



Planning Committee

Application Address	72 Browning Avenue, Bournemouth, BH5 1NW
Proposal	Outline Submission for demolition of buildings and erection of a block of 13 flats with associated access, car parking, bin and cycle storage with Appearance and Landscaping both Reserved Matters
Application Number	7-2023-15650-B
Applicant	Juno Developments (UK) Ltd
Agent	Pure Town Planning
Ward and Ward Member(s)	Boscombe East & Pokesdown Cllr E.Connolly, and Cllr G.Farquhar
Report status	Public
Meeting date	19 October 2023
Summary of Recommendation	Delegate powers to grant permission subject to S106 and conditions
Reason for Referral to Planning Committee	Number of local objections exceeds constitution threshold of 20. Now ex-Councillor A.Jones discussed possibility of call-in during the early days of the proposal but was not re-elected in May 2023 and was thus unable to make such a request.
Case Officer	Franc Genley

Description of Proposal

- 1 Outline planning permission is sought to demolish the existing property, housing two flats and ancillary outbuildings and erect in its place a contemporary block of 13 dwellings set over four floors, with balconies, gardens, cycle and car parking and revised access arrangements.
- 2 The Outline proposal includes details of Access, Layout and Scale but retains Appearance and Landscaping as Reserved Matters. General window position is set

out on layout plans, but the final external appearance of the building will be the subject of a reserved matters submission.

- 3 Summary of Amendments: The proposal has undergone changes and reductions since submission, negotiated by the case officer including an increase in 3-bed, and reduction in 2-bed units; reductions to height at the back of the site facing the flank of 70b; and reconfigurations to the ground floor and site layout to address pedestrian access, natural surveillance, habitability and bike / bin store accessibility. Indicative changes to external elevations have been secured to give the building an increased degree of identity and presence on the corner site and a suggestion of increased landscaping along both frontages.
- 4 Access: Pedestrian access to the development would be taken from Browning Avenue, leading to a main entrance door facing that street and giving access to an internal lobby serving all flats. A secondary door would connect the lobby directly to the car park and cycle store. The 2no. existing dropped kerb crossings would be removed and footway reinstated retained and a new dropped kerb crossover inserted between them to the northwest corner of the site. The vehicular crossover would serve the 18-space car park and 46-space cycle store. An electronic sliding gate would regulate access to the car park, but not the building.
- 5 Layout: The proposal would remove the existing built form from site, with the replacement occupying a stepped footprint moving away from the rear of no.70b. Each elevation would feature windows lighting habitable rooms and spaces. Primary windows would face seawards (south), onto Browning Ave or the Bowling Green (west or eastwards) with limited glazing to the north. Internally there would be 3no. flats on the ground floor (2no. 3 bed and 1no.1 bed); 4 flats at first and second floor (1no. 3 bed, 3no. 2 beds) and 2 flats at roof level (2no.3beds).
- 6 At ground floor the 18 space car park would stretch across the site with a first floor overcroft over some spaces. An underground bin storage system is proposed to house 2no 5cu.m bins behind the fence-line, but serviced via the dropped kerb crossover in front of the sliding gate. Pedestrian entrance into the building would be possible via two doors, one streetwards and the other facing the car park.
- 7 Scale: The building would comprise four floors including the ground level with flats on every level. Of the 13 flats proposed 6no. (46%) would be 3-bed, 6no. (46%) 3-bed and 1no. (8%), 1-bed. Unit layout generally repeats between levels with inter-floor stacking of room uses well arranged. Units are all accessed internally off a central core staircase, lift and service riser. All doorways to these flats would sit off a communal landing on each floor.
- 8 The first floor layout would increase the existing elevation-to-elevation interface distance with no 70b from 11.4m to 22.9m but reduce the longer interface from 20.7m to 19.9m respectively. At second and third floor levels the rear part of the building would step progressively away to be 21.7m and then 25.6m (perpendicular distances) from the side elevation of no 70b. The actual distances between facing windows in both elevations would be longer due to the angled nature of any interface view, rising to 23m and 26.5m because of the increase in height and angulation.
- 9 Indicative Appearance: Appearance is a Reserved Matter, not for assessment or determination at this time. Certain elements like window position and height are set by Scale, Access and site/unit Layout so that certain parameters for a future Appearance

submission are set. A series of flat roofs would sit over the building and the exterior would comprise a mix of component material finishes and open balconies to match the indicative contemporary style of the sketches.

- 10 Indicative Landscaping: Landscaping is a Reserved Matter, not for assessment or determination at this time. Certain elements like the quantum of land available for soft landscaping and areas for hard surfacing are generally set by the Layout which can be assessed. Generally, sufficient space exists to deliver additional landscaping and amenity space the service/access/parking routes needed for the development to function. How they will be planted out or finished remains for assessment at a later date.
- 11 Affordable Housing: Based on the existing three flats, the proposal represents a net increase of 10 dwellings, falling above the 10 unit threshold at which adopted Housing SPD Policy AH1 requires affordable housing provision or off-site contributions to be made. The applicant proposes to enter into a legal agreement to secure the payment of £140,573.00 to the Council as an off-site contribution to affordable housing.

Description of Site and Surroundings

- 12 No.72 is a detached building on the northern side of Boscombe Overcliff Drive, on the eastern corner of the junction with Browning Avenue. According to historic maps, the building was erected before the 1947 Planning Act, after 1924 but before 1938. There is a detached garage block within the plot and to the east sits the Boscombe Cliff Bowling club green. A 1990s/2000s style flatted block sits on the other side of the junction with a mixture of two storey detached and bungalow houses to the north. The cliff top lays to the south, across a large plot expanse.
- 13 The existing property hosts flats and appears externally as it was erected, though the porch area is potentially a more modern addition. It is not known when the building changed from a single house to flats but a 1988 application implies that it had already occurred by this date.
- 14 Some of the surrounding sites on the same road have already been redeveloped for three storey flats (opposite at 55 and 57) or in the case of the adjacent site (70 Browning Ave) as semi/detached houses. Both 55 and 57 have a somewhat pastiche appearance, attempting to incorporate the design characteristics of a domestic scale house into the exterior of a larger scale block of flats. However, the incorporation of hipped and ridged roofs, sills and lintels and a range of window/wall ratios on nos. 55 and 57 results in built form that sits uncomfortably within itself like a small jacket forced over broad shoulders. The new houses at no 70, are more successful, if a little bulkier and less architecturally detailed than their historic counterparts. The Bowling Green pavilion is attractive and itself locally listed, but set some distance away within its own context of green and seating area, with no street frontage relative to the application property.
- 15 To the west, the next junction (Penrith Road) is bookended by a large pair of Noughties era 3 and 4 storey flatted developments that turn the corner inland, stepping down from 4 to 3 (no 28 Penrith) and 3 to 2 storeys (no, 31 Penrith) as they move inland on the more domestic scale street. On the corner of Woodland Avenue, the next junction to the east and facing the sea begin a run of 4 storey flatted blocks in a modern style. The corner unit (no. 21 Woodland) tapers down from 4 to 3 and 2

storeys adjacent to a new build three storey house as the development runs northwards inland along Woodland Ave.

- 16 There are mixed densities locally resulting from a variety of flatted redevelopment and more traditional housing development on local plots.

