

# Planning Committee



Application Address	9 Ravine Road, Bournemouth, BH5 2DT
Proposal	Demolition of existing house and erection of 4 dwellings with associated access and parking - reconsideration
Application Number	7-2023-6598-1
Applicant	Southbourne Homes Ltd
Agent	Pure Town Planning
Ward and Ward Member(s)	Boscombe East & Pokesdown
Report status	Public Report
Meeting date	16 March 2023
<b>Summary of Recommendation</b>	<b>Grant subject to planning conditions and completion of a Section 106 in accordance with the details set out in this report.</b>
Reason for Referral to Planning Committee	191 letters of the objection received. Also, Cllr Jones requested to call-in this application. Areas of concern are as following: <ul style="list-style-type: none"><li>- Contrary to policy CS21 of the Local Plan / Significant overdevelopment of the site.</li></ul>
Case Officer	Piotr Kulik

## **Description of Proposal**

1. Full planning permission is sought for the proposed demolition of an existing dwelling and erection of 4no. 4-bedroom semi-detached dwellings with associated access and parking.
2. The current scheme includes exact same drawings as those in association with a proposal ref. 7-2022-6598-G, which was refused by the planning committee on 17 November 2022 for the following reasons:
  1. The existing dwellinghouse is considered to be of local heritage value and therefore its retention should be supported. For these reasons, the proposal would not meet full criteria of Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan 2019, which does not allow the demolition of existing buildings unless there are exceptional circumstances to justify the development. The proposed works would also be contrary to the provisions of paragraphs 194, 197, 203, 204 and 208 of the NPPF, and Planning Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012).
  2. It is considered that the proposals would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation 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) as well as the provisions of the Dorset Heathlands Planning Framework SPD.
3. The only difference when comparing the current proposal to this refused under planning ref. 7-2022-6598-G is that the applicant now demonstrates a 'fall-back' position in form of a recent prior-application approval ref. 7-2022-6598-H that was approved by the Council for the demolition of an existing dwellinghouse. The applicant's view is that the recent prior-approval consent should address one of the refusal reasons raised by the committee members on 7-2022-6598-G.
4. For the purposes of a report there are essentially two elements that need to be established for a fallback to be brought into evaluation:
  - a. The nature and content of the alternative uses or operations;
  - b. The likelihood of the alternative use or operations being carried on or out.

In the case of the second element of the test is whether the officer considers there is a "real prospect" of the fallback occurring if the proposed development was refused. In the context of the current application, it is sufficient if that "real prospect" is considered to be a possibility rather than being "merely theoretical". The above points would be further discussed in this report.

## **Description of Site and Surroundings**

5. The proposal relates to a two-storey detached dwelling on the west side of Ravine Road. The property benefits from a 'double plot' with a mature garden wrapping around its rear and southern side. The dwelling appears to date to the 1920s/1930s and is in keeping with the detached style of surrounding properties all of which appear of differing designs. The character of the area comprises large, detached dwellings on uniform plots; the existing dwelling reflects this character albeit with a double plot.

## **Relevant Planning History**

6. 7-2022-6598-H: Prior approval procedure – Demolition of a dwellinghouse and outbuildings – Approved
7. 7-2022-6598-G: Demolition of existing house and erection of 4 dwellings with associated access and parking – Officer's recommendation for approval, refused at the Planning Committee November 2022
8. 7-2012-6598-F: Erection of a 2/3 storey building comprising of 2 maisonettes and 1 flat and formation of parking spaces – Granted (not implemented)
9. PRE-6598: The scheme proposes 8 x 3 bed cluster houses with parking and turning – Pre-application advice provided

## **Constraints**

10. There is a Tree Preservation Order beyond the rear boundary of the site covering individual trees.

## **Public Sector Equalities Duty**

11. 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**

12. 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.
13. 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.

14. 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

**Officer's Notes:** The current application is identical to a refused scheme ref. 7-2022-6598-G. Considering this, the case officer is comfortable that previous consultee comments are still relevant as there have been no policy changes or changes to the proposals since November 2022. Feedback confirming that previous comments would apply were received from the Council's Tree Officer, Ecologist and Highway Officer. However, given a refused scheme in November 2022, it should be noted Planning Committee have identified demolition of the existing dwellinghouse on site as contrary to Policy BAP1. Additional comments from the Council's Heritage Officer were sought.

15. Tree Officer –

*I raise no objections to these proposals subject to a condition requiring compliance with the submitted arboricultural method statement and tree protection plan and conditions for a soft landscaping scheme that includes replacement tree planting details and a soft landscaping maintenance scheme for a five year period.'*

16. Ecologist – No objections, same comments apply as those provided for a refused scheme 7-2022-6598-G.

17. Heritage Officer:

Comments summary –

*'The loss of the building would be extremely regrettable (& not very 'green') and the concern of Planning Committee that the loss of this period building is contrary to policy BAP1 of the neighbourhood plan is agreed with. However, this is not an uncommon property type of the Interwar period and with careful selection required of residential properties for buildings of local important for the local list, it is considered this is a question of the loss of the building against the wishes of the locals in the Neighbourhood Plan and policy BAP1 rather than policy CS40 & NPPF policy 203 and it's importance to the wider town.'*

