditions can secure their delivery, and the requisite landscaping in these locations.
- 48 For these reasons, the proposal would generally accord with design and streetscene elements of Core Strategy Policies CS6, CS21 and CS41. It is considered that the proposed scale, form and general appearance of the proposed development would be acceptable, subject to compliance on the design detail and site specific impacts that remain to be assessed. The building scale and design remains as per the previous application, which was not refused in respect of the impact on the character and appearance of the area.

Residential Amenity – Neighbouring Residents

- 49 Plans helpfully show the proposed footprint relative to those of the existing houses, the adjoining blocks of flats and on plan approvals next door. The front balconies would have an outlook over the frontage of the site only and a similar relationship with neighbouring properties as the existing balconies on site. The impact of the proposal on existing neighbouring amenity has been considered in relation to the following properties:
- 69-71 Boscombe Overcliff Drive,*
- 50 Nos. 69 and 71 currently exist as two-storey houses. Although approved for demolition with a committed planning application, and high probability of redevelopment taking place some consideration must be given to the potential impact on nos. 69 and 71 should the approved development not go ahead. The prior notification proposals removed the rear wing facing no 69 after concerns were expressed about overlooking of garden space by the additional flats.
- 51 With regards to the approved development, 4no floors have been approved with the upper most floor set in further away from the flank of Purbeck Ct than its three lower levels. The windows in the flank elevations of the approved block of flats on 69-71 were so designed to avoid interface conflict, as Purbeck Ct currently retains bedroom and kitchen windows along its eastern elevation. It is possible to condition the lower portions of the bedroom and kitchen windows within the proposed side elevation to prevent any overlooking of no 69. Although the proposals would result in a taller building near the boundary with no 69, the existing Purbeck Court building already blocks sunlight and outlook to/from the rear of no 69. The proposed building will make little difference given the steep angles upwards involved. The committed/approved planning application for 14 flats does have bearing over the status quo and once built both buildings will, like the house at present, continue to receive sunlight from the south. The proposal would also move the built form on the application site 0.8m further away from no 69, improving the openness and separation distance marginally. Whilst the proposal would be taller, and have a shadowing impact on the rear of no 69, the properties face south and flats in the approved 69-71 scheme all face due south.

- 52 Subject to the above conditions, the proposed relationships to 69-71 are considered acceptable in the contexts of neighbouring amenity, privacy and daylight impacts, satisfying policies CS21 and 6.10.

63 Boscombe Overcliff Drive

- 53 This building comprises a flatted development approved in 2019. During assessment no. 63 was moved 0.8m away from the boundary before approval, leaving a gap of 6.9m to the flank of Purbeck Ct on account that Purbeck Ct contained several bedroom and kitchen windows facing the boundary. As approved, no.63 only incorporated high level and obscure windows facing this boundary. The eastern ends of the balconies to no.63 are also already angled and obscured to prevent overlooking from Purbeck Ct flats. Subject to conditions to apply similar obscuration to balcony ends on the western end of the proposed balconies, and the lower portions of the proposed flank windows, the proposals would have a negligible impact on the privacy or amenities enjoyed by occupants of no 63. The relationships and offsets of the proposal with on 63 are considered acceptable.
- 54 In considering the design mitigation and possible harm to outlook is important to bear in mind that there is no right to a view across another owners' land (ie the site) and outlook from the balconies at 63 is primarily intended to be of the seaward view, not over this neighbouring site. The balconies within no.63, as a whole would still receive significant light due to their open south facing position post completion of the proposal. The proposal would therefore respect the amenities of neighbouring residents within no.63 as required by policies CS21 and 6.10.

8 Rotherfield Road

- 55 The rear windows of 8 Rotherfield Road to the north are between 35m and 41m from the closest parts of the existing building. The proposal would place windows within 34m, 29.6m and 27m of those to the rear of the nearest Rotherfield Road properties. Any interface distance between facing windows on the upper floors would be 1-3m longer than these distances on account of the hypotenuse length of the angle upwards from corresponding room level to new window levels. The distances are shorter than those currently experienced but with reference to s.3.7.1 (Privacy) of the LPA's 2008 Residential Design Guide, these distances exceed the minimum 25m guidance set out therein in respect of buildings having more than 4 floors and facing buildings having up to 3 floors. There will be a visual increase in the amount of parking adjacent to the boundary with no.8 on account of the garages being removed. Spaces exist within the car parking layout for some soft landscaping to mitigate against the impacts, but the area is already used as a car park with a similar capacity at present. The arrival and departure of vehicles will not be a new noise and half of the spaces along the rear boundary (that has no soft landscaping) are EV spaces with quieter associated noise.
- 56 Subject to conditions to secure landscaping and fencing details along the boundary with no 8, the proposal would respect the amenities of neighbouring residents within no.8 as required by policies CS21 and 6.10.

4 Rotherfield Road

- 57 The rear windows of 4 Rotherfield Road to the northwest are over 28m from the rear elevation of the existing flats. The four storey no 63 was approved with a 24.2m offset distance between its rear windowed elevation and the bungalow's rear wall. The proposal would bring windows within 25m of the bungalow's rear elevation, and although a closer series of windows exist within 21.9m of no.4's rear elevation, the angle of viewing would not permit direct overlooking. There exists a technical conflict with the Residential Design Guide but it is not considered material in view of the angle of viewing. Any interface distance between facing windows would again be 1-3m longer than these distances on account of the hypotenuse length of the angle upwards

from ground level to vantage point. The distances exceed the distances approved in respect of no. 63 and staggers in the rear elevations would be such that no harmful overlooking of or impacts on privacy to occupants within no. 4 would ensue. The proposal would therefore respect the amenities of neighbouring residents within no.4 as required by policies CS21 and 6.10.

Other neighbouring dwellings

- 58 There is no no.6 Rotherfield, it having been demolished at some point perhaps in the 1950s to facilitate vehicular access to the site. All other neighbouring properties are sited at an appreciable distance from the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

Shadowing

- 59 Any lengthened shadows are likely to be limited to a few minutes at sunrise and sunset, in winter. When the sun is higher overhead in spring, summertime, and autumn the additional storeys will have no discernible impact on shadows falling across nearby plots. The morning and afternoon shadow in winter will be slightly longer in its timing, but will fall over areas already shadowed by the 3 storey building. With regard for the preceding assessments the increased height would not result in any significantly detrimental impact in terms of loss of sun or daylighting.