Relevant Planning History

- 17 The site has the following planning history:
- a) 7-1988-15650 – Conversion of 3 flats into 4 flats – Granted July 1988
 - b) 7-2023-15650-A - Prior Approval Procedure - Demolition of building and detached double garage - Permitted Development Granted May 2023

Constraints

- 18 The site has the following constraints:
- Clifftop location, soakaway drainage not suitable for surface water; and
 - Double yellow parking restrictions on sections of Boscombe Overcliff Dr.

Public Sector Equalities Duty

- 19 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.
- 20 As part of the planning assessment section, cross reference can be made back to this section in relation to any particular issues / matters which might be particularly impacted by this duty.

Other relevant duties

- 21 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.
- 22 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.
- 23 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.

- 24 For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations) regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.

Consultations

- 25 The following parties were consulted on the proposals. Expanded details of their responses are included within the assessment part of the report. Summaries:

Highway Officer: *No objections subject to conditions and s278.*

Regulation (EHO Team): *No objections subject to conditions.*

Tree Officer: *No objections subject to retention of trees and conditions.*

Ecology Officer: *No objections, subject to conditions.*

Dorset & Wilts Fire & Rescue: *No planning objections*

Wessex Water: *No response received;*

Drainage Officer: *Holding Objection on grounds that indicative plans are needed.*

Waste & Recycling Officer: *Holding Objection, lack of sufficient information;*

Heritage Team: *Objection to loss of building given status as 'Non Designated Heritage Asset'*

Representations

- 26 Three site notices were erected outside the site on 25 April 2023 with an original consultation expiry date of 19 May 2023.

Response to Initial proposal (as submitted)

- 27 27 responses have been received, all of whom objected to the proposal, but two of whom did not object to the demolition. 10 of the letters were of a matching content, raising the same paragraphed issues. Over 20 of these were within the mile radius of the site referred to in the Council's Scheme of Delegation. All of the comments are summarised below:

Summary of the 27 objections:

- Overdevelopment of a height, size and style completely incongruous with the area and the neighbourhood and local plans, particularly policy CS21;
- Need for family housing not blocks of flats;
- Developer placing personal profit before the locality and neighbour amenity;
- Needs to be more modest, lower in height or semi/detached houses;

- No way an exceptional design and is instantly forgettable like other modern blocks built along Boscombe Overcliff
- Proposal should abandon contemporary design and revert to traditional walled/windowed exteriors with a gentle hipped roof crowning the building.
- No affordable housing proposed;
- Will appeal to second homeowners not affordable to local people;
- Approval would place most of the roads in Southbourne and Boscombe vulnerable to attack from developers intent on putting several flats on one plot;
- Frontage too far forward of building line, dwarfing the bowls club and neighbouring properties;
- Will cast shadow across bowling green, affecting the standard of the green;
- Access should be taken from frontage of site to sea, not this side road;
- No room for visitor parking, will overflow on to busy street;
- Street parking will hinder dog walking, running, children on bikes, visitor traffic;
- Road comprises an 'Agreed route for emergency vehicles' (hearsay), overflow parking will hinder passage;
- Insufficient detail regarding accessibility of car parking spaces and ability of lift to accommodate wheelchairs and children's buggies etc.;
- Adjoining neighbours will lose light and privacy;
- Reduction in light to 70a, impact on mental health;
- Conditions needed to protect neighbouring amenity / pets during construction;
- Design does not reflect existing historic style or more recent approvals over last 20 years (55a, 57 70 Browning and 26 31 Penrith Rd);
- Development conflicts with the old, personality and history chipped away with every demolition, the clifftop is almost unrecognisable from its original state;
- Valuable green space will be lost; and
- Absence of bat survey, even demolition of garages have had them locally.

28 Two 'errors' are alleged by objectors:

- Drainage Study conflicts with information on plans
- D&A statement refers to 4 x 4 bedroom dwellings

29 In response to these allegations Officers have confirm that there is no evidence of the former, with the layout plan annotations not comprising a drainage scheme and the Agent confirming the reference to unit mix in the D&A Statement is a typo / legacy error from a previous version of that document. It does not supersede what is on the application forms. Separate drainage details have been submitted since submission and are addressed later in this report.

30 Two objectors state an Inspector from the Planning Inspectorate "*visited this area (Sic) on 5th July 2021*" and they link the following quotation to the inspector "*although the clifftop has been developed into flats, the roads running down from the clifftop here are single-family houses which any proposal to change would result in clear harm to the area in character and appearance. These buildings make a positive contribution to the area and should be thought of as non-designated heritage assets.*" Regrettably, no appeal or planning application case reference number, nor any site address is given by the objectors. This means the LPA cannot identify which site or area the quotation relates to nor what the development was for, nor the outcome of the appeal, if any.

31 Prior to the submission of this application a representation was received to the prior approval submission for demolition from the previous Ward Councillor A.Jones. The Councillor raised an objection to the loss of a single family dwellinghouse of character.

The Councillor set out that there was “*local frustration at the use of permitted development legislation to demolish a lovely interwar period property which is totally against the policy to protect such properties in the Boscombe & Pokesdown Neighbourhood Plan.*”. The Councillor further stated: “*Whilst I know that this woeful piece of legislation supersedes the NP, I wish to formally object to the loss of yet another period property in Boscombe East and I urge you to use whatever powers that you do have to refuse this application. The community is understandably extremely angry and frustrated that demolition applications keep appearing in the area and ultimately threaten to change its very character and appearance. This simply CANNOT be allowed to continue!*” Regrettably, the legislation is so precisely worded that the Council was unable to lawfully refuse the demolition request.

Response to Amended proposal:

- 32 In July/August the exterior of the proposal was reduced in size, indicative visual improvements were made to scale, and amendments made to the mix of units reducing the number of 2 bed flats and increasing the number of 3 bed units. Details are summarised in paragraph 3 of this report.
- 33 In accordance with the adopted Statement of Community Involvement, because the proportions of the scheme reduced in size and no new components were being proposed no further publicity was undertaken. Plans were placed on the public file in August (reductions in exterior) and September (internal unit size changes). No additional comments were received relative to the revisions.

Key Issue(s)

- 34 The key issues involved with this proposal are:
- Principle of the proposed development
 - Impact on character and appearance of the area
 - Residential Amenity – Neighbouring Residents
 - Residential Amenity – Future Residents
 - Highway Safety, Capacity & Flow

Policy Context

- 35 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
- CS19: Protecting Small Family Dwellinghouses

CS20: Encouraging Small Family Dwellinghouses
 CS21: Housing Distribution Across Bournemouth
 CS31: Recreation, Play and Sports
 CS33: Heathland
 CS38: Minimising Pollution
 CS40: Non Designated Heritage Assets/ Locally Listed Buildings
 CS41: Design Quality

36 District Wide Local Plan (2002)

4.25: Landscaping

6.10: Flatted Development

37 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

38 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 (2021)

39 National Planning Policy Framework (“NPPF” / “Framework”) 2023

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

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

*For **decision-taking** this means:*

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Planning Assessment

Principle of the proposed development

Loss of the Existing Building:

- 40 Whilst the loss of the existing building is proposed, its inclusion in the description of development is a technical requirement as the structure was still standing at the time of submission. The Council granted Prior Approval for its demolition and the clearance of the site in response to an application for such in April 2023. There were no legitimate reasons within the Permitted Development Legislation upon which the Council could base a refusal.
- 41 The legislation is such that no conditions can be applied to such a permission to prescribe a date by which the demolition must occur. However, Schedule 2, Part 11, Class B2(ix) of the Legislation requires the demolition and site clearance works to take place within 5 years from the date of decision. This means that the works would have to have been completed by May 2028 at the latest. Thus, the agent considers the fallback position to be that the building could be demolished at any time in the next four and a half years subject to the few conditions attached to the decision. However, for as long as it remains standing the LPA must still consider the loss against local character and the quality of the building itself.