## **Representations**

18. Letters were sent to neighbouring properties and site notices displayed around the site.
19. A local ward Councillor also objected and submitted a request for the application to be heard by the Planning Committee.
20. 191no. letters of the objection received. The grounds for objection are as following:
  - Overbearing;
  - Out of character;
  - Scale and massing of the proposed building detrimental to the street scene and amenity of neighbours;
  - The existing dwellinghouse should be retained;
  - Restrict light to neighbouring occupiers;
  - Loss of light and privacy;
  - Overlooking;
  - Nuisance caused by the entrance door located on the north-western elevation;
  - Unacceptable infill;
  - Urban intensification;
  - Questioned sustainability of the scheme;
  - Demolition of the existing building is not sustainable;
  - Too much burden on local amenities;
  - Parking out of keeping
  - Noise and dust during construction phase;
  - Congested/ crowded development;
  - Highway safety concerns;
  - Increased traffic and pollution;
  - Existing covenant;
  - The surface water flooding;
  - Not consistent with the Neighbourhood Plan;
  - Extra strain on waste collections;
  - Planning precedent for all the adjacent roads;
  - Impact on trees;
  - Local buildings should be thought of as non-designated heritage assets;
  - Concerns around publicity of the current proposal.

**Officer's comment:** It should be noted that some letters are from different people that occupy the same address.

21. 4no. letters in support with comments in relation to a need for new housing/ family homes and design being in keeping with the locality.

## **Key Issue(s)**

22. The main considerations involved with this application are:
  - a. Housing Delivery Test;
  - b. Principle of the proposed development;
  - c. Impact on character and appearance of the area;
  - d. Trees;
  - e. Biodiversity;
  - f. Residential amenity (neighbouring occupiers);
  - g. Residential amenity (proposed occupiers);
  - h. Highway safety;
  - i. Waste and Recycling;
  - j. Drainage;
  - k. Heathlands.
  - l. Other matters
  
23. These issues will be considered along with other matters relevant to this proposal in the main body of the report below.

## **Policy Context**

24. **Core Strategy (2012)**
  - CS1: NPPF – Presumption in Favour of Sustainable Development
  - CS4: Surface Water Flooding
  - CS6: Delivering Sustainable Communities
  - CS16: Parking Standards
  - CS17: Encouraging Greener Vehicle Technologies
  - CS18: Increasing Opportunities for Cycling and Walking
  - CS19: Protecting Small Family Dwelling Houses
  - CS20: Encouraging Small Family Dwellinghouses
  - CS21: Housing Distribution Across Bournemouth
  - CS22: New Housing Outside Preferred Locations
  - CS30: Promoting Green Infrastructure
  - CS33: Heathland
  - CS35: Nature and Geological Conservation Interests
  - CS38: Minimising Pollution
  - CS41: Design Quality
  
25. **District Wide Local Plan (2002)**
  - 4.25: Landscaping
  - 6.8: Infill Residential Development
  
26. **Boscombe and Pokesdown Neighbourhood Plan**
  - BAP1: The scale and density of development
  - BAP2: Good design for the 21<sup>st</sup> Century
  - BAP6: The number and type of new homes
  - BAP7: The quality of new homes
  
27. **Supplementary Planning Documents:**
  - Dorset Heathlands Planning Framework SPD 2020

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

**28. The National Planning Policy Framework (2021)**

Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. For decision taking this means:

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

The following chapters of the NPPF are also relevant to this proposal:

Chapter 2 – Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment

## **Planning Assessment**

### **Housing Delivery Test**

29. 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.
30. The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Bournemouth area there is a 2.3 year housing land supply with a 20% buffer (a shortfall of 4,862 homes) and a 2021 HDT result of 67%. 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 applies.

31. NPPF Paragraph 11 states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
32. For this planning application it is considered that the benefits provided from the supply of new homes will have significant weight and a 'tilted balance' in favour of the grant of planning permission. For the local planning authority to refuse this development, the benefits of the provision of new homes must be significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal.

### Principle of development

#### *Relevant policies*

33. Policy CS19 seeks to retain small family dwellings in order to retain a balanced housing stock. For the purposes of this policy, small family dwellings comprise a house or bungalow with an original external floorspace of less than 140m<sup>2</sup>. Existing floor plans have been provided which show the size of the building of approx. 315.1m<sup>2</sup> excluding outbuildings (33.2sq. metres). Therefore, the existing dwelling would not comprise a small family dwelling for the purposes of this policy and there is no associated objection.
34. Policy CS21 discusses Housing Distribution Across Bournemouth and relates to urban intensification in areas that are served by sustainable modes of travel. These areas relate to locations within the boundaries of the Bournemouth Town Centre Area Action Plan (A); within 400m of a district centre (B); and within 400m of a key transport route (C). No. 9 Ravine Road is located outside those areas identified by Policy CS21.
35. Nevertheless, Policy CS22 relates to New Housing Outside the Preferred Locations and states that '*To encourage new development into the preferred housing locations proposed development outside the preferred housing areas will only be permitted where:*
  - a. *the scale and appearance and density of the development is in keeping with the surrounding area;*
  - b. *any plot severance has sufficient land that can be assembled to create a type and layout of development that preserves or enhances the area's residential character; and*
  - c. *it would not harm local amenity or living conditions'.*

It is considered that the proposed works would comply with requirements set by Policy CS22 and this would be further discussed in this report below in sections relating to '*The impact on the character and appearance of the area*', as well as '*Residential Amenities*'.