Noise

- 60 The Environmental Health (Noise) Officer considers that noise from the demolition and construction works on this site is likely to be intrusive or disruptive to local residents. To offset this a construction management plan should be required by way of condition. The construction management plan should outline the start and finish times; provide an indication of noisy works that are likely to be audible beyond the site boundary; and outline a community consultation strategy which includes how and when local residents will be kept informed during the development. A noise survey will be required to inform the CEMP and may necessitate the need for soundproof glazing to the frontage windows of the proposal.
- 61 Overall, it is considered that the combination of the building height, interface distances, window positions, set-ins and balcony screening in relation to adjacent plots would not oppress or be overbearing to those neighbouring units, having an acceptable level of impact on outlook, daylight, sunlight and satisfying with policies CS21 and 6.10. Again, the previous application was deemed acceptable in this regard

Residential Amenity – Future Residents

Dwelling Mix

- 62 Boscombe and Pokesdown Neighbourhood Plan (NP) Policy BAP 6 [Part B] requires proposals to “sensitively redevelop the site where the proposal includes” (a dwelling mix of) “50% 3-bed units, 40% 2-bed units and 10% 1-bed units”. Overall, the scheme would deliver 6no. 3-bed units (31.6%) and 13no. 2-bed units (68.4%). At 68% the number of 2-bed units clearly exceeds the policy aim of 40%, but with only 32% of the units comprising 3-bed flats, the 50% policy aim is not met. However, as the existing building only hosts (12no.) 2-bed units, the proposal could be seen to be increasing the number of dwellings on site by providing six additional 3-bed units and one 1-bed. In isolation from the existing units the 3-bed units would equate to 86% of the new/additional units and the one extra 2-bed, 12%. So, whilst the no. of proposed 3-bed units would not comprise 50% of the newbuild total required by Policy BAP6-B, they do comprise 86% of the additional units being proposed, exceeding Policy BAP6-B. However, it is also important to consider the explanatory paragraph 8.32 within the BAP which justifies the ‘housing mix aim’ as to:
- ‘promote family housing’;

- ‘encourage a mix of housing types consistent with the needs of the community’ and
- ‘encourage appropriate density within new developments’.

The aim of the policy appears to be principally to limit the over provision of 1-bed units locally and promote family housing – both of which this proposal does.

- 63 The final aim of the justification for BAP6-B is to require ‘sensitive redevelopment’ of sites through an appropriate density. Boscombe and Pokesdown NP Policy BAP1 states that residential densities in excess of 100 dwellings per hectare (dph) will not be supported unless it can be demonstrated for viability or to meet an identified housing need. The development density equates to 95 dph satisfying the policy. Planning Officers consider the arrangement and number of unit-types proposed would result in a building that has an acceptable scale, height, mass, and interface relationship with the adjacent buildings and streetscene. The aim of Policy BAP1 to secure a compatible and harmonious development would be met. By default, the final bullet point of BAP6-B to achieve an appropriate density and to comprise a ‘sensitive redevelopment’ is thus met.
- 64 The final part of BAP6, this states that if a proposal includes a different housing size mix to the one set out in part B, it *“must be supported by up-to-date housing need evidence and/or an assessment which demonstrates that compliance with the requirements of A ii and/or B are not viable.”* To comply strictly with the aims of policy BAP6-B, 5 of the two-bed flats would need to be reconfigured into 4no. additional three-bed units, and 1no one-bed unit. This would impact on internal layout, window position and potentially trigger a need for duplex arrangements and increases height. In any circumstance, increasing the number of three-bed units to 10, would require 20 car parking spaces and the remaining 9 flats would require 9 spaces. Such a scenario would result in a shortfall of 4 spaces or require the loss of further trees and landscaping to accommodate them.
- 65 Because it was not clear whether spaces would be allocated to specific flats, Members at committee previously considered a shortfall of 4 visitor spaces to be sufficient to warrant refusal. In this proposal, the whole car park is unallocated (other disabled accessible marked spaces), meaning the 25 spaces proposed satisfy policy CS16.
- 66 The nature and constraints of the site (limited interface distances to flank elevations, regard for local scale and height and the established front building line) effectively preclude the insertion of additional windows to the side elevations. This limits the number of rooms that can be formed and the extent to which the building can step forward or run backwards into the site to overcome this; also restricting the footprint, and limiting where units can be positioned. As well as an increase the car parking spaces required, to successfully accommodate more three-bed units and a one-bed unit would likely result in either additional height and/or footprint. Although the proposed height is considered acceptable by officers, neighbours have objected to the proposed 5th storey, and any further increases triggered by internal reconfiguration would likely trigger further local opposition. It is likely that a taller scheme to address policies CS16 and BAP6-B would risk conflict with BAP1 and no longer be harmonious or compatible with the surrounding area.
- 67 The proposal omits the 1-bed unit type, to which there is normally significant local objection when it is proposed on a site. In exchange, 32% of the units would be three-bed and 68% two-bed and *all* of the units would be generous in their internal space provision. To offer a mix suggested by the policy would require substantial redesign and physical changes to the scale, shape, position, and height of the building, that would result in further local policy conflicts with CS16, CS38 and BAP1. The additional supporting information now put forward by the applicant in response to the final part of

BAP6 sufficiently demonstrates that full compliance with the requirements of this policy would not be viable. The development proposes a different housing mix to the one set by BAP6 B but does not conflict with the overall aim of the policy itself, providing a robust number of 2- and 3-bed family units, with generous floorplans in excess of minimum standards.

- 68 The intended aims of BAP6 (B) to secure more family housing of a suitable size, and reduce the number of 1 bed units would be satisfied. The scheme would deliver a harmonious development, with a compatible density, satisfying Policy BAP1. The housing mix, scale and proportions of the development would make the best use of previously developed land and ensure delivery of local housing targets in a sustainable manner, in accordance with the aims of the NPPF.

Internal Space

- 69 All 2 bed units provide at least 106.7sqm of internal space, with some rising to 126, 127 and 132sqm. This exceeds the minimum threshold of 79sqm +2sqm of storage for 2 bedroom properties set on one floor. All 3 bed units provide in excess of 134.6sqm, which exceeds the minimum threshold of 95sqm +2.5sqm of storage. The internal layouts are dual aspect affording sea views and inland vistas, similar to the existing arrangements. The 19 flats would far exceed the minimum prescribed space standards as set out by the Governments Technical Housing Standards 2015 and NP Policy BAP7. The units would provide a very good standard of amenity for future residents, welcomed by the LPA.

