

Planning Committee – 19 January 2023

PLANNING APPLICATIONS		
Item No.	Application No.	Additional Information
6a	<p>7-2022-1958-DQ</p> <p>Multi Storey Car Park, Glen Fern Road, South Western House and 15 Fir Vale Road</p>	<p>Add the following further response from LLFA in Paragraph 7.2:</p> <p>LLFA</p> <p><u>12/01/2023 No objection, subject to conditions</u></p> <ul style="list-style-type: none"> • “Our approval of the Outline scheme is in response to the degree of betterment that has been put forward (75%)”. • “We have no in-principal objection to the proposed scheme on flood risk or surface water management grounds, subject to the attachment of the following pre-commencement planning conditions”: <ul style="list-style-type: none"> ○ detailed surface water management scheme for the site based upon the hydrological & hydrogeological context of the development, available capacity of receiving systems and providing clarification of how drainage is to be managed during demolition & construction ○ finalised details of maintenance and management of the surface water sustainable drainage scheme <p>Replace Paragraph 7.2.4 as follows, to include information from an updated Daylight and Sunlight Assessment:</p> <p>A revised Daylight and Sunlight Assessment containing updated Vertical Sky Component (VSC) calculations have been received which apply to the revised design of the proposal. The results show that 501 windows would to pass BRE Guidelines levels of retained daylight, of which officers consider 452 are not explained (such as through</p>

very low existing levels or being secondary windows to rooms). This is comparable to the 481 windows which failed the previous assessment. Impacted properties include those on Old Christchurch Road, Glen Fern Road, 53 St Peters Court, 1-62 St Peters Court, Mercury House, Winchester House, Borough Chambers, and 1 and 4 Fir Vale Road. Of the impacts, 324 would result in a loss of 40 per cent or more, which is considered to be a 'major adverse' impact on existing levels.

Add the following after Paragraph 17.2.4:

In addition to the residential properties that have already been considered within the committee report, officers have been made aware of an extant permission (ref 7-2020-107-V) on an adjoining site, at Nos. 128-130 Old Christchurch Road and 3-5 Fir Vale Road. While the development has not been constructed, it remains a material consideration. The building would be in close proximity to windows on the northern side of the scheme and proposes residential units on upper floors. The living room would benefit from side and curved windows, while the bedrooms on floors 2 and 3 have lesser requirements for natural light, given the use of the rooms. In addition, the western bedroom has dual aspect. The submitted daylight and sunlight assessment has not taken the development into account but has considered the existing property, with 3 habitable/unknown windows failing BRE guidelines in VSC and other non-habitable windows failing. Taking this into account as well as the permitted scheme moving habitable windows closer to the proposal, officers can reasonably assume that in the absence of additional information, the proposal would result in loss of daylight and sunlight to residential units within the extant permission.

Additional reasons for refusal (paragraph 30):

5. Heathland mitigation

Also, it is considered that the development would be harmful to designated Dorset Heathlands SPA (Special

		<p>Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards Strategic Access Management and Monitoring measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) and the adopted Dorset Heathlands Planning Framework SPD.</p> <p>6. Transport and highways mitigation</p> <p>The failure to make necessary contributions towards walking and cycling improvements in the vicinity of the site, as well as the provision of car club spaces, dedication of land for the provision of footways, and the necessary highway S278 works would represent a failure to promote sustainable transport modes and hinder safe and suitable access to the site for all users as required by Policies CS14, CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), and contrary to the aims of the National Planning Policy Framework (2021), particularly Paragraphs 110 and 112 which seek new development to provide safe and suitable access for all, to give priority first to pedestrian and cycle movements and to ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location.</p>
6b	<p>7-2022-3914-C Purbeck Ct, 65-67 Boscombe Overcliff Drive</p>	<p><u>Additional Representations</u></p> <p>1- Parking Provision objection</p> <p>A neighbour objection included with it a table conjecting what parking arrangements should comprise if fewer flats were proposed. The table has been resubmitted with a request that it be projected on screen during their verbal comments at committee. The main point their objection makes is set out as follows:</p> <p><i>“if the applicant was more willing to consider less flats they can actually comply with both Neighbourhood Plan</i></p>

BAP6 Housing Mix and the BCP SPD parking standards based upon the 25 available parking spaces”.

They go on to conclude that if the developer were to provide fewer flats, then this *“would likely mean a 4 - storey rather than 5-storey development”* which in their view ‘would also resolve local resident concerns with regards to the building’s height, traffic movements and parking overspill on to neighbouring roads’.