36. Policy BAP6 advises that the sensitive redevelopment of sites will be permitted (subject to other considerations) where, the proposal provides 50% 3 bedrooms or larger units, 40% 2-bedroom units and 10% 1 bedroom units. If the applicant were to meet this requirement to the closest level, the scheme would comprise 2 x 4 bed and 2 x 2 bed dwellings. Normally the issue is with under provision of 3-bedroom houses and/ or the excessive provision of 1 bed units. The development proposes a different housing mix to the one set by BAP6 A(ii) but does not conflict with the aim of the policy itself providing large 4-bedroom family units, with floorplans in excess of minimum space standards. The aims of BAP6 (B) and BAP1 are also satisfied as the scheme would provide acceptable density. Also, it should be noted that AIM2 of the Neighbourhood Plan states that there is a presumption in favour of family dwellings of at least 2 bedrooms (85% people agreed with this aim). On this basis, there is no associated objection and, in this regard, and the proposal is considered to reflect the aspirations of BAP6.
37. The site therefore does satisfy preferable development principles and housing policies CS22, BAP1 and BAP6 that seeks to target and meet housing need within the urban area and to deliver the type of dwelling at a location where there is long term demand. This is further reflected by housing requirements set within paragraph 66 of the NPPF.

*Demolition of the existing dwelling*

38. Planning application ref. 7-2022-6598-G for identical proposals (proposed demolition of the existing dwelling to build 4no. 4-bedroom semi-detached houses) to that currently proposed under this application was refused by the Planning Committee on 17 November 2022 for following reasons:
- *The existing dwellinghouse is considered to be of local heritage value and therefore its retention should be supported. For these reasons, the proposal would not meet full criteria of Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan 2019, which does not allow the demolition of existing buildings unless there are exceptional circumstances to justify the development. The proposed works would also be contrary to the provisions of paragraphs 194, 197, 203, 204 and 208 of the NPPF, and Planning Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012).*
  - *It is considered that the proposals would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation 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) as well as the provisions of the Dorset Heathlands Planning Framework SPD.*
39. Refusal reason 2 (RR2) can be dealt via a fast track unilateral undertaking, which is in the process of being progressed by the Council's Legal Team at the time of writing this report. In terms of refusal reason 1 (RR1), BAP1 is engaged which states that *'the retention of all buildings of architectural or local heritage value will be supported, in order to preserve historic character*

*and amenity of the area, save building materials and not exacerbate pressure on the existing services*. BAP1 also has other requirements including requiring good design and appropriate density of residential developments.

40. Other requirements set by Policy BAP1 are further discussed in this report in the section considering impact on the character of the local area. However, it should be noted that since recent Planning Committee refusal, a prior approval application ref. 7-2022-6598-H for demolition of the existing dwellinghouse was submitted by the applicants which was approved under delegated powers on 23 December 2022. Officers found that the proposed works fully comply with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').
41. Demolition of qualifying buildings is permitted development under the above class of the GPDO. Matters to be considered under the prior approval application relate only to "*the method of demolition and any proposed restoration of the site*". Providing that the building is eligible for the prior approval process, which in this case it was, there is no consideration given to the merits of retaining the existing building, architecturally or otherwise. The relevant criteria include only that the demolition will be undertaken in a suitable way and the site left secure and in a visually appropriate manner. The details in this respect were acceptable and the application was approved. The application confirmed that the works are scheduled to take place between 6 March 2023 and 31 March 2023 (although at the time of writing a Section 80 Demolition Notice has not been served on the Council's Building Control Team).
42. This recent prior approval application is acknowledged as a fallback position as the existing consent confirms the principle of development that can be used as a lever to gain full planning permission for the current scheme. In a Court of Appeal Judgement *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:
  - a. The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
  - b. There is no rule of law that in every case the 'real prospect' will depend, for example, developer having said precisely how he would make use of any permitted development right available to him. However, this will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.
43. The applicant confirmed in their statement in support of prior application ref. 7-2022-6598-H that the works are scheduled to take place between 6 March 2023 and 31 March 2023. The current submission confirms that demolition of the existing dwellinghouse has been re-scheduled for another month once the weather improves in April. This is considered to be a realistic, not just a theoretical, prospect of the fallback position, given the planning history with the demolition as the sole concern relating to the previous application. With

the demolition consent in place the Council would not have an alternative planning mechanism to stop demolition of the existing dwellinghouse on site. Therefore, if demolition did occur, which it can now at any point subject to S80 Demolition Notice, it would negate the objective behind previous RR1 of preserving the current building. Furthermore, the current planning application when comparing to the prior approval application is more desirable through the provision of new housing in a preferable urban location and contributing to the local housing need rather than leaving a vacant site.

44. It is therefore considered that although the loss of the building would, as previously found, be in part contrary to the aims and objectives of Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, which amongst other things resists the loss of existing buildings, the extant consent for demolition represents a realistic fallback position such that it not be considered reasonable to withhold planning permission solely on this ground.

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

45. As stated, the proposals are identical to that previously refused. The committee did not find specific fault with the replacement development itself, as per the reasons for refusal. However, the issues will be explored in full again in this report for completeness.
46. The character of the area comprises large, detached dwellings set within uniform plots with each dwelling benefiting from a generous mature garden inclusive of front gardens; this further provides a verdant feel to the area with car parking more limited to the front of dwellings. There is a mix of property design with each dwelling generally differing to that either side; there appears no predominant style.
47. BAP1 states that the retention of all buildings of architectural or local heritage value will be supported in order to preserve the historic character and amenity of the area, save building materials, and not exacerbate pressure on existing services. The application seeks planning approval for demolition of an existing circa 1930s detached dwelling to form two pairs of 4-bedroom semi-detached dwellings, exactly as those shown on a scheme ref. 7-2022-6598-G refused at the Planning Committee. The Committee Members identified the existing dwellinghouse to be of local heritage value.
48. The case officer discussed the current re-submission of the refused scheme with the Council's Conservation Officer, as the demolition of the existing dwellinghouse was previously not found objectionable. The officer's report for a planning proposal ref. 7-2022-6598-G identified the existing dwellinghouse as lacking any notable architectural merit due to being altered over the years. However, the Planning Committee identified demolition of the property as being contrary to Policy BAP1 of the BPNP. The wording of this policy seeks to retain existing period buildings: *'The retention of all buildings of architectural or local heritage value will be supported, in order to preserve the historic character and amenity of the area, save building materials and not exacerbate pressure on existing services... Proposals involving the demolition of existing buildings will not be supported unless there are exceptional circumstances to justify this which include: (1) the building is of poor quality*