Fallback Position

- 42 In considering 'fallback' scenarios there are essentially two elements that need to be established for a fallback to be brought into evaluation (1) the nature and content of the alternative uses or operations and (2) the likelihood of the alternative use or operations being carried on or out. In the case of the second element, the test is whether the Council considers there is "real prospect" of the fallback occurring if the proposed development was refused. In this context, it is sufficient if that "real prospect" is considered to be a possibility rather than being "merely theoretical". Here, Prior Approval has been secured for demolition. Although that indicates an intention to demolish other factors may prevent the applicant from commencing the work. To the best of the Council's knowledge, the flats remain tenanted and the occupiers paying rent. Demolition of the building would result in a cessation of income for the applicant, and the loss of other financial advantages such as offsetting the existing flats against net increase in unit numbers when calculating contributions for affordable housing, CIL and Heathlands mitigation.
- 43 Legally the Council is not "*precluded in its ability to base a reason for refusal on loss of the building and any related impact*". Therefore, the Council needs to give consideration to whether there is a realistic prospect of the applicant undertaking their permitted demolition now or post decision. If refused, planning appeals are taking up to 6 months to register at present, and a further 3-6 months to determine. Alternatively, if approved, Reserved Matters can require a similarly quantum of time to resolve. In both cases there is a chance that rather than lose income through eviction and demolition the building would be kept and the tenants remain. So on balance, the prospects of demolition occurring remain more theoretical than realistic at this stage. This means that the fallback scenario of unfettered loss of the building is only a remote option and not something to which significant weight should be attached. The minimal weight linked to the permitted development loss of the building would also need to be considered against policies which seek to prevent the loss of a building having historic or architectural merit.

Heritage Considerations

- 44 The Council's Heritage Team has considered and assessed the heritage value of the building itself and potential contribution it makes to the local area. Whilst the qualities pertaining to its Age, Rarity, Historical Association, Landmark Status and Archaeological Interest are weak or non-existent, the Heritage Team concluded that the building does still warrant classification as a 'non-designated heritage asset' (NDHA). This view is based on the building's Architectural and Aesthetic Interest, Social / Communal value and local Group Value. The Heritage Team consider the building capable of designation as a Non-Designated Heritage Asset (NDHA), and if it were not demolished capable of inclusion within the local list.
- 45 So, although the planning process has already decreed that the building can be demolished via the Prior Approval process, the likelihood of it being demolished remains only theoretical. With the chance of demolition relatively low, and because the building has now been considered to comprise a NDHA more weight can be given to policies that resist inappropriate development resulting in the loss of, or harm to, NDHAs. Whilst the loss of the building and the impact of the proposal on adjacent locally listed buildings and local character is discussed later in this report, the Heritage Team sustain an objection in principle to the loss of the building as they consider this would be contrary to adopted Core Strategy Policy CS40.

Housing Supply

- 46 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.
- 47 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%. Although the presumption in favour of sustainable development always applies the benefit of providing additional new homes must be given considerable weight if there are reasons that warrant a refusal on other grounds.

Loss of Existing Family Dwellinghouses

- 48 The site is within the Urban area of Bournemouth. Policy CS19 seeks to retain small family dwellinghouses where the original gross external floorspace comprises less than 140sqm. The house as originally built exceeds 140sqm, and means policy CS19 does not apply. The building has been used as flats for a period in excess of four years and probably since at least 1988 when permission was given for change of use from 3 to 4 flats. There would be no loss of family houses, only three flats.

Housing Distribution

- 49 Policy CS20 sets a presumption in favour for the redevelopment of sites for small family dwelling houses as opposed to other forms of accommodation where a) the site is capable and suitable for them and b) the resulting development would not be out of character. No houses are proposed here. The surrounding area is comprised of large detached and semidetached houses with original floor areas in excess of

140sqm, some of which are converted to flats. Opposite and adjacent to the site, and along the clifftop road sit several examples of large flatted blocks, 3 and 4 storeys in height.

- 50 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. There have been public comments that single family dwellinghouses should be provided on this site. No preapplication enquiry was made to discuss the scope of preferred development on the site and during a live application the Council can only assess what has been proposed within the application.

Appropriateness of Development Scale

- 51 The site is clearly capable of hosting semi-/detached houses, as is demonstrated by the 2015 development of no 70 adjacent. However, since then the NPPF has been amended several times, shifting its focus directly onto the support for the sensible and efficient reuse of urban/brownfield land to deliver higher numbers of houses in sustainably located urban areas. Providing houses on this site, respecting neighbouring daylight and addressing the forward building line in a respectful way would limit the number of dwelling houses that could be comfortably arranged to just two or three. Clearly there is a disadvantage to that approach in that it would not make the best use of an urban location, and push pressure onto less connected sites and propagate a reliance on private cars. Given the sustainable location of the site, Core Strategy Policy CS21 support a higher density than that derived from spaced-out low-intensity housing on this site. While no 'houses' are proposed, officers have negotiated an increase in the number of family sized units within the development to address an identified need for family accommodation locally.
- 52 Policy CS21 states that urban intensification will be permitted in areas well served by sustainable modes of travel. Paragraphs 120/124 of the NPPF echo this support. The site would sit on/adjacent to a road served by buses and fall within the 400m zone of a District Centre. This would satisfy the qualifying requirements for 'Area B' of Policy CS21, which is defined as land being 'within 400m of a district centre'. Thus the relevant policy against which the proposal must be assessed is CS21 which states that proposals for residential development within Area B will be expected to:
- reflect the housing size demands of the Borough as identified in the SHMA;
 - be of good design;
 - contribute positively to the character and function of the neighbourhood;
 - maintain and enhance the quality of the street scene;
 - respect residents' amenities; and
 - ensure a positive contribution to achieving a sustainable community.
- 53 Bullet Point 1 refers to the SHMA which seeks to provide homes with at least 2no. bedrooms, rather than developments with just 1 bed units. The creation of 13 self-contained dwellings would diversify the existing stock and offer 46% (6no.) of the total as three-bedroom units, 46% (6no.) as two-bedroom units and 8% (1no.) as a one-bed unit. The preponderance of 2 and 3 bed units is welcomed, as is the ground floor amenity space and practical balconies serving some of the upper floor flats. With reference to points 2, 3 and 4, design and appearance are considered in 'Impact on Character' below, which concludes that the visual impact is likely to be acceptable, as it will be controlled by Reserved Matters conditions and further LPA scrutiny. With regards to point 5; The position, scale and proportions of the building are such that

privacy and overshadowing impacts have been designed out or can be addressed by way of condition (see 'Residential Amenity (Neighbours)' below), satisfying this point. Point 6: The new dwellings would benefit the local community by making better use of the large plot to deliver 13 homes in an accessible and sustainable location, near local schools, bus routes, public recreation space and local shops and services, all of which would aid the local economy. From a policy perspective the principle of the proposed development fully meets the threshold of points 1-6, of Policy CS21. Exactly how the proposal would address the issues of local character, neighbouring amenity, highways etc are assessed later in the report.