Outlook/Privacy

- 70 The main outlook from the units would be to the front and balconies or paved patios are proposed for each of the 19 units. The end wall units include side facing bedroom windows (in the corner of those rooms) or windows lighting a kitchen worksurface. Some obscure glazing may be required of the lower portions of these windows, though the adjacent blocks have been designed to omit as many windows as possible to the side. The approved scheme at 69-71 includes study windows, and in this instance, with the interface distance comprising only 5.9m, windows should be obscured below a height of 1.6m above the respective finished floor level in each room. With regards for the windows facing the new flats at no.63, that site was redeveloped with high level obscure glazed windows on the elevation facing the site, amended by approved minor variation (2021-27186-C). Given that this proposed development features far fewer windows to the end wall units than the glazing approved (and built) at no.63, it is not considered necessary to require the windows in these units to be obscure glazed. Should the glazing arrangements change at no 69-71 (by way of any approved variations) then the applicant on this proposal is at liberty to seek amendments to any condition controlling glazing on the eastern elevation. Ground floor units with rear and side footpath facing bedrooms will also need to feature some low level obscured glazing to ensure privacy for residents residing within, secured by condition. Subject to these conditions, this aspect would satisfy the aims of Policy CS41.

Amenity Space

- 71 BAP7 requires adequate amenity space to serve future residents. External amenity space is provided to the seafront with hard and soft landscaping options to be set out and controlled by way of a condition. There is scope for some decorative landscaping to soften the visual impact of the parking areas. The Urban Design Officer suggests that it would be better for these areas to be benefit from varied plants suited to the marine environment as this would soften the scheme, enhance the front and rear street scene and provide net gains in biodiversity. Such details could be secured by an appropriately worded landscaping condition. Subject to conditions, this aspect would satisfy the aims of NP Policy BAP7.

- 72 Each upper floor unit is to have a frontage balcony, with the four ground floor flats having an enclosed patio. Balconies/patios are of a practical size and position, with screens to prevent inter-unit and inter-site privacy issues, securable via condition. The proximity to the clifftop and beach promenade below, and pathway connection from the site, mean that adequate amenity alternatives exist nearby to overcome any on-site amenity shortfall. Subject to conditions to secure delivery of the balconies and patios, this aspect would satisfy the aims of Policy CS41.
- 73 Internally, a concierge will manage postal deliveries for each group of flats in their respective lobby. Bin stores would be provided underground, alongside a communal (secure) bike store. The bin store and bike store would be connected to the blocks above by below ground corridors linking to the main lift and stairwells in each 'block'. External access down to the cycle and bin stores is also possible by way of a separate staircase leading to the car park, with a self-contained lift to enable cyclists to raise their bikes to ground level. Bins will be emptied by service agreement using the lift, but details of this will need to be secured through a waste management plan condition. In order to ensure future residents are not subjected to excessive external noise (road traffic/sea winds), the EHO (Noise) officer suggests a condition to requiring a detailed acoustic report on the existing noise climate at the site. Subject to conditions, this aspect would satisfy the aims of Policy CS41.
- 74 The existing car park is accessed from the rear, with only a secondary grade entrance to the rear. This has been identified as a failing of the existing building and causes inconvenience for residents as the main staircase and entrance sits to the front, meaning larger furniture often has to enter through a different entrance away from the car park. Although the developer was previously asked to introduce a single main pedestrian entrance to the frontage of the building this has not been possible. The reasons given for this relate to modern fire escape safety regulations (corridor lengths between stairwells), and the decision to focus entry activity to the rear through two separate concierge lobbies prevent a combined front entrance. A reconfiguration would result in wasted space internally with additional corridors and fire doors occupying space that could be assigned to flats (as it currently is). The main point of arrival for cycles and vehicular visitors is to be from the rear and so the main concierge entrances and bike lift to the basement will be from the rear. The footpath will connect along the side of the building to the Boscombe Overcliff Drive frontage. Subject to conditions to secure the delivery of the site accessibility/concierge/underground connections shown on plans, and appropriate lighting and selectively obscured glazing to the ground floor, this aspect would satisfy the aims of Policy CS41 and the requirement of the LPA to consider Crime Prevention Design mitigations.

Highway Safety, Capacity & Flow

- 75 Core Strategy Policy CS6 seeks to deliver sustainable communities. Policy CS16 sets out parking standards, as amended by the recently approved BCP Parking Standards SPD (Jan 2021). Policy CS17 encourages greener vehicle technologies and Policy CS18 advocates support for development that increases opportunities for cycling and walking. In Jan 2021 the LPA adopted the BCP Parking Standards SPD (Parking SPD) which reflect paragraph 105 of the NPPF. It is against this guidance that the proposal has been assessed. The cycle requirements have been updated in line with latest government guidance (Local Transport Note 1/20) which strengthen the importance of good design for high quality cycle storage facilities.
- 76 *Access & Servicing*: The proposals seek to reuse the extant vehicular crossover to the rear of the site on Rotherfield and this is acceptable. At circa 4.9m in width the access is capable of enabling resident parking access and the reverse tracking movements of a waste vehicle servicing the adjacent bin collection point. In addition,

2m x 2m pedestrian inter-visibility splays would be provided at either side of the access. A street lamppost to the west of the existing access on Rotherfield Road will need to be moved to improve the effectiveness of the existing visibility splay. This can be controlled by way of a condition and/or informative note.