*design and out of keeping with the wider character of the area; (2) there is evidence that the building is not structurally capable of retention and conversion; (3) there is clear evidence that the development would bring substantial community benefits such as major employment opportunities.'*

49. The application includes no heritage statement giving any background to the property to seek to spell out whether or not it is of heritage value to the town. The historic maps identify the building as one of the earlier properties in the Ravine Road, and the application site itself would likely have been a part of the nearby Bournemouth Collegiate School. As noted previously on 7-2022-6598-G, the existing dwelling was negatively altered over the years; however, original features including a picture window to the staircase, parquet flooring and a U-shaped staircase seems to be retained.
50. Nevertheless, there is no information at this time the property was built by a known architect or was lived in by a notable local, neither is of special aesthetic/architectural style nor of group value or landmark value. The existing dwellinghouse is not an uncommon property of the Interwar period and its importance to the wider town is questioned. It does however fit into the existing street scene in a positive manner, being of a similar era and style to others in the street.
51. It should be also noted that the current fallback position is relevant to questions of character and appearance as in case of the current dwelling being demolished, the then site would be left vacant, therefore negatively affecting the street scene. On balance, carefully designed town houses could be considered a less harmful option, as well as would positively contribute to the local housing stock were the Council cannot demonstrate its 5-year housing supply.
52. The street scene is characterised by predominantly traditional large detached residential houses. Mainly single residential occupancy but there are numerous examples of conversions into flats within vicinity. The proposed pair of 4-bedroom semi-detached dwellings would be traditionally designed and will visually appear like larger traditional detached houses, in keeping with other properties within proximity to the site. A single access for each pair of semis is proposed on the front elevation and give the appearance of a single dwelling to casual views when passing by. Consequently, the design of the proposed units is considered in keeping with immediate setting.
53. One of the pair of properties would be sited in the location of the existing dwelling. The front building line would be pushed back approximately 1.5-3 metres and the new building would be around 2 metres wider overall. A similar gap to the northern boundary would be retained as currently exists. Between the two new buildings there would be a gap of 2.45 metres, and to the southern side a gap of 2.75-3 metres retained to number 13 Ravine Road. There is no rigid or uniform pattern of spacing between properties in Ravine Road and therefore these separation distances are considered acceptable, and the proposed development would not appear cramped and congested. The site coverage and spacing is also very similar to the infill block of flats approved in 2012 under planning permission 7-2012-6598-F. The scale of the

buildings is two storey with gables to the front and accommodation in the roof. Such features are evidenced elsewhere in the street.

54. All of the proposed properties would benefit from a rear garden whilst the site frontage would be allocated to car parking and access, but with a good quantity of perimeter planting and front landscaping shown to each dwelling. The footprint of the proposals would be fairly similar to the footprint of surrounding dwellings providing 2 detached buildings that would reflect the existing front building line and be of comparable size. As such, it is officer's view that the siting of the two buildings would be reflective of the character of the area. A cycle store is proposed to the front of each property. This is an uncharacteristic element. Notwithstanding the submitted plans it is considered that a condition can be attached to seek a revised siting of these to the rear gardens of the application site away from the street scene (and outside of the tree protection areas).
55. The density of development along Ravine Road is estimated at approx. 18 dwellings per hectare and the proposed plot subdivision would provide a density of development of 36 dwellings per hectare. BAP1 seeks to resist development in excess of 100 dwellings per hectare thus the proposal would be policy compliant in this respect. On this issue, the application site comprises a brownfield site in a sustainable location thus the principle of additional units is acceptable in principle.
56. For the above reasons, the proposed works would comply with policies CS21 and CS41 which seek to promote good design, maintain, and enhance the quality of the street scene and to provide a design which respects the site and its surroundings, as well as Policy 6.8 which seeks a high standard of layout and design, BAP1 and BAP7(ii) in respect of the scale and density of development and the Council's Residential Development Design Guide.

#### Impact on Trees

57. The site and its surroundings are very well treed in character with important and protected specimens present. The most significant trees are just beyond the rear boundary. These are individually protected by a Tree Preservation Order. The Council's Tree Officer was consulted and raised no objection to the current scheme subject to planning conditions. The submitted Tree Report is considered up to date and same comments would apply to the current application.
58. The trees beyond the rear boundary of the site are protected by a Tree Preservation Order and these trees are to be retained and suitably protected. Pruning is proposed to some of these trees which will not be harmful and again, this has not been objected by the Council's Tree Officer. Overall there are no objections to the proposed works subject to a condition requiring compliance with the submitted arboricultural method statement, tree protection plan and conditions for a soft landscaping scheme that includes replacement tree planting details and a soft landscaping maintenance scheme. On this basis, the proposal would be compliant with Policy 4.25.