- 54 Some of the previous policies from the 2002 District Wide Local Plan were saved after the adoption of the Core Strategy in 2012. Policy 6.10 was one of the saved policies. It is now 20 years old and although relevant, its aims have generally been replicated and superseded by Core Strategy policies which have served the LPA's decision making and appeal defences over the last 10 years. In this case, Policy 6.10 supplements Policy CS21 as it specifically refers to flats, rather than just 'urban intensification'.
- 55 Policy 6.10 states: *"Flats will be permitted in the built up area provided the development:*
- i. respects or enhances the character and appearance of the area particularly as regards materials, landscaping, scale and massing of development; retains, enhances or creates urban spaces, views or landmarks and other townscape features which make a material contribution to the character of the area;*
 - ii. respects or enhances the character or appearance of open spaces either publicly or privately owned which contribute to the character and appearance of the area;*
 - iii. Takes account of important trees, ridge lines and other landscape features; and*
 - iv. Respects the living conditions of the occupiers of buildings in the vicinity."*
- 55 With regards to the first part of Policy 6.10 (point i), the relevant 'Character' assessment in the next section of this report, and that the Outline proposal holds back 'appearance' as a reserved matter, it is considered that the scale of the proposed development is such that suitable design solutions can be found for elevations. As such the proposal comprises a sufficient scale of development for this site and the Reserved Matters and conditional controls will deliver a scheme that satisfies the first part of i). With regards to the second part of point i) the existing building can be lost without further intervention although the building has been decreed a non-designated heritage asset, it is not locally listed. Furthermore, there is nothing to prevent a new building with sufficient visual/design interest replacing the role the extant buildings play in the character of the street scene. The proposal is capable of making a positive contribution to local character and that is sufficient to pass the second part of (i). With reference to other parts of this report where the issues are discussed, the proposal satisfies points ii), iii) and iv) of 6.10.
- 56 Policy BAP2 of the Boscombe & Pokesdown Area Neighbourhood Plan (B&P NP) Adopted 2019, seeks to secure good design in new development. The policy also states that proposals that retain, preserve and enhance Locally Listed Buildings identified on the proposals map will be supported. Here, the building is not currently locally listed or specifically identified on the NP map. However, an assessment of its suitability for inclusion on the list has been undertaken by the Heritage Team, who consider that, despite only meeting half the thresholds necessary for local listing, the building comprises a NDHA. Conversely, Planning Officers consider the building is

neither unique or historically so special that its designation as a NDHA or retention is necessary. Demolition and new build offer other ways to enhance the character of the site and local area and make contributions to the local vernacular and street scene. The issue is discussed in greater depth in the heritage section of the report.

- 57 Whilst the proposal would appear to conflict with BAP2, the building is not yet officially on the local list. However, because there is a difference in opinion between planning and heritage officers as to whether the building should be considered as an NDHA the default position that the structure *is* a NDHA is taken. This means that the proposal is considered to be contrary to the aims of BAP2, though not the technical wording. Other elements of BAP2 are not relevant to the principle of development and are assessed other sections of this report.

Density

- 58 There is a clear distinction between Policies CS21 and CS22 of the Core Strategy. CS22 states that development outside the preferred housing areas (A B or C) will only be permitted where (amongst other criteria) “*scale, appearance and density of proposal is in keeping with surrounding area*”. The site falls within Area B, so it is Policy CS21 that applies and this does not explicitly require density or scale to match the locality, relying instead on broader criteria expressed in bullet points 2,3, and 4 of Policy CS21.

- 59 Policy BAP1 of the B&P NP 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. In this instance, the development density equates to 82 dph satisfying the policy. Surrounding densities vary locally from 10dph for detached dwellings up to 116dph for flatted blocks like the ones at 45-47 Boscombe Overcliff Drive.

Conclusions of Principle

- 60 So, with regards to the principle of this development; because it would deliver new flatted housing in a sustainable location it would satisfy the general aims of Core Strategy Policy CS21, saved District Wide Local Plan Policy 6.10, and satisfy policy BAP1 of the B&P Neighbourhood Plan. The NPPF sets out robust preference and strategic support for sustainably located development, an aim which this proposal satisfies. However, the proposed demolition of a NDHA conflicts with elements of Core Strategy policy CS40 and B&P NP Policy BAP2.
- 61 Notwithstanding the loss of the existing building (to which there remains a policy conflict but which is permitted in law separately), subject to site-specific impacts such as the impact on the character of the area and neighbouring residents assessed below, the principle of redevelopment of this site is supported.

Heritage & Character Impacts

- 62 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.
- 63 Core Strategy Policy CS40, Neighbourhood Plan policy BAP1 and paragraph 203 of the NPPF deal with Non Designated Heritage Assets (NDHA). Policy CS40 seeks to

identify, safeguard and enhance Local Heritage Assets. BAP1 seeks to ensure development in in-keeping and that any loss of NDHA must comply fully with national and local policy. Local heritage assets are those assets positively identified by the local planning authority as having a degree of local but not national significance. Their interest may be archaeological, architectural, artistic or historic.

- 64 Policy CS40 states that only proposals which “sustain or enhance the significance of the local heritage asset” will be supported. The same policy requires the applicant to provide an assessment of how the development will impact on the NDHA, or in the event of its loss, the wider area. However, the designation as locally listed, or the more precise ‘NDHA’ does not afford these structures any statutory protection from demolition undertaken in accordance with the Prior Approval process.

Heritage Considerations

- 65 The applicant did not submit a Heritage Assessment, but this was because at the time of submission the building was not on the local list or identified as a NDHA. So although the policy requires the submission of an assessment by the applicant, the BCP Heritage Team have already undertaken their own assessment in consultation with the historic environment record and other local sources. Faced with proposed demolition, the Heritage officers concluded that the building is worthy of designation as a NDHA, but have not advanced or proposed the building for inclusion on the local list, given the prospect of demolition.

- 66 The NPPF indicates that the impact of a development on a NDHA is a material consideration in determining a planning application. However, to understand the degree of weight to be apportioned to the importance of the NDHA it is important to consider

- a) the heritage officer argument for its designation;
- b) the counter argument by the planning officers
- c) the heritage impacts of demolishing the NDHA
- d) the context of the permitted ‘fallback’ Prior Notification demolition.

- a) the heritage argument for its designation;

- 67 The Heritage Team’s assessment of the building’s suitability for designation as a NDHA drew the following conclusions.