- 77 The site would retain two pedestrian access points to the public highway (one to the front, one to the rear). Unlike the segregated front access the rear pedestrian route would be shared with vehicles and require the demarcation of surfaces to make obvious the shared nature of the route. A condition can control this along with a lighting scheme to ensure the entrances remain safe at all times.
- 78 Sufficient space exists to provide harbour for the required bins in the sizes and capacities set by the WCA. The bin store will sit underground, accessed internally by residents via lift and stairwells. The proposed refuse collection point is within 10m of the public highway. A bin lorry serving the site could do so from the public highway without need to enter. Bins would need to be moved from the basement, using the lift, to the collection day dwell-point. The internal lift system and stepped access between the basement parking area and the main buildings is also supported, subject to a condition requiring a waste management plan that sets out how the cycle store lift is to be shared on bin collection day to avoid conflict with bike users.
- 79 Although the existing access road has a gradient and camber, it does not exceed 1:12 and is acceptable as an approach route to the collection day dwell space. A condition will be needed to restrict the dwell space from being used to host bins other than on the day of collection, along with additional means of enclosure details to limit the impacts on the amenity of the adjacent no. 10. The Waste & Recycling Officer is satisfied with the space allocated for waste, subject to the submission, approval and instatement of the aforementioned Waste Management Plan prior to first occupation, will provide adequate control.
- 80 *Car Parking:* When assessed against Table 9 – C3: *Flats* of the BCP Parking Standards SPD 2021 (Parking SPD), this zone D development has the following parking requirement:
- 13x 2-bedroom flats @ 1 space/unit = 13 spaces
 - 6 x 3-bedroom flats @ 2 spaces/unit = 12 spaces
 - Total = 25 spaces
- The applicant is proposing 25no. onsite parking spaces. 13 no. spaces are proposed to be active EV charging equipped, with the remaining 12 conduited ready for future upgrade. Two of the spaces will be disabled accessible (spaces 18 and 19). Policy is clear that additional visitor parking spaces (in this case that would be 4no. spaces) would only be required on site if more than 50% of the car parking provision is to be allocated to specific flats. This revised proposal does not seek to allocate any spaces to any of the flats, and no visitor spaces are therefore required on site. The proposal now before the LPA explicitly complies with the adopted SPD parking requirement and there is no conflict with the Parking Standards SPD and the aims of Policy CS16 would be satisfied.
- 81 The previous proposal did not clarify if more/less than 50% of the spaces were to be allocated and Members expressed concerns at the September 2022 committee that the development would place an unreasonable pressure on surrounding roads. Having regard for those concerns, wording precluding unit-specific allocation has been added to condition (no.12), compared with the 3914-B recommendation report conditions. This condition would require the car parking to remain unallocated for the lifetime of the development with any changes requiring the submission and assessment of a full planning application to vary or remove that condition.

- 82 Neighbourhood Plan policy BAP1 (v) expresses that “*proposals should reflect the character of the area in respect of... ..the density of residential development, which should not exacerbate existing overcrowding and pressure for on-street parking*”. As set out earlier in this report, the proposed density would comprise 95dph, below the 100dph maximum set by the same policy. Factoring in the more recent approvals and redevelopments along this road, the local density averages at around 100dph. Thus, this development’s density would reflect that of the local area, which defines its character. This plot has no vehicular access from the front and to introduce such would result in the loss of landscaped space, harming the seaward (public) view of the plot.
- 83 The density of the development satisfies NP Policy BAP1(v). The scheme proposes to reuse the existing vehicular access from the rear, and formalise the existing generous oversupply of 28 car spaces for 12 flats into an arrangement of 25 car spaces for 19 flats that complies with the Parking Standards SPD and satisfies Policy CS16. There are *no* highway policy grounds upon which to base a refusal. Highways have returned comments on this case outlining that they do not object and reference their earlier comments made in respect of 3914-B, which subject to conditions also did not object.
- 84 The car parking arrangement accords with the minimum requirements detailed within *Section 3.3 – Cars* of the Parking SPD with all spaces meeting the minimum dimensions. Dimensions, demarcation and accessible disabled provision can be secured by condition. 13 of the 25 spaces are to be installed with active electric vehicle charging points, exceeding the 50% (12 spaces) requirement specified within the adopted Parking SPD.
- 85 *Cycle Parking*: The scheme proposes an integral cycle store for residents at basement level comprising of 44 spaces, sufficient for the proposed 44-bedroom development (at 1 space/bedroom). Visitor cycle parking is not shown on drawings but sufficient space exists to accommodate within the car park area a condition to secure 1 no. stands for 2 no. cycles (comprising 0.1 space per unit) without hindering the landscaping scheme.
- 86 Part of the cycle store is slightly substandard in manoeuvrability (width at 5.5m instead of 5.8m). However, sufficient circulation and manoeuvring space is provided within the store, with three separate points of access for people and sufficient waiting space near the lift for exiting bikes. The delivery of the cycle parking can be conditioned.
- 87 The highway and vehicular impacts of the proposal would be acceptable, having regard for paragraph 105 of the NPPF. Subject to the conditions to address points and secure delivery of facilities, the proposed access and egress arrangements for vehicles, cycles and pedestrians would satisfy the highway user safety and sustainable development aims of Core Strategy Policies CS6, CS16, CS17, CS18 and the BCP Parking Standards SPD (Jan 2021).

Landscaping and Trees

- 88 Two areas of trees and planting to the rear are to be retained with other areas remodelled and extant landscaping augmented or replaced. Some trees are to be removed within the car parking area. The tree officer has assessed the amended plans. Having considered the age, health and visual contributions of the trees being lost, they consider that the proposals are acceptable and the arboricultural method statement is sufficient, subject to a compliance condition. To ensure sufficient replacement planting, the Landscaping Team recommend conditions to secure a suitable soft landscaping scheme and a soft landscaping maintenance scheme. Subject to these conditions the proposal would satisfy Policy 4.25 of the Bournemouth District Wide Local Plan and Policy CS41 of the Core Strategy.

Land Contamination

- 89 As this site has a domestic history away from commercial uses, potential contamination issues are likely to be confined to the fabric of the existing building built in the 1950s rather than ground below. Separate regulations exist in legislation governing the identification and removal of asbestos from the fabric of a building and it is not for the Planning System to duplicate these requirements during demolition. The Cliff Stability Report confirms that varying layers of soil and sand sit beneath the block. As a result, a watching brief condition is suggested in relation to soil contamination.

Cliff Stability

- 90 Given that the development is 70m from the adjacent cliff frontage, a cliff stability appraisal was submitted with this and the previous 3914-B application. After reviewing this, the Coastal Erosion Officer raised no concerns. The cliff top policy here is to continue to defend against risk of erosion, and whilst there may still be some limited risk of landslip due to groundwater, this is a replacement structure on previously developed land and the development will not increase the risk, subject to appropriate management of drainage in the cliff top. The Cliff Stability Engineer considered that the risk of instability from this same development was low. Soakaways are not permitted close to clifftops so any drainage strategy would need to look at alternative solutions.