To aide Members understanding of the information within the table, the Local Highways Authority (LHA) have considered the information provided and responded as follows:

“The LHA recognises the sentiment of the objection in that a reduced number of flats and the provision of dedicated visitor bays would overcome the previous reason for refusal, as decided by committee however, this is somewhat irrelevant in terms of the factual assessment of the proposed scheme. Key considerations are:

- *The proposed development comprises of 13 x 3-habitable room flats (1 space/flat) and 6 x 4-habitable room flats (2 spaces/flat) within parking zone D thus resulting in a parking requirement of 25 spaces. Table 9 – C3: Flats of the Parking SPD confirms that this demand caters for residents and visitors.*
- *As pointed out by the highway officer in the assessment of the previous application, paragraph 4.2.6 of the Parking SPD stipulates that ‘in residential developments where allocated spaces are to be provided as a specific development choice, and where more than 50% of car parking is allocated to individual dwellings, including unallocated parking for flats and houses, a visitor car parking allowance of an additional 1 space per 5 dwellings should be provided.’ Consequently, as long as this scheme provides 13 unallocated parking spaces (greater than 50%) no dedicated visitor parking is necessary. A simple condition can secure this, as should have been the case at*

committee for the previous application. A refusal on a lack of visitor parking on this basis would likely be considered unreasonable and members should be advised of this. I note that no formal unallocated condition was recommended by the LHA as part of the previous assessment although a condition for the final arrangement of the parking layout was included.

- *The LHA afford more weight to the standards detailed within the Parking SPD (2021) when compared with the BPNP (2019) given that it was adopted more recently and is a more strategic document. The BPNP remains a material consideration.*

In light of the above, the inclusion of an appropriate planning condition (see below for example) to secure unallocated parking across the site, for a minimum of 13 parking spaces, overcomes the committees' previous reason for refusal relating to a lack of visitor parking. Should committee reject such a condition and refuse the application on this basis then I would agree with the applicant that said reason is fundamentally flawed and contradicts local planning policy. The applicant would no doubt seek costs at appeal rather than submit a revised application."

2- 'No changes to the Proposal since Refusal':

Additional representations received from some existing objectors and Councillor Andy Jones criticising the recommendation for approval and questioning why the case is again being recommended for approval after already having been refused at committee in September 2022.

Response:

Officers of the Local Planning Authority are professionally obliged under the RTPI Code of Conduct and their Contract of Employment to provide clear planning advice to Members, based on a proposal's compliance or otherwise with adopted local and national planning policies. Where a scheme complies with policies, the

		<p>National Planning Policy Framework is unambiguous that development should be approved. The exceptions to this are generally considered to be where there is a) significant or severe harm to: a) heritage assets, b) the green belt; c) biodiversity or ecology, d) neighbouring amenity, and /or e) highway safety/flow. The scheme assessed in September 2022 was considered to satisfy policy but was refused. This time the scheme is again considered to satisfy policy and no significant or severe harms have been identified in the assessment.</p> <p>The report draws attention to the fact that the applicant has lodged an appeal against the previous refusal and that Planning officers are likely to struggle to defend the two reasons for refusal given the proposal sufficiently satisfies the policies quoted in the reasons for refusal. Paragraph 110 of the report, points out that planning officers do not feel they would be able to offer any reasonable defence of the previous reasons for refusal. The Highways Officer reiterates the same opinion above in respect of parking impact.</p> <p>The applicant has already appealed the first refusal and officers are fulfilling their obligation to present Members with the information they need to make their decision. In this instance, a clear recommendation and the understanding that the Council remains at risk from an award of costs to the developer through the appeal process are important parts of that information.</p>
6c		
6d	<p>APP/22/01364/F 32 Bury Road</p>	<p>Revised Condition 7, as requested by the BCP Arboricultural Officer.</p> <p><u>Original condition 7:</u></p> <p>4no. Scots or maritime Pine trees, of a size and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936, BS4043, BS4428 and BS8545 within 3 months following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing</p>

when the trees have been planted so that compliance with the condition can be confirmed.

Reason -

In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Revised condition 7:

Notwithstanding the details provided within the submitted arboricultural method statement (prepared by Gwydion's Tree Consultancy, ref: GH2206.1, dated 05/12/22 and received on 08/12/22), 7no. Scots or maritime Pine trees, of a size and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936, BS4043, BS4428 and BS8545 within 3 months following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.

Reason -

In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Additional arboricultural conditions:

Condition 13

Prior to the construction of the development hereby approved proposals for the landscaping of the site shall be

submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval:

a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

d) the whole scheme shall be subsequently retained.

Reason -

In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018).

Condition 14

Prior to commencement of the development, details of the specific construction techniques relating to the infrastructure services, drainage, natural pond design and foundations, as specified in the in Section 4 of the approved arboricultural method statement (prepared by Gwydion's Tree Consultancy, ref: GH2206.1, dated 05/12/22 and received on 08/12/22), shall be submitted to, and approved in writing by, the Local Planning Authority.

		<p>The approved details shall be then implemented in full and thereafter retained.</p> <p>Reason -</p> <p>To avoid any undue damage to trees to be retained on the site, in accordance with Policy PP27 of the Poole Local Plan (November 2018).</p>