- Age: The building dates from 1926;
- Rarity: The building is not considered rare in terms of its style, age or judged against local characteristics;
- Architectural and Aesthetic Interest: Good example of interwar house having retained its footprint and plot size. Despite unsympathetic UPVC windows the property still retains period features such as twin two storey bay windows with hanging tiles, leaded timber sash and stained glass windows, clay tiled roof with bonnet ridge tiles and a period porch and canted bay on the western elevation;
- Group Value: Some ‘Group value’ with a number of Interwar properties nearby – the locally listed timber bowling pavilion to the east and the attractive and relatively well-preserved dwellings along Browning Avenue, Woodland Avenue and Penrith Road.
- Archaeological Interest: None
- Historical Association: The house was designed by architects Pearson & Burrell who also designed the demolished South Cliff Hotel in Southbourne, the demolished Regent Theatre in Poole and the Memorial Institute in Esholt, West Yorkshire. The dwelling was built for John Deliyanni Esqrs of whom there is no known information. In terms of other information, Christina Mary Theresa (McDonell) Maitland, who ran a tea plantation with her husband George Keith Maitland in Ceylon (present-day Sri

Lanka), died at the address in 1932. She was also the daughter of Angus McDonell, 20th chief of the Highland Scottish Clan MacDonell/MacDonald of Keppoch.

- Social and Communal Value: Makes a positive contribution to the local character, identity, and distinctiveness of this part of Boscombe that developed in the Interwar period on land which *may* have been part of the Boscombe Manor estate.
- Landmark Status: situated on a prominent corner position, but only low scale
- and setback position from Boscombe Overcliff Drive prevents a landmark status.

b) the counter planning argument for non designation

68 In response to this, planning officers offer a context of the assessment as follows. The house is not rare, nor unique in its appearance, architecture or style. Whilst it retains many original materials and glazing components, its attractive south facing frontage is mostly shielded from public view mature planting at the front and sides, with its less attractive shoulders and haunches visible from the street across bleak hard surfaced car parking. The 'group value', ignores the immediate context with neighbouring properties all recent constructions comprising a 1960s bungalow, two blocks of flats approximately 20 years old and three houses dating from 2016.

69 The only historic records that exist show that nothing is known of the original owner, and that the later resident who died within the property ran an unrelated tea plantation in a former African colony and was the daughter of a Scottish Clan, neither component of which relates to the local area or its history. The architectural firm who designed the house were 'local to the BCP area' and designed at least two other buildings locally, both of them now demolished and commercial/civic in nature. The known surviving building attributed to the practice is in Eshot, Bradford and comprises a Grade II Listed building known as 'the Memorial Institute'. That building is listed for a number of reasons ([link](#)), but not because of who the architects were.

70 The listing description for that structure (HE List ID: 1393125) includes the following: "*the architects practice of Pearson & Burrill was probably a successor to that of J L Pearson, a noted architect in Bournemouth with links to the north of England, whose son continued in the same profession. The original drawings are held at the Institute, dated to 1920.*" Thus, the importance of the architectural practice is diminished somewhat as being a probable successor firm to the more notable J.L.Pearson. Whilst parts of the building are attractive, it does not hold a street presence and its design and layout does not address the street with any landmark status or notable or bold identity.

71 Outcome: Planning and heritage officers therefore disagree. Planners take the view that the qualities associated with the building are weak or absent and not special or unique enough to warrant designation as a non-designated heritage asset' (NDHA). Heritage officers consider the inverse. And that the building warrant classification as a NDHA. Despite being proposed as a NDHA by the Heritage team, the Planning team do not accept the justification for this as sufficient against the set criteria. Notwithstanding this, until such a time that the Heritage team form a different view to their current one, the proposal must be assessed against Policy CS40 and the relevant parts of the NPPF chapter the historic built environment.

c) the heritage impacts of demolishing the NDHA

72 Policy CS40 requires the developer to indicate the impact of the proposal on the NDHA. The applicant argues that the proposal is not seeking the demolition of the building as that is already dealt with by the granted 'Prior Approval for demolition'. As submitted they did not state demolition to be part of the description and it was at the insistence of the LPA that the component was added to the description of development. Whilst permission to demolish exists, the building remains erected and occupied. Until such time that the Prior Approval is enacted in its own capacity, any

planning proposal for a new development has to reference the parameters of what is being proposed. Demolition would be required to achieve the proposal and so it must be considered by the LPA.

- 73 The NPPF (2023) offers some advice, in paragraph 204 *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”* In so much as it can, the proposals offer a realistic projection of what a redeveloped site is capable of contributing to the townscape character in scale, form and layout. The reserving of appearance for a later date, permits more attention to that component y way of robust conditions setting out material finishes etc. This proposal thus offers a more tangible proposal to the LPA as to the site’s future than the previous Prior Approval which confirms only that it would be cleared in full and made tidy.
- 74 Looping back to the core heritage issues, since the heritage team consider the building to comprise an NDHA, para. 203 of the NPPF (2023) is also triggered. This states *“...In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* In reviewing the Heritage Team’s assessment, the significance and heritage value of the NDHA is considered to be apparent but very limited. With reference to earlier paragraphs setting out the Planning officer counter assessment, the harm caused by its loss would be limited and at the lower end of the scale of impact.
- 75 Subject to an appropriate scheme being proposed for its replacement, the loss of the building can be satisfactorily mitigated for. The new building is considered to retain significant separation distances with the pavilion and have a far more harmonious and appropriate relationship and scale when compared to the same factors between the approved flats at 45-47 Boscombe Overcliff Dr and the pavilion. Although appearance is reserved, the proposal would have a scale, height and position within the site (and relative to the corner/junction) that is commensurate with all of the surrounding redeveloped plots, the locally listed pavilion and older buildings set some considerable distances away from the site. The position, massing and form of the proposal would generally be compatible with the emerging pattern of approved redevelopment along the clifftop.
- 76 Exactly how the elevations will be finished is for a Reserved Matters submission on Appearance to determine at a later date, but indicative drawings depict that at least one suitable exterior styling of the elevations is possible. Whilst the drawings are indicative of a stylistic and attractive building, the *excellence* of the final building as constructed will hinge on the use of high-quality palette of finish materials. Notwithstanding the Reserved Matters condition will require details of the finish materials, additional wording should be incorporated to ensure the use of robust long lasting materials suitable for use in this exposed and salty clifftop location. Applying suitable conditions to secure their future approval and delivery ensures the scheme is capable of satisfying the relevant adopted policy and enhancing the setting of the locally listed NDHA bowling green pavilion.
- 77 Finally, paragraph 205 of the NPPF(2023) sets out a requirement for LPAs to ensure that developers record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and

the impact, and to make this evidence (and any archive generated) publicly accessible. Whilst the contribution such evidence will help local historians, the benefits are not a factor in deciding whether such loss should be permitted. Conditions should be applied to require, prior to demolition the photographic surveying of the building, including the photographic cataloguing of any historic light switches, doors, frames, wallpapers, flooring, glazing units, windows, decorative chimney pots, tiling and balustrading features noted as being typical of the period of construction. Where possible and practical, high quality examples found to exist should be professionally salvaged and sold/donated onwards.

d) the context of the permitted 'fallback' Prior Notification demolition.