Flood Risk and Drainage

- 91 The site sits at the top of the cliff within Flood Risk Zone 1, where low risk of flood exists. The land is previously developed with a drainage system connected to the sewer network. The clifftop location prohibits the use of a simple into-the-ground drainage-system on stability grounds. Illustrative drainage features are shown on the Indicative Drainage Plan drawing, submitted by the applicant, to support this application but contains insufficient detail at this stage. As a result, the Lead Local Flood Authority (LLFA) object to the lack of information at this stage. The LLFA has expressed a preference that such matters be dealt with during the consideration of an application rather than by pre-commencement conditional discharge following an approval. However, redevelopment of the adjacent and nearby sites has demonstrated that the pre-commencement condition route, if agreed by the applicant is a reasonable and legitimate option. Soakaways are not permitted close to clifftops so any drainage strategy would need to look at alternative solutions. Sufficient capacity exists within the site area to provide an underground storage tank capable of meeting requirements and approval subject to the condition would allow suitable controls.
- 92 Thus, a pre-commencement condition should secure the submission and approval of a full drainage and surface water strategy produced in accordance with national/local guidance and policies before any development takes place. To be lawfully applied, an applicant has to agree to the application of a pre-commencement condition and they have done so here, overcoming a potential reason for refusal had they chosen not to accept the condition.

Climate Change Mitigation

- 93 BCP and the Government have declared a climate emergency. Policy CS2 seeks to secure the use of green technology in new developments. The flat roof of the building is capable of hosting rooftop solar panels or planted sedum, and the applicant has set out their intention to explore these options. A condition to secure details and installation prior to first occupation is possible. Similarly, the drawings show 13 of the 25 car parking spaces would be fitted out with active EV charging capability, with the remaining 12 laid out with passive conduiting, ready for upgrade.

This should be conditioned to secure delivery. Cycle parking is provided, in a convenient and safe position, with easy access for residents. Whilst these two elements would help the proposal comply with Policy CS2 it would be positive to see the development exceed these requirements.

- 94 Irrespective of solar panel provision, some roof areas are capable of hosting green roofs (planting such as sedum) and details should be incorporated into landscaping plans to assist in reducing speed of rainwater runoff the SUDS system has to handle. No sustainability details are given in respect of any construction materials. Permeable paving products made from recycled materials could be utilised on any hard surface landscaping. No outdoor clothes drying space is set out, but space exists on balconies/terraces and tenancy agreements should not preclude this functionality. This would assist in ensuring clothes drying within all the units is not reliant upon tumble dryers and radiators in perpetuity.
- 95 Whilst an informative is suggested to highlight possible sustainability solutions, the best way to secure the inclusion of sufficient mitigations and sustainability benefits of the building would be, if approved, to apply a condition requiring the (Policy CS2) minimum threshold of 10% sustainable energy is incorporated into the development, with details being submitted for approval prior to installation and first occupation.

Ecology & Biodiversity

- 96 Government Circular 06/2005 states that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.”* Without knowledge of whether or not protected species are present, the LPA would not be able to comply with NPPF 2021 paragraph 174. *“Planning policies and decisions should contribute to and enhance the natural and local environment by: d) by minimising impacts on biodiversity and providing net gains in biodiversity where possible”*. Additionally, in determining this application the council has to bear in mind that under Section 40 Natural Environment and Rural Communities Act 2006 (NERC) *“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”*. The LPA also has a statutory duty under the Habitat Regulations 2017 regarding protected European Species.
- 97 The Ecology officer has assessed the case and considers that the Preliminary Ecological Assessment of Purbeck Court, by Ecological Surveys Ltd is appropriate for this application. The mitigation and enhancement as specified in Section 6 of this report should be secured by condition. A condition will also be needed to prevent the removal of trees and hedgerows during bird nesting months.
- 98 Subject to these conditions the proposal has the capacity to satisfy the aims of local policy CS30 which seeks that development enriches biodiversity and wildlife habitat; and comply with the NPPF by contributing to, and enhancing, the natural and local environment by minimising impacts on, and providing net gains for biodiversity.

Heathland Mitigation

- 99 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwellings resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 2017.

- 100 The Dorset Heathlands Planning Framework SPD 2020 sets out an approach to the mitigation of the harmful effects of residential development in South East Dorset on Dorset's lowland heaths. This requires that all new residential development between 400m – 5km from protected Heathlands shall be subject to a financial contribution towards heathland mitigation measures in the borough. The proposed development would result in the formation of 19no. flats (19@ £292 = £5,548). Subtracting the existing 12 dwellings that occupy the site this would be a net increase of 7 dwellings. A capital contribution is therefore required and in this instance is £2,044 plus a 5% administration fee. A signed legal agreement has been sealed ready to provide this contribution.

Affordable Housing

- 101 Policy AH1 of the Affordable Housing DPD seeks to secure the delivery of affordable housing (AH) from general market housing schemes. This applies to major developments of 10 or more units, so the policy applies to this application. Provision of an appropriate affordable housing contribution is a significant benefit to a scheme and carries significant weight where provided.
- 102 The District Valuation Office (DVO) considered the viability of the site and development in September 2022. The DVO considered there to be a residual value that would permit a small contribution of £67,053 to which the Applicant had agreed to pay via a s106 legal agreement to the Council. However, the Policy Team have since clarified that that as the proposal only proposes a net gain on-site of 7 dwellings against the 12 existing, the provision falls below the threshold at which SPD policy AH1 is becomes triggered. The re-submission was made without any Affordable Housing contribution, and it would be unreasonable behaviour for the LPA to insist on a payment where policy does not require it according to national guidance.

Community Infrastructure Levy

- 103 The site/development is liable for Community Infrastructure Levy contributions for any net increases in floor space.

Summary

- 104 The proposal complies with all the appropriate policies assessed herein. The planning balance set out in Paragraph 11 of the NPPF should always be considered whether there is conflict with a specific local policy or not as there may be material considerations that suggest an alternative decision. Also s38(6) of the PCPA is relevant as it requires a determination in accordance with the Development Plan unless material considerations indicate otherwise.
- 105 Having considered the appropriate development plan policy and other material considerations and notwithstanding conditions, it is considered that the proposal would fully accord with the local Development Plan. However, Members have previously expressed a concern about the impact of not providing on site visitor car parking (even though Policy does not require this) and in considered the proposed dwelling size / unit mix relative to the proposed density as being contrary to Neighbourhood Plan policies (even though the development remains in accordance with the wording of those policies). The Member concerns are thus considered as part of in the NPPF Paragraph 11 Planning Balance.