## Biodiversity

59. The application site lies immediately adjacent to mature tree lines and an area of greenspace, which indicates that bat populations are likely present in the local area. Bats and their roosts are legally protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (and as amended). To ensure no harm or disturbance to roosting bats as a result of the development and compliance with the above legislation, a roosting bat survey was undertaken by a suitably qualified ecologist in accordance with current best-practice set out in Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition) (Collins 2016).
60. The current application includes a 'Bat Mitigation & Survey Report' dated 18/10/2022, which was also submitted for the refused application ref. 7-2023-6598-G. The survey is considered up-to-date and the Council's Ecologist confirmed that same comments and suggested conditions would apply as those shown within the officer's report for 7-2023-6598-H. Such details have been added as a condition, as well as biodiversity enhancement measures. A Bat Mitigation Class Licence will be required if this application is granted planning permission. The consultee also requested that all elements of section 5. Bat mitigation, compensation and enhancement plan of 'Bat Mitigation & Survey Report, 9 Ravine Road, Southbourne, Dorset, BH5 2DT' by ABR Ecology Ltd shall be implemented in full. Such details would be conditioned, with biodiversity enhancement measures in the form of at least one built in bat brick/tube/tile for each new building on aspects and heights as recommended by Bat Conservation Trust (or any replacement equivalent body).
61. On this basis, the current proposal complies with provisions of the NPPF, which further seeks net gains for biodiversity, policy CS30 which seeks to promote green infrastructure and policy CS35 which seeks to promote the Borough's biodiversity and geodiversity interests.

## Residential Amenity (neighbouring occupiers)

62. There are several properties, which may potentially be impacted by the proposal:
63. *7 Ravine Road:*  
There appears a private passage between the site and this property possibly leading to the school whilst this property is also orientated towards Ravine Road with what appear to be secondary windows facing the site. Given existing site screening in form of a mature hedgerow at No. 7, separation distance (over 8 metres) and no first floor side facing windows at the application site, impact on this particular neighbour would be acceptable in terms of loss of light and overlooking.

64. *13 Ravine Road:*

No.13 Ravine Road is the other immediate neighbour and is situated to the south of the application site. No.13 is a large detached family dwellinghouse situated amongst a mature and well vegetated plot. Due to the topography of the street scene No.13 is positioned on slightly higher ground than the application site.

It appears that this property might be subdivided into flats and there are side facing windows on the flank boundary although first floor windows are obscure glazed. The nearest of the proposed dwellings on site would have its side elevation wall set circa 3 metres away from the neighbour at No.13. The preserved distance of around 3 metres between flank walls with this neighbouring property will be in keeping with the pattern of development in the locality. A section of the proposed rear elevation will not project beyond the rear elevation of No.13. Again, there would be no side facing first floor windows on this part of the application site hence the scheme would not lead to either harmful overlooking or overdominance of the adjacent neighbour.

65. *Other properties:*

Bournemouth Collegiate School is set behind the proposed site and well screened by mature trees. This proposed relationship is acceptable. Furthermore, no objection has been received from the school.

Some objectors also expressed their concerns regarding noise during construction phase. Consequently, it is officer's view it would be reasonable to condition all on-site working hours, including demolition and deliveries to and from the site.

All other properties would be sited at an appreciable distance from the site of the proposals including those opposite on the far side of the highway. On this basis, there would be no adverse impact in residential amenity, and the proposal would comply with planning policies CS21, CS41 and 6.8.

Residential Amenity (proposed occupiers)

66. BAP6 criterion B requires redevelopment to include a mix of 50% 3+bed, 40% 2 bed and 10% 1 bed dwellings. This accords with Aim 2 of the Neighbourhood Plan which is to provide better homes and affordable homes for existing residents by rebalancing the housing stock with a presumption in favour of family dwellings with at least 2 bedrooms throughout the area, subject to site opportunities and constraints. The Government's Technical Standards provide guidance on the size of accommodation that is proposed, and this is supported in policy by BAP7. In respect of 4 bedroom units 3 storey dwellings (this include two storey and a roof accommodation as proposed), these should provide at least 90sqm. The proposed units would cover following floor spaces:

- a. PLOT 1 - 202.2sq. metres;
- b. PLOT 2 – 192.2sq. metres;
- c. PLOT 3 – 174.5sq. metres;
- d. PLOT 4 - 167.9sq. metres.

Therefore, the proposed development would significantly exceed these standards.

67. BAP7 also requires the provision of adequate amenity space and it is reasonably anticipated that a family dwelling would benefit from a private, secure and good size garden). The proposals would each have a circa 60sq. metres rear garden of approximately 10 metres depth and will occupy a sustainable location. Each of the proposed habitable rooms would have access to windows and natural light with acceptable level of outlook.
68. Overall, it is considered that the proposals would provide a good standard of amenity for future residents that thus scheme would accord with planning policies CS21, CS41, 6.8, as well as BAP6 and BAP7, as well as paragraph 134 of the NPPF. The provision of family size dwellings rather than small flats is also in line with the aims of the neighbourhood plan.