- 78 There is nothing preventing the building from being demolished to leave a vacant site, though demolition must be completed before May 2028. With reference to earlier paragraphs of this report, the probability of demolition happening before a decision is made on the case is considered to be low. However, Policy CS40 states that if a building is brought to the Council's attention and is considered to have a degree of significance that merits being classified as a heritage asset, then a further stage may occur whereby the NDHA is put forward for inclusion on the Local List.
- 79 In this instance, although the Heritage team consider the building to be an NDHA, they have not proposed the building for inclusion on the local list. Concurrently, the Planning officers do not support local listing here and there has been no formal request from the public asking for the building to be added to the local list.
- 80 As the risk of demolition remains possible, the expediency of undertaking what could quite quickly prove to be abortive procedural work to locally list the building remains of limited benefit. Somewhat of a Catch-22 situation for the Council as even the further designation of the structure as a locally listed building would fail to offer any tangible tool of statutory protection against demolition. Only Statutory Listing could comprise a relevant exemption clause here but the building hold insufficient qualities for it to be considered for such status.
- 81 Whilst the view of the Heritage team that the building comprises a NDHA is acknowledged, Planning officers consider there is sufficient justification and counter argument to place only limited weight on this 'designation'. Paragraph 201 of the NPPF, states that permission should normally be refused for the total loss of (substantive harm) a *designated* heritage asset unless there are significant public benefits. Paragraph 203 sets a much lower bar for Non Designated Heritage Assets. The effect on the significance of the NDHA must be considered and a the NPPF offers no direction other than to say a balanced judgement will be needed having regard to the "*scale of any harm or loss and the significance of the heritage asset*".
- 82 It can be concluded that the loss of the non-designated heritage asset is a substantive harm, but also one that is permitted under concurrent legislation - which offers no protection against demolition to NDHA or locally listed buildings. Although a substantive harm, there is disagreement between planning and heritage officers about what is actually being lost. Although identified as an NDHA by the heritage team, the heritage value of the asset is clearly limited to a few categories and its status as either an NDHA or eligibility for inclusion on the Local list is questioned by Planning officers. The heritage team have not pushed for the building to be added to the list and even if it were, no further protection would be added against demolition.

83 So, without the certainty of an approved planning permission the likely risk of demolition remains small. The corresponding tools that protect a NDHA or locally listed building remain non-existent. There is nothing that the Council can do to secure the retention of the building. If the scheme were to be refused, it risks delaying the redevelopment of the site, not the loss of the building which could happen without further notice. In this specific case, were an appeal against a refusal on heritage grounds to be made, planning officers do not feel that a robust enough argument could be put forward to defend the decision and avoid costs.

84 With regard for pragmatism in decision making, NPPF paragraph 204 specifically sets out that Local planning authorities should not permit the loss of the whole or part of a heritage asset *“without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”*. Whilst the Prior Approval has permitted the demolition of the building and the ‘making good of the land’, it cannot by its limited nature guarantee the redevelopment of the site, nor influence what could/would be built. This planning application on the other hand offers some certainty regarding the scale, layout and access associated with a replacement development and offers conditions to control appearance and landscaping. Whether the conditions in respect of the reserved matters are considered sufficient, or whether those elements should have formed part of the details submitted at this stage are components to be factored into the eventual planning balance.

Impact on adjacent Locally Listed Building

85 The adjacent locally listed building to the east (the timber bowling pavilion) sits a considerable distance from the site, but also sits in the wider context of the permitted and built pastiche flatted blocks at 57 and 55, and the more modern clifftop redevelopments. The proposal would not harm the character of the pavilion building which is mostly defined by the context of its immediate Bowling green surroundings.

86 Taking the Heritage Team view that the building is a NDHA, the demolition of the NDHA would be contrary to policy CS40 and BAP1. In this specific situation, Planning disagree with this view, and consider the building to be visually unremarkable and of very limited historic importance locally. Secondly, and of substantial weight is the fallback position that the building can be demolished without further intervention by the LPA. Regardless of its status as an NDHA or not, nothing does or would protect it from demolition. Thirdly, the contribution any new building would make to the clifftop location has to be considered against the harm resulting from the loss of the building. Planning officers consider that conditions controlling the Reserved Matters of appearance and landscaping would offer sufficient governance on those matters and ensure that the new structure embraces a good design with a coherent identity appropriate to this corner plot. Further design certainty can be achieved through the application of other conditions to control height, materials, glazing and other components set out in this report. The justification for doing so would be to assist the development achieve an overall positive impact on the character and heritage of the locality.

87 Thus, with regard for local policies CS40, BAP1 and NPPF paragraph 203 the weight to be attached to significance of the building to be lost is low and more than capable of being mitigated for by conditions that will help shape the external appearance of the new development. As a consequence the weight to attached to the loss of NDHC and the conflict with the local plan policies is very limited and close to negligible. The heritage objection and planning conclusions will be presented in the planning balance.

Position relative to Building Lines

- 88 The position of the front building line and depth into the site of the rear building line would have sufficient regard for the existing local pattern. The existing property is set back some 17m from the forward building line of no 57 relative to Boscombe Overcliff Drive (BOD), and 16m or so from the position of no.21 Woodland Road relative to BOD. Relative to the back edge of the public footways on nos. 57 and 21, the southern facing elevations of those properties are set back 17.7m and 11.9m. The proposal would be set back between 10.2m at its absolute closest (corner Balconies) increasing to 13.5m (balconies adjacent to bowling green). The main front wall would be recessed by 1.5m-2m in both cases, increasing the distance to 12.3m and 15.5m. Established planting within the site means that the frontage is largely hidden from view from the adjacent footways at the junction of Browning Avenue and along BOD. It is only on longer range views that the existing or proposed building will appear over this planting. Conditions should seek to secure the retention of the planting, and where appropriate the augmentation of it with further soft landscaping.

Scale and Form

- 89 It remains that policy CS21 does not require the provision of houses here and none are proposed so there is no need for the proposal to seek to emulate the style or form of domestic houses. In this instance, a contemporary building has been proposed.
- 90 The issue of scale and form relate to good design. The Site and Surroundings part of this report describes the adjacent flatted blocks that can now be considered with some hindsight and reflection to not have been as successful as efforts intended. Disguising flat roofs with architectural tricks, ridged roofs and slopes often serves only to hide the component parts of flats roofs and with the benefit of hindsight are considered less successful approaches to disguising adjacent flatted developments. The site is not statutorily or locally listed, nor does it fall within a conservation area. The site is not unique and sits amidst a swathe of clifftop development along Boscombe Overcliff Drive that has already embraced the modern glazed vernacular proposed here. The modern and contemporary design reflects the ongoing evolution of a style that has been growing in identity along the clifftop over the last 20 years. The proposal has been amended to lift the corner point of the structure to aid with giving the building some welcome muted identity and a focal point. If this outline proposal is approved, it would be for a Reserved Matters submission to consider the character impacts of any proposed elevational treatment. However, the LPA acknowledge that to blindly force the pastiche replication of the architecture of the 1920/30s era, on a contemporary (policy compliant) scale and form would be a substantial misstep. In the formats proposed the scale and form proposed are considered acceptable in this location.

Height

- 91 Policy BAP1 seeks to secure development that is comparable in height to its surroundings. The development would reference the range of heights present along the clifftop, and the surrounding and host street(s). The flatted block opposite at no 57 is three storeys high and holds substantial presence on the junction resulting from its scale and frontage lengths. The proposal does not seek to replicate that somewhat dated style of redevelopment, instead taking its design impetus and height markers from the more contemporary riparian redevelopment style already established along Boscombe Overcliff Drive. Just one junction along in both directions there are already developments of four (west) and four/five storeys (east).

Thus, the development at the proposed height would not stand out in the wider context of the seafront, instead becoming part of the character that has already begun to redefine and predominate it. The inferred extra height on the corner junction of roads would add some identity to the plot and assist in pronouncing the stepping down of the proposal as it turns the corner and tiers down at the rear on the portion facing the flank of no.70b Browning Ave. The proposal would accord with the height component of BAP1.