Planning Balance/Conclusion

- 106 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. The proposed scheme would contribute to the need for new housing, delivering 7 additional homes, 6 of them three-bed, 1 of them two-bed, and replacing the 12 existing two-bed flats with larger, more generously sized two-bed units. Set against this significant benefit is the overall unit mix on site that falls below full policy compliance, albeit with reasonable justification to address the shortfall. Other matters can be sufficiently addressed through conditions.
- 107 The development would invoke short and long term economic benefits in the form of construction jobs and by way of 19 new households (a net gain of 7) able to contribute to the local economy. The benefits of replacing the ageing flats configured for a different era of habitation with modern, spacious family dwellings within a more attractive building that itself makes better use of the site; along with the social and economic benefits; are considered sufficient mitigators to outweigh the general concerns about local parking impact expressed by Members, particularly as no highway safety concerns have been raised by Highways Officers.
- 108 Similarly, factoring in the constraints of the site, neighbouring amenity and the need to balance Neighbourhood Plan and Core Strategy policy aims against each other - the proposed housing mix and density represent the most appropriate provision and quantity of the desired unit types and numbers deliverable on this site, in a building having an acceptable scale, height, mass, and interface relationship with the adjacent and surrounding buildings and streetscene. The proposal also represents better arrangement of accommodation and servicing than that offered by the fall-back prior approval scheme that would deliver a 1.7m higher building than this proposal; with 18 units in total including a 1-bed, but no 3-bed units at all.
- 109 As such, having regard to paragraph 11d)l of the NPPF, the tilted balance is triggered which means that any adverse impacts of granting permission would need to "*significantly and demonstrably*" outweigh the benefits. Having regard to the two previous reasons for refusal, it is considered that there are now insufficient highway grounds, and insufficient housing mix/density grounds for refusing permission for the proposed development. Subject to suitable conditions, the proposal would satisfy the provisions of the relevant policies within the range of identified Local Development Plans, including a policy compliant level of parking provision.
- 110 It is considered that the issue of the mix of units from the previous refusal would not significantly and demonstrably outweigh the benefits of the proposals. The applicant has now supplied additional supporting information in relation to why a compliant scheme in terms of unit mix would generate other issues in terms of parking, landscaping, residential amenity and scale or viability. The scheme provides a net increase of 7 flats, which are predominantly 3 bedroom units, which also weighs in favour of the scheme. There also remains a fallback position of the prior approval consent, which would not provide any three bedroom units. Overall therefore, and having reviewed the case, officers do not consider that they would be able to offer any reasonable defence at appeal, of the previous reasons for refusal given for 3914-B.
- 111 In conclusion, with the tilted balance in mind, the benefits provided through the provision of new housing would be supported by the proposal's success in delivering the salient economic, social and environmental objectives of sustainable development, as set out in local plan policies and the provisions of the NPPF. The Development Plan Policies considered in reaching this decision are set out throughout this report.

Recommendation

112 GRANT permission subject to

- a) the completion of a Section 106 agreement with the following terms:
Section 106 terms
Heathland Mitigation contribution of £2,044 (+ 5% fee)

and

- b) the following conditions:

Conditions

Standard 3 Year Time Limit

- a) Standard 3 years Implementation Condition from date of approval

Approved Plan Numbers

1 In Accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

9440/200: Rev D - Site Plan (Red Line edged) & PROPOSED Block Plan

9440/201: Rev D - Basement and Ground Floor Plans PROPOSED

9440/202: Rev A – First & Second Floor Plans PROPOSED

9440/203: Rev A – Third and Fourth Floor Plans PROPOSED

9440/204: Rev A – Elevations 1 (N&W) PROPOSED

9440/205: Rev A – Elevations 2 (S&E) PROPOSED

9440/206: Rev A – Indicative images PROPOSED

9440/207: Rev A – Indicative Street Scene PROPOSED

DS/84121/AC – Tree Protection Plan dated 09.11.2022

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

Precommencement Requirement

2 CEMP Construction environment management plan

No development shall take place, including any demolition works, until a construction management plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for:

- 24 hour emergency contact number;
- Hours of construction/deliveries;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and

- A noise and vibration assessment

The noise and vibration assessment should be based on British Standard 5225 – Part 1 and 2: 2009. The report shall provide details in relation to;

- a) the existing background noise climate in and around the surrounding area;
- b) the resultant noise levels from the proposed demolition & construction works;
- c) any proposed mitigation measures to minimise the impact;
- d) an indication of noisy works likely to be audible beyond the site boundary.

The approved Construction Management Plan shall be adhered to throughout the demolition and construction period.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS38, CS41 and CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

3 Noise

No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority.

The report shall include a scheme of noise insulation measures for the proposed residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that adverse amenity impact will not be caused to the occupiers of the residential accommodation by noise from road traffic on Boscombe Overcliff Drive.

The report shall have been undertaken by suitably qualified acoustic consultant/engineer, shall include 2no periods for daytime as 0700-2300 hours and 2no. for night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm_{ax})
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax})

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014 "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the first occupation of any of the residential units hereby approved and be permanently retained thereafter.

Reason: In order to safeguard the amenities of future occupiers of the noise sensitive development.

4 Ground Levels

Prior to the commencement of any below ground development, a plan indicating the finished site levels above Ordnance Datum of the building, and the finished site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with these approved details.

Reason: To ensure that the development relates satisfactorily to its surroundings in the interests of visual amenity and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5 Surface Water Drainage (SuDS)

Before the commencement of development, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted in writing to the Local Planning Authority. The scheme shall include the following as appropriate:

- a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas;
- b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off;
- c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required);
- d) Detailed development layouts, showing the locations of all SuDS features, including pipe network;
- e) Detailed drainage design calculations for 1, 30, 100 and 100 + climate change return periods and demonstration that discharge rates are achieving as close to QBar as feasible;
- f) Drawings which show all locations, dimensions and the freeboard of every element of the proposed mitigation and drainage system (e.g. attenuation storage areas) and sewer networks (including pipe numbers, gradients, sizes, locations and manhole details); and
- g) A timetable for implementation of the approved drainage scheme.

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority.

The drainage works shall be completed in accordance with approved details in accordance the agreed timetable (g).

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.