#### Parking/Traffic/Highway Safety

69. BCP Council adopted the new Parking Standards Supplementary Planning Document (SPD) on 5 January 2021, which came into immediate effect. The SPD takes a zonal approach to parking standards under which the site falls within Zone D. For the proposal to satisfy car parking provision, layout and design should be in accordance with the Parking SPD.
70. For Houses the benchmark parking standards are outlined in the SPD Table 10 C3: Houses: zone D the parking benchmark is 2 car parking spaces for 4/5 habitable rooms and 1 cycle parking space/bed. Therefore, given the site is in zone D and the dwellings have 6 habitable rooms the benchmark requirement is for 2 car parking spaces, and cycle storage for at least 4 cycles is required.
71. As already discussed in this report, the current application includes identical drawings to those assessed under the refused scheme 7-2023-6598-G. There are no changes to parking requirements since November 2022 and the Highway Officer did not object to the previously proposed scheme, which reflected the current parking standards. Consequently, it is not considered that the scheme would result in adverse impact upon highway safety nor severe impacts as discussed by the objectors. The proposed car parking layout shows 2no. car parking spaces arranged in tandem and side by side for each attached dwellings, with the required pedestrian visibility splays (2m x 2m), each dwelling with a cycle store for 4 cycles and EV charging points with 10m cables for each dwelling. The pedestrian visibility splays and cycle store are compliant with the Parking SPD.
72. The pedestrian visibility splays should be physically protected to ensure vehicles do not drive over them thereby negating their need and effectiveness, the physical measures can be dwarf wall, pedestrian gate, etc. The Highway Authority believes that there is sufficient scope for the applicant to satisfactorily address this requirement and therefore this has been added as a condition. The applicant will be liable for the cost of returning any redundant crossovers fronting the site back to footway.



73. Assessed overall, the proposed works would comply with planning policies CS16, CS18 and CS41 subject to the imposition of the above conditions suggested by the Local Highway Authority.

#### Drainage

74. The application site is located within Flood Zone 1, which indicates the lowest risk of flooding. To comply with policy CS4, a planning condition requiring sustainable drainage system would be added.

#### Waste and Recycling

75. The consulted Waste and Recycling Officer on 7-2023-6598-G raises no objection advising that the development does not impact on the waste collection authorities' requirements subject to planning conditions and informative. Bins would be stored in each individual property's garden area. On this basis, the proposal would accord with policy CS38.

#### Heathland Mitigation

76. 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.
77. 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 4no. houses (4@ £428 = £1,712). Subtracting the existing 1 dwelling that occupies the site this would be a net increase of 3 dwellings. A capital contribution is therefore required and in this instance is £1,284 plus £75 administration fee. A signed legal agreement has been sealed ready to provide this contribution.

#### Community Infrastructure Levy

78. The development proposal is liable to a community infrastructure levy charge, the final calculation to be made on a successful grant of planning permission. This charge is index-linked however and may fluctuate accordingly depending on the date of actual payment.

#### Other matters

79. Due to a circa 1930s dwelling presence on site, there are concerns regarding possible contamination particularly in relation to asbestos. Such concerns were also expressed by objectors. As the proposals are for a more residential

sensitive use, a requirement for submission of a contamination risk assessment has been conditioned.

80. Numerous objectors raised concerns that the existing building proposal is in breach of the Portman Estate Covenant. This covenant which is still in force requires single large houses on their individual plots and associated gardens. It should be noted that even though planning permission can be granted, it does not override any restrictive covenants. The two are not mutually exclusive, they are entirely independent of one another. Restrictive covenants are legal binding obligations on property owners rather than planning considerations.

### **Planning Balance**

81. In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance the applicant was advised of issues identified following submission and provided a revised scheme which was considered acceptable.
82. The proposed two pairs of 4-bedroom semi-detached houses would mimic design of large, detached dwellings in keeping with the street scene. The proposed scheme would not comprise the loss of a small family dwelling for the purposes of this policy. Furthermore, it is considered that the mix of the proposed dwellings would satisfy the local housing needs, meet the aims of the neighbourhood plan, and the number of units will not result in overdevelopment of the site or a cramped development. It would integrate in the street scene in an acceptable manner.
83. The sole reason for refusal on the earlier scheme related to the loss of the existing dwelling, contrary to Policy BAP1. No fault was found with the proposed replacement development and indeed it met many of the other aims of Policy BAP1 in terms of density and impact on the character of the area. There now exists a prior approval consent for demolition which represents a realistic fall-back position for the applicant and they have stated their aim to demolish the property in April 2023.
84. For the Council to refuse this development, the benefits of the provision of new homes must be significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The proposed works would result in at least 3 residential units net gain increase on site. However, given a 'real prospect of a 'fallback position, once the site is cleared under the prior approval grant this application would deliver 4 additional residential units. Therefore, it would positively contribute to the local housing stock.

85. The site therefore does satisfy sustainable development principles and housing policies, as well as design quality set within policies CS19, CS22, CS41, BAP1, BAP2, BAP6 and BAP7 that seeks to target and meet housing need within the urban area and to deliver the type of dwelling at a location where there is long term demand. The proposed works would also comply with provisions of the NPPF, which further seeks net gains for biodiversity, policy CS30 which seeks to promote green infrastructure and policy CS35.
86. It has been demonstrated that the proposals would provide a good standard of amenity for future residents that thus scheme would accord with planning policies CS21, CS41, 6.8, as well as BAP6 and BAP7. Finally, the proposed works would not result in severe impact upon highway safety and local parking provision there will comply with planning policies CS16, CS18 and CS41 subject to the imposition of the above conditions suggested by the Local Highway Authority.
87. Therefore, with the tilted balance of NPPF paragraph 11 in mind for this residential led development (the previous office development did not engage this tilted balance), the loss of the existing circa 1930s detached house and increased number of units on site will not significantly and demonstrably outweigh the benefits provided through the provision of new housing in a highly sustainable location and contributing to local housing need. The proposal will therefore achieve the economic, social and environmental objectives of sustainable development, as set out in local plan policies and the provisions of the NPPF and is recommended for grant of planning permission.

## **Recommendation**

88. **GRANT permission with the following conditions and the completion of a Section 106 agreement with the following terms:**

### **Section 106 terms**

Heathland Mitigation (SAMM): £1284 plus a £75 administration fee

### **Conditions**

#### **1. 3 Year Time Limit**

The development to which this permission relate must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: The condition is required to be imposed by Section 91 of the Town and County Planning Act, 1990.