- 92 The plot is unique in that, because it sits next to the bowling green, it is unlike others which are set against adjacent houses and flatted blocks. Nevertheless, the building would be set in sufficiently from both side boundaries so as to not undermine the pattern of gaps between the larger and extended detached dwellings along local block faces. The impacts of the rear parts of the building, proposed windows and the balconies on neighbour amenity are addressed in the 'Neighbouring Amenity' section of this report.
- 93 With reference to the Character impact assessment, the proposed scale, form, height and layout would satisfy the character and density aims of policies BAP6 (B&PNP), and Policies CS21 and CS41 (Core Strategy) by securing a permutation of the best possible redevelopment of the site, whilst sufficiently respecting the character of the surrounding area. The potential for the site to host a development of the scale and form proposed is also assessed against its impact on neighbouring amenity, privacy, outlook and sunlight / daylight / shadowing in the next part of this report. Where the conclusions are that there would not be a significant enough impact upon such amenities to warrant a refusal.
- 94 Paragraph 119 of the NPPF sets out that *"planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."* The aim of the policy is explained as to encourage development that *"makes as much use as possible of previously developed or 'brownfield' land"*. This development is considered to do exactly this in a satisfactory manner.
- 95 The principle of the **Layout* and Scale*** of this outline proposal are accepted. Access is assessed later. Appearance and Landscaping remain Reserved Matters. The proposal would maintain and enhance the quality of the street scene, satisfying policies CS21, CS41 and saved policy 6.10.
*An assessment of the proposed Layout and Scale against policies designed to safeguard neighbouring amenity follows in the 'Residential Amenity' section.

Residential Amenity – Neighbouring Residents

- 96 Plans helpfully show the proposed footprint and silhouette relative to that of the existing and neighbouring properties.
- Facing flats within 57 Browning Avenue (four floors),*
- 97 The windows of the proposed flats that face this elevation would be between 27.3m and 27.9m from the windows within the exterior of no.57, which lies across the street to the west. From the balustrading of the proposed balconies this distance would drop to 26.3m and 26.9m respectively. The distances between the two buildings would substantially exceed the 21m minimum interface distance suggested by the Residential Development Design Guide SPD. The windows would have no impact on privacy nor would they facilitate overlooking.

- 98 The set backs from the street frontage are such that the proposed height of the building would have no substantially harmful impact on the quantum of day or sunlight received by the flats opposite. The upper portions of the building are set back into its footprint, diminishing the scale when viewed from across the street.
- 99 Subject to conditions to prevent the use of reflective wall finishes, the proposal would therefore respect the amenities of neighbouring residents within no.57 as required by policies CS21, CS41 and 6.10.
- 70b Browning Avenue (detached house)*
- 100 This building comprises a recently approved (2015) detached house to the north of the application site, built with two other properties to its immediate north under permission reference 7-2015-25120-A, as amended by 25120-B. The windows in its southern side elevation, facing the application site, comprise the following: Ground floor – Primary window to a study and a small toilet in the middle of the elevation; secondary windows lighting the front living room, and rear kitchen and dining spaces. First Floor - primary windows lighting a dressing room and a bathroom. Roof level - 2no. roof lights facing south lighting the bedroom and one lighting an en-suite.
- 101 The layout of the proposed flatted block has been configured to minimise windows and openings on the northern elevation facing no 70b. The only windows and doors facing the flank of no 70b comprise the following: Ground Floor – Lobby window and door overlooking carpark, door to cycle parking. First Floor – corner windows lighting ensuite, bedroom and kitchen, taking primary view to the east or west and northern panels obscure glazed as interface distance here is 20.25m rather than the required 21m; A central bedroom window faces no 70, at a distance of 21.62m, with obscure glazing shown on plans*. Second Floor – as the first floor but with no ensuite window. Third (top) floor – corner window lighting bedroom, taking primary view to west, with northern panels obscure glazed. No balconies or resident accessible roof amenity space is proposed to the north, and privacy screens are shown on plan to northern ends of balconies where they are proposed.
- 102 The interface distances between the facing elevations of both properties are acceptable and the use of obscure glazing by condition is acceptable to minimise any latent impacts on the section of elevation that is below the 21m window to window interface advised by the Design SPD. The bedroom windows to units 7 (1st Fl) and 11 (2nd Fl) exceed the 21m distance and there is no planning justification to obscure these despite the annotation on plans. The matter is revisited in the Future Occupants Assessment.
- 103 The building itself would be set a considerable distance away from the boundary with no 70b, further than the existing building, and far further than required if a smaller number of houses were being proposed across the site. The interface distance between no.70b and its sibling no.70a is just 5m. With the exception of the glazing to the study, the windows along the southern flank elevation of no. 70b are not the primary sources of light to habitable rooms. The study would still enjoy sun and daylight as the upper portions of the building increase the interface distance from 18.4m to 20.2, to 21.6 to 24.2m as they step back away from the flank of no 70b. It is worth remembering that the development incorporates the demolition of existing garage alongside the boundary with no 70b. The removal of the garage would increase the quantum of daylight received by the study from the east and secondary ground floor windows lighting the kitchen and rear living space.

104 Subject to some obscure glazing conditions on windows within the closest segment of building facing no 70b, along with fencing, Planning Officers are satisfied that there would be no harm to the amenity, privacy, sunlight, daylight or outlook to the occupiers of nos.70b, 70a or 70 resulting from this development.

105 Subject to conditions, the proposal would therefore respect the amenities of neighbouring residents within nos.70, 70a and 70b as required by policies CS21, CS41 and 6.10.

55a Browning Avenue

106 The bungalow at no 55a sits over 34m away from the closest parts of the proposal, with actual distances between facing windows closer to 35.5m. There would be no intolerable impacts on the quantum of sunlight or daylight received by the occupants of 55a, nor any loss of outlook or undue harms to privacy. The proposal would therefore respect the amenities of neighbouring residents within no. 55a as required by policies CS21, CS41 and 6.10.

The Bowling Green

107 The Bowling Green hosts no residential units and is open in nature and use. Surrounding residents on Woodland Road enjoy unfettered views of its lawns and this would be the case for the flats facing the site here. Whilst other local clifftop developments typical omit side facing windows to avoid stymieing the development of adjacent plots, the importance of the bowling green as a civic or local focal point is acknowledged by this development. The proposed flats would feature balconies and windows looking out across the bowling green, enhancing the audience exposed to the sport and in time, potentially encouraging new members.

108 Concerns raised about the lawns of the green being overshadowed by the proposal are offset by the reality of the south-facing clifftop location which enjoys unimpeded dusk till dawn sunlight. And shadowing that will occur will be limited to the late afternoons of winter months when the grass is more dormant and less reliant on sunlight. The quantum of sky able to deliver daylight to the green will remain substantial and have no discernibly harmful impact on patrons ability to play bowls.

109 Complaints about the bowling club from new neighbours within the proposal remain a potential for conflict. However, the Bowls Club has no historic complaints against it based on noise or disturbances from patrons or events. No high level flood lighting exists though the use is not regulated by planning conditions. Because the viability of the bowls club is unlikely to be affected by this proposal it is not necessary to engage the 'Agent of Change' paragraphs (187) from the NPPF to require soundproofing to windows etc. However, it is advised that an informative be placed on the decision notice to make future residents aware of the un-conditioned existence of the adjacent bowls club.