Within set time of commencement

6 Contaminated Land Remediation (Watching Brief)

If the presence of any previously unencountered below ground contamination that becomes evident during the development of the Site shall be reported to BCP in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Local Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the LPA prior to re-commencement works in the affected area. The approved details shall be implemented as approved. Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

The grant of planning permission does not remove the separate legal requirements for the safe removal and disposal of asbestos during demolition which are subject to separate Environmental Health legislation and related controls outside the planning system.

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).

7 Finish Materials – External Building Fabric

Prior to the erection of any above ground superstructure, details of the proposed finish exterior materials to be applied to glazing, walls, balconies and roof areas, including any colour finish and texture shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information sufficient to satisfy the requirements of condition 16 (Biodiversity). The development shall then be completed in accordance with the approved material palette.

See informative note on materials and condition 16 (Biodiversity).

Reason: 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 Finish Materials – Surfaces, Means of Enclosure

Within 4 months of the date of commencement of the development, full details of the proposed hard landscaping materials and any means of enclosure to be utilised within or to the boundaries of the development; including patio, pathway, roadway and shared surfaces including any colour finish and texture to demarcate vehicular and pedestrian routes; shall be submitted to the Local Planning Authority in writing for approval. The boundary enclosure details shall include information sufficient to satisfy the hedgehog requirements of condition 16 (Biodiversity). No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The development shall then be completed in accordance with the approved material palette prior to the first occupation of any of the residential units hereby permitted is first occupied.

See informative notes on materials and climate change mitigation

Reason: 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).

9 Climate Change Mitigation

Within 4 months of the date of commencement of the development, full details of any sustainability mitigations for the site, including rooftop areas shall be submitted to the Local Planning Authority in writing for approval. Details shall set out how the development will achieve the Core Strategy Policy CS2 requirement that at least 10% of the energy to be used in development will come from decentralised and renewable or low carbon sources. No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The equipment and/or planting shall then be installed in accordance with the approved details before the first occupation of any of the dwellings hereby approved.

See informative note on climate change mitigation

Reason: To ensure a satisfactory visual relationship with the new and surrounding development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

10 Soft Landscaping

Within 4 months of the date of commencement of the development, full details of soft landscape works shall be submitted to the Local Planning Authority in writing for approval. Soft landscaping details shall include:

(a) suitable planting scheme with an abundant range of mainly native species, suited to the marine environment; **(b)** existing trees, hedges and shrubs to be retained; **(c)** written specifications (including cultivation and other operations associated with plant and grass establishment); **(d)** A detailed maintenance and long-term management scheme for the first 5 years of the development; **(e)** schedules of plants noting species, plant sizes and proposed numbers/densities; and **(f)** programme and timetable of implementation.

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. All aspects of the approved soft landscape scheme shall be implemented in full in accordance with the timetable agreed within part (f) of this condition and no later than the first available planting season post occupation. Any new trees or plant species which die within the first 5 years post completion date of the development shall be replaced with a substitute to be agreed in writing through consultation with the LPA and of similar height and age at the date of original planting. The planting scheme shall be maintained in accordance with the details approved within part (d) of this condition.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping 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).

11 Servicing & Waste Management Plan

Within 4 months of the commencement of development a Servicing Management Plan, incorporating a Waste Management Plan (CWMP) shall be submitted to the Local Planning Authority in writing for approval. The plan shall include

- a) details of how the building is to be serviced and the waste collected from the approved bin stores and moved to the collection day dwell space, including a weekly timetable with hours;
- b) details of procedures waste collection operatives will adhere to when faced with cyclists seeking to use the basement cycle store via the lift; and
- c) drawings showing the provision of 2m wide clearance across proposed footways immediately adjacent to the approved lift door opening serving the basement bin stores; and
- d) No bins or waste shall be stored within the bin collection point other than on the collection day the bins are due to be collected, commencing four hours before collection is due and returned to basement bin store within 6 hours.

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. None of the dwellings hereby approved shall be first occupied until the servicing and waste management plan has been approved AND any approved dropped kerbing, path widening and demarcation has also been fully implemented on site in accordance with the approved details. The approved details within sections (a), (b), (c) and (d) shall remain in situ and complied with at all times while the building is occupied by any residents.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (section 34) to have suitable commercial waste agreement in place, guidance relating to capacity is based on Waste management in buildings — Code of practice BS 5906:2005, also the safe servicing and collection of refuse from the site

so as not to impact the efficiency of the local highway network nor the safety of its users and in the interests of preserving visual amenities, meeting the needs of intended occupiers and highway safety and in accordance with Policy CS41 adopted October 2012

12 Car Parking Space Allocation

- (a) Within 4 months of the commencement of the development, details demonstrating which 2no. spaces are to be laid out and demarcated as accessible spaces, shall be submitted to the Local Planning Authority in writing for approval. No demarcation of the spaces shall be undertaken until approval is given for the arrangement, in writing, by the Local Planning Authority.
- (b) Prior to the first occupation of any of the residential units hereby approved, the vehicle parking spaces and turning areas shall be constructed, laid out and demarcated in accordance with the approved drawing 9440/200 Rev D and as augmented by part (a) of this condition. All the car parking spaces shall be made available for the residents of the development and those persons visiting residents of the development, and shall remain unallocated to any specific resident or residence for the lifetime of the development by way of the details approved by this condition.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012) and Adopted BCP Parking Standards SPD (Jan 2021).

13 Cycle Parking Provision

Within 4 months of the commencement of the development, details of the internal layout of the proposed 44-cycle store, and 2no. above ground visitor cycle spaces shall be submitted to the Local Planning Authority in writing for approval. Details shall include:

- a) specification and product details for the underground stands to be used;
- b) location of the above ground visitor stand, specification and product details; and
- c) internal cycle store lighting to be operated by PIR.

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The approved details for all 44 + 2 cycle parking shall be implemented in full on site prior to the first occupation of any of the dwellings hereby approved. The cycle store and stands, shall thereafter be retained, maintained and kept available for the residents/visitors of the development for the lifetime of the development.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

14 Electric Vehicle Charging Points

Within 4 months of the commencement of the development details of the provision of 13no. Active Electric Vehicle charging Points shown on drawing 4440/200 Rev D, and associated infrastructure shall be submitted to the Local Planning Authority in writing for approval. Those technical details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021).