#### **2. Development to be carried out in accordance with plans as listed:**

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

- 9523 / 100 rev. C Site Plan and DRA
- 9523 / 101 rev. B Plot 1 and Plot 2 Plans
- 9523 / 102 rev. B Plot 3 and Plot 4 Plans
- 9523 / 103 rev. C Street Scene - Existing Plans & Cycle store plans

- 9523 / 104 rev. C SUDS Plan
- Tree Constraints Plan GH2221a
- Tree Protection Plan GH2221b

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

### **3. Samples of materials**

Details/samples of the bricks, render and tiles to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

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).

### **4. No permitted development rights for enlargements**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the dwelling(s) including alterations shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **5. No permitted development rights for outbuildings**

Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no outbuildings including garages shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **6. Parking/access/turning**

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior to the first occupation of any part of the development the access, turning, and parking areas shown on approved plan 9523/104 rev. C and 9523/100 rev. C shall be fully constructed and laid out in accordance with a specification that includes details of parking space allocations that has first been submitted to and approved in writing by the local planning authority. Thereafter, these areas shall at all times be retained, kept free from obstruction, available for use for the purposes specified and maintained in a manner such that the areas remain so available.

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

#### **7. Vehicle crossover details**

Prior to the proposed any part of the parking area being brought into use, details of the construction of the vehicle crossover (dropped kerb) at Ravine Road shall be submitted to and approved in writing by the Local Planning Authority. The vehicle crossover shall be installed in accordance with the approved details and constructed to the satisfaction and specification of the Local Planning Authority and any redundant areas of existing dropped kerbs restored prior to the occupation of the development hereby approved.

Reason: To prevent danger to road users and in accordance with policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **8. Visibility Splays**

Prior to occupation of the development hereby permitted, the pedestrian inter-visibility splays as shown on the approved plans 9523/104 rev. C and 9523/100 rev. C 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.

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

#### **9. Details of cycle storage to be provided**

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior to the construction of any part of the development above base course level details of secure bicycle parking for at least 4 bicycles per dwelling to be provided, together with an associated access path shall be submitted to and approved in writing by the local planning authority. The bicycle parking and associated access shall be fully provided and laid out in accordance with the agreed details prior to the first occupation of any part of the development hereby permitted. The bicycle parking and access path shall thereafter at all times be retained, kept maintained so as to ensure that the access path and bicycle parking are safe and secure to use and the bicycle parking shall at all times be available for use by occupants and visitors to the development

Reason: To promote the cycling mode of transport and in accordance with Policy CS18 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **10. Electrical Vehicle (EV) charging points**

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior to the commencement of any part of the development hereby permitted details of the provision of Electrical Vehicle charging points with 10m cables for each dwelling [20% active and 80% passive] electric vehicle charging points shall be submitted to and approved in writing by the local planning authority ("the

approved Charging Points"). The approved Charging Points shall be installed prior to first occupation of any part of the development hereby permitted and thereafter shall at all times be retained, kept available for use by residents and visitors of the development hereby permitted and maintained in full working order.

Reasons: In the interests of promoting sustainable modes of transport and this is a pre-commencement condition in order to ensure the provision of adequate services to the charging points in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **11. Drainage hard surfaced areas**

Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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.

#### **12. Soft landscaping**

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior to the construction of any part of the development above damp proof course level a scheme of soft landscaping including all planting shall be submitted to and approved in writing by the local planning authority. The scheme shall include an indication of all existing trees, hedges and other planting on the land, and identify those to be retained. The scheme shall also include landscaping and planting to both rear and the front garden areas. The approved landscaping scheme shall be carried out in the first planting season following substantial completion of the development or the first occupation of any part of it, whichever is the sooner. Any tree or plant found damaged, removed, dead or dying in the first 5 years following its planting shall be replaced with a tree / plant of the same species and similar size or such other species and size as has otherwise been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **13. Landscaping management plan**

Prior to the first occupation of any part of the development hereby permitted a landscape management plan that includes long term design objectives, management responsibilities and maintenance schedules including replacement of dead or dying plants for all landscape areas as shown on approved plan [under condition 12 above together with a time period for the operation of the plan [not being less than 5 years from the date of first

landscape planting] shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out as approved

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to 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).

#### **14. Boundary treatment details to be submitted**

Prior to the construction of any part of the development hereby permitted above base course level there shall be submitted to and approved in writing by the local planning authority details as to the position(s), design(s), material(s) and type(s) of boundary treatment to be provided in respect of the development, as well as details of the proposed subdivision of the residential units, and a timetable for delivery. The boundary treatment and any subdivisions shall be fully provided and completed in accordance with the approved details and the approved boundary treatment and sub-divisions shall at all times thereafter be retained and also maintained in a manner that ensures that the boundary treatment continues to provide the same level of screening.

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

#### **15. Implementation of the approved Arboricultural Method Statement**

The tree protection measures as detailed in the Arboricultural Impact Assessment and Method Statement ref. GH2221 dated 10/02/2022 and prepared by Gwydion's Tree Consultancy 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).

#### **16. On site working hours**

All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

#### **17. Drainage details to be submitted**

No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first

have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to and agreed in writing by the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

### **18. Bat mitigation**

Prior to the first occupation of any part of the development hereby permitted all elements of section 5. Bat mitigation, compensation and enhancement plan of 'Bat Mitigation & Survey Report, 9 Ravine Road, Southbourne, Dorset, BH5 2DT' by ABR Ecology Ltd shall be implemented in full.