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The approved details shall be implemented and brought into operation prior to the first occupation of any of the

residential units hereby approved. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

Prior to first Occupation of any unit (and retained for lifetime of devt)

15 Pedestrian inter-visibility splays

Prior to occupation of any of the flats hereby permitted:

1.
 - a) the pedestrian visibility splays as shown on the approved plan (9440/200: Rev D) shall be cleared of all obstructions over 0.6m in height above ground level and no fence, wall or other obstruction to visibility over 0.6m in height shall be erected within the area of the splay at any time.
2.
 - b) the existing street lamppost to the west of the existing access on Rotherfield Road shall be re-sited, by the Local Highway Authority by way of s278 (Highway Act 1980) Agreement at the developer's expense to improve the inter-visibility splay of the vehicular access point.

Reason: In the interests of highway safety and in accordance with policies CS16 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

16 Biodiversity Enhancement Mitigation

Before any of the flats hereby approved is first occupied, the mitigation and enhancement as specified in Section 6 of Preliminary Ecological Assessment of Purbeck Court, by Ecological Surveys Ltd and contained in sections 6.4.2 Impact Avoidance during the construction phase; 6.4.3 removal of non-native *Rhododendron ponticum* and 6.5 enhancements of 4 swift boxes, 2 house sparrow terraces and 2 bird box with 26 mm holes, shall be implemented on site in full.

Any permanent means of boundary enclosure shall incorporate at least one 0.15m high/wide gap in each boundary length at ground level to enable unimpeded hedgehog passage.

All approved mitigations shall be maintained and retained in situ for the lifetime of the development.

Reason: To ensure the development contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity in accordance with Policy CS30 of the Adopted Core Strategy (2012) and the aims of the National Planning Policy Framework (2021)

17 Bird nesting months

All work to trees and/or hedgerows on the site shall be carried out outside of the bird nesting season which runs from March to August inclusive.

Reason: To safeguard the active nests of all wild birds which in England are protected under the Wildlife & Countryside Act 1981

18 Soundproofing Dwellings

Prior to the first occupation of any of the dwellings hereby approved, all residential units shall be finished so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)

All works to deliver the mitigations shall be completed before any part of the flats hereby approved are first occupied and shall be retained and maintained thereafter.

Reason: In order to protect the amenities of the occupiers of the proposed development and in accordance with Policy CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

Always Relevant

19 Tree Protection / Arb Method Statement

The tree protection measures as detailed in the Tree Protection Plan (no. DS/84121/AC) and arboricultural method statement (ref. DS/84121/AC, dated 09 November 2022 and prepared by Treecall Consulting Ltd), shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

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

20 Obscure Glazing (windows)

Prior to the first occupation of any of the dwellings hereby approved:

a) The lower portions of the bedroom windows in the eastern elevation facing the flank of no.69 Boscombe Overcliff Drive, and lighting flat nos. 1, 5, 9 and 13 and the utility room within no.17; and shown on approved floor plans (9440/201: Rev D, 9440/202: Rev A, 9440/203: Rev A) and elevation drawing (9440/205: Rev A) shall be fitted with obscure glazing to a point at least 1.6m above finished floor level within each unit; to Pilkington Level 3 obscuration or above (or the nearest equivalent standard) and shall be permanently retained as such.

b) The lower portions of the bedroom windows in the northern elevation facing rear, and lighting flat nos. 1, 2, 3 and 4; and shown on approved floor plan (9440/201: Rev D) and elevation plan (9440/204: Rev A) shall be fitted with obscure glazing to a point at least 1.3m above finished floor level within each unit; to Pilkington Level 3 obscuration or above (or the nearest equivalent standard) and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

21 Obscure Glazing (balconies)

1.8m high balcony privacy screens shall be fitted to the western end of the building frontage to flat nos. 8, 12 and 19, facing no.63 Boscombe Overcliff Drive (Plan nos. 9440/204 Rev A and 9440/205: Rev A), and to the eastern end of the building to units 9, 13 and 17 facing no.67 Boscombe Overcliff Drive (plan no. 9440/205: Rev A)) proving at least Pilkington Level 3 obscuration (or the nearest equivalent standard) and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

22 **Lighting (Light Spill)**

Before the development hereby approved is first occupied, the external lighting across the site must be installed and maintained with connections to a timer so that it is extinguished overnight between 23.00h and 06:00h daily. Any additional overnight security lighting provided to building entrances and pathways shall operate by PIR sensor and extinguish by timer after 5 minutes of no activity. Any lighting installed to the exterior of the building or within the site (including that operated by the PIR) shall point downwards at an angle of no more than 30 degrees perpendicular from a point above the ground, not be mounted above the internal ceiling height of first floor level and not face any neighbouring residential windows within or outside the site.

The approved lighting scheme shall installed and thereafter at all times retained and maintained in full working order.

Reason: In the interest of highway safety and neighboring amenity and in accordance with Policies CS14 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Informatives

Materials informative (relevant to Conditions 7 & 8)

To ensure the design excellence translates from approved plans to finished building, visually compatible exterior finish materials should be high quality, long-lasting and robust in this cliff-top seaside location. This information is reference here to assist in a successful discharge of condition nos. 7 and 8

Climate Change Mitigation (Relevant to Conditions 8 & 9)

Roof areas are capable of hosting PV solar panel arrays, connected to internal storage batteries serving the development. Green roofs and walls (planting such as sedum) should also be incorporated into landscaping plans to assist in reducing speed of rainwater runoff the SUDS system has to handle. Grey water recovery systems can also complement on site efforts to counter climate change. Where expanses of flat roofs are proposed with no planting or PV equipment, white colour finishes should be used on horizontal surfaces to assist in reducing the localised temperature within the building and on the site. Sustainably sourced construction materials should also be considered.

Permeable paving products made from recycled materials could be utilised on any hard surface landscaping proposed. No outdoor clothes drying space is set out, but space exists on balconies/terraces and the LPA encourages lenient tenancy and leasehold agreements that do not preclude this functionality as it would prevent units being solely reliant upon tumble dryers and radiators in perpetuity.

Bats

An informative should be added that if bats are found during demolition that all work to cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist employed to address situation and Natural England contacted.

Highways - No Storage of Materials on Footway/Highway

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

Highways- Surface Water/Loose Material

The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

Statement required by National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by: offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance the applicant did not seek pre-application advice, and the repeat submission reflected the changes secured during the previous application's consideration. The applicant has provided sufficient justification for the absence of any substantive changes between the previous refusal at committee (contrary to officer advice) and the current resubmission. The proposal is recommended for approval.

Background Documents:

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