Reason: To be compliant with National Planning Policy Framework (2021) paragraph 174 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity"; policy CS30 "enriches biodiversity and wildlife habitat"

### **19. Biodiversity enhancement measures**

Prior to the first occupation of any part of the development hereby permitted biodiversity enhancement shall be provided in form of at least one built in bat brick/tube/tile for each new building on aspects and heights as recommended by Bat Conservation Trust (or any replacement equivalent body).

Reason: to be compliant with National Planning Policy Framework (2021) paragraph 174 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity"; policy CS30 "enriches biodiversity and wildlife habitat" and CS41 "conserve and improve landscape and townscape, biodiversity and habitats."

### **20. Nesting bird mitigation**

No vegetation clearance of any part of the application site shall take place between 1<sup>st</sup> March to 31<sup>st</sup> August inclusive without the prior written approval of the local planning authority.



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

## **21. Bin presentation points**

Prior to the first occupation of any part of the development hereby permitted details of bin presentation points shall be submitted to and approved in writing with the Local Authority. At all times thereafter all external bins shall be wheeled to the agreed presentation points but shall not be stored in the open including at any agreed bin presentation point apart from on the day of collection.

Reason: To ensure the safe collection of refuse from the site so as not to impact on the efficiency of the local highway network nor the safety of its users and in the interests of preserving the visual amenities, meeting the needs of intended occupiers and in accordance with PolicyCS41 adopted October 2012.

## **22. Contaminated land**

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

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

In the event that the Approved Risk Assessment identifies land affected by contamination which poses risks identified as unacceptable in the Approved Risk Assessment, then no development shall take place on site other than for the purposes of meeting the requirements of this condition unless:

- (i) a detailed remediation scheme has been submitted to and approved in writing by the local planning authority ("the Approved Remediation Scheme") that includes:
  - (A) an appraisal of remediation options;
  - (B) identification of the preferred option(s);
  - (C) the proposed remediation objectives and remediation criteria;
  - (D) a description and programme of the works to be undertaken; and

(E) a verification plan which sets out the measures that will be undertaken to confirm that the Approved Remediation Scheme has achieved its objectives (“the Verification Plan”).

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

(ii) the Approved Remediation Scheme has been carried out; and  
(iii) upon completion of the Approved Remediation Scheme a verification report has been submitted to and approved in writing by the local planning authority which identifies the results of the Verification Plan and confirms whether all the contamination objectives and remediation criteria set out in the Approved Remediation Scheme have been met (“the Approved Verification Report”).

In the event that the Approved Verification Report identifies that any of the objectives or remediation criteria of the Approved Remediation Scheme have not been met then:

(i) further detailed remediation scheme(s) which accord with the requirements of paragraph (b) (i) above and seek to resolve any of the objectives or remediation criteria that have not been met shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme(s) (“Supplemental Remediation Scheme(s)”);  
(ii) further verification report(s) in respect of the Supplemental Remediation Scheme(s) shall be submitted to and approved in writing by the Local Planning Authority, and  
(iii) no part of the development hereby permitted shall be commenced other than that required for the purposes of this condition until there has been submitted to and approved in writing by the local planning authority a verification report which confirms that all the objectives and remediation criteria of the Supplemental Remediation Scheme(s) to which it relates have been met.

In the event that any contamination is found during the implementation of the development hereby permitted that was not previously identified then this shall be reported immediately to the local planning authority and development on the part of the site affected shall be suspended and shall not recommence save for the purposes of compliance with this condition until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority; and either

(i) the local planning authority has confirmed in writing that work can recommence without any further action; or  
(ii)  
(A) remediation scheme(s) in relating to that identified contamination that accords with the requirements of paragraph (b)(i) above have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme(s); and

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

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

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

### **Informative Notes:**

#### **1. INF04: No Storage of Materials on Footway/Highway**

INFORMATIVE NOTE: 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.

#### **2. INF06: Highway and Surface Water/Loose Material**

INFORMATIVE NOTE: 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.

#### **3. Refuse collection**

INFORMATIVE NOTE: The Council, under section 46 of the Environmental Protection Act 1990, can specify the type of bin provided for waste collections, where bins are to be placed for emptying, the items that may or may not be put into bins and the steps to be taken by occupiers to assist the collection of waste.

The EPA s46 (4e-g) state that collection arrangements (including the time when receptacles must be placed for collection and subsequently removed) can be set by the Council. With regard to these collection arrangements, the Council's website provides clear instructions of when and where bins need to be put out for collection and returned to your property

<https://www.bpcouncil.gov.uk/Bins-waste-and-recycling/Bins/Household-rubbish-bin-collections.aspx>

Regarding bin placement on the highway, the Highways Act 1980 section 130 imposes a duty on the Highway's Authority to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by s.130 (3) which states that the Highway Authority have a duty to prevent, as far as possible, the obstruction of the highway.

### **Statement required by National Planning Policy Framework (APPROVALS)**

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was provided with the opportunity to resolve identified planning issues within the application process including the provision of additional information to enable nature conservation mitigation and inform the impact on soft landscape features and highway safety. Revised plans were provided to address concerns regarding the amount and layout of development, to ensure compliance with adopted parking and highway requirements, to safeguard residential amenity of the occupiers of adjoining property, an acceptable mix of unit types and standard of internal living accommodation for future residents, drainage and suitable cycle and bin services. The application scheme satisfied planning policy and other material considerations and was progressed to a recommendation of approval.

### **Background Documents:**

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

### **Notes:**

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.