Other neighbouring dwellings

110 All other neighbouring properties, including those in the flats within no.55 are sited at substantial distance from the proposal far in excess of 21m. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

Noise

111 The Environmental Health (Noise) Officer consider noise from demolition and construction works on such urban sites as having the potential to be intrusive or

disruptive to local residents. To offset this a condition requiring the submission and approval of, and subsequent adherence to a Construction Management Plan (CMP) is needed. The CMP should outline the start and finish times; contractor parking; provide an indication of noisy and dusty 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.

- 112 The area is residential in nature and the proposal is for residential units. While the development would have a greater intensity of use than the existing flats on the site, it is located on a popular clifftop road prone to summer season tourist surges, rather than a quiet residential side street. Thus, the impact of additional comings and goings would not be so alien as to be unreasonable. The aural impacts from the domestic properties are unlikely to replicate commercial or industrial levels of noise and the impacts on adjacent dwellings are likely to be appropriate for the urban setting.
- 113 The conclusion remains that the proposed units would not harm the amenity and enjoyment of adjacent residents in any of the properties. Construction will bring disruption, but conditions could regulate hours of construction, and the construction process. Overall, it is considered that the combination of the building height, interface distances, window positions and set-ins from adjacent plots would result in development that does not oppress or be overbearing to those neighbouring units, having an acceptable level of impact on privacy, outlook, daylight, sunlight and satisfying with policies CS21, CS41 and 6.10.

Residential Amenity – Future Residents

Location

- 114 The site sits within walking distance of local shops and services so that it would be well situated for foot journeys to those commercial places. Schools are within similar walking distances. Buses serve nearby roads, making the site a very sustainable urban location for future residents.

Dwelling Mix

- 115 Policy CS21 of the Core strategy seeks that new development reflects the housing size demands of the Borough as identified in the SHMA. The scheme would deliver 6 no. 3-bed units and 6no. 3-bed units, and 1no 1-bed unit in an area predominated by large family houses and historic 1 and 2-bedroom flatted development and conversions. The provision of a number of dwelling sizes would assist in diversifying the housing stock to meet local needs, which is in part what the SHMA seeks to achieve. 2 and 3-bedroom units as proposed would enable single persons, couples and smaller families to live, work and study locally, and reduce the need for private vehicular trips and pollution.
- 116 Turning to the adopted Boscombe and Pokesdown Neighbourhood Plan [the B&P NP] (adopted 2019), Policy BAP6 further guides development by encouraging a better mix of housing types. The explanatory paragraph 8.32 within the B&P NP, explains that the policies seek 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. The LPA consider the proposed mix acceptable having secured an increase in the number of 3 bed units during the lifetime of the proposal. Whilst the proposal does not meet the policy aim of 50% 3-

bed, it falls short by 4%. The only way to increase the percentage on the current scheme would be to increase the footprint to permit the one bed unit to expand to a 3-bed flat. This would unbalance other aspects and has not been pursued. The mix is compatible with the policy aim to prevent an oversupply of 1 bed units.

Internal Space

- 117 The scheme as submitted was larger, and the reductions to scale and form necessitated a revision to unit sizes and bedroom splits. The amended flats all satisfy the minimum prescribed space standards (as set out by the Governments Technical Housing Standards 2015) and Policy BAP7 of the NP. Room uses are stacked well between floors. The units would also provide a good standard of amenity for future residents with separate secure ground floor cycle parking, lift, stairwell, street and car park entrance doors, and underground waste/recycling facilities. The combination of these attributes would make for a sensible living arrangement within the scheme, an attribute welcomed by the LPA.

Outlook/Privacy

- 118 Primary outlook from units would be to the seafront and two sides east and west, flats would be a mixture of single and dual aspect all receiving sufficient natural sun and daylight. As set out in earlier paragraphs, privacy and outlook to facing flats would also be acceptable. The ground floor windows facing on to the areas around the plot would need to be apportioned to the respective ground floor units by a suitable means of enclosure to ensure inter-unit privacy.

- 119 The bedroom windows to units 7 (1st Fl) and 11 (2nd Fl) exceed the 21m distance and despite the annotation on plans suggesting obscure glazing, there is no planning justification to require these specific windows be obscure glazed by condition. Other window ends to the north, as set out earlier in this report will need to be conditioned where the interface distances to no.70b are less than 21m to ensure the privacy of future residents.

- 120 Subject to these conditions, there would be no privacy conflicts between windows in existing dwellings and those proposed and this aspect would satisfy the aims of Policy CS41.

Amenity Space

- 121 The 3-bed units could be considered as 'family accommodation' and the Council typically requires these units to be provided with private external amenity space. Of these, 4 have substantial wrap around balconies and 2 have access to assigned garden areas. All six 2-bed units have balconies ranging in size from patio to larger decked area. The single 1-bed unit has access to a garden space. Being situated on the clifftop, adequate supplemental amenity provision exists along the frontage walk, the beach (250m away) and the East Overcliff playground 500m to the east. to overcome any on-site amenity shortfall. Space exists for outdoor clothes drying in each of the assigned gardens and balcony spaces.
- 122 Subject to conditions to secure delivery of the private and communal amenity spaces, and any necessary fencing, or fixed paths or infrastructure, this aspect would satisfy the aims of Policy CS41.

Noise

- 123 Environmental Health (Noise) have expressed no concerns that noise from the adjacent road would be intrusive or disruptive to future residents within the block. The scheme would satisfy the component parts of Policy CS41.

Refuse/Recycling

- 124 Bin stores would be provided below ground at the site frontage, making use of the Council's agreed new methods for sub surface storage and servicing. Resident access to the bins would be easy and carefree through surface openings as they leave and enter the site. Some works will be required to reconfigure the dropped kerbs outside the site and within the landscaping reserved matter to ensure path widths and gradient levels permit easy servicing of the underground bins once lifted to ground level. The placement of the bin openings within the site shielded by landscaping and a fence adjacent to the highway would help limit their misuse use by tourists returning from the beach. Subject to conditions, this aspect would satisfy the aims of Policy CS41.

Highway Safety, Capacity & Flow

- 125 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 111 of the NPPF. It is against this guidance that the proposal has been assessed. Revisions to the Highway Code in 2022 re-ordered the hierarchy of highway user priority, placing more vulnerable users at the top and motorised users at the bottom. The assessment made below follows this approach.

Pedestrian Access

- 126 The main pedestrian access will be taken from a gated vehicular entrance into a lobby door. Pedestrians will also be able to enter the lobby from a secondary door within the car park, adjacent to the cycle parking storeroom. The entrance is easily accessed from the street and provides a sideways route past the underground bin store openings. The details of hard surfacing are not set out at this point as hard landscaping details remain part of the Reserved Matters.

Cycle Parking

- 127 The proposed cycle store has been reconfigured. Access remains external with the limited internal lobby layout and single staircase restricting the ability to connect an internal door. However, capacity is sufficient to meet policy requirements and the store is within the relatively secure car park of the proposal behind gates. The SPD requires 28 resident spaces and 2 visitor spaces here and, 46 spaces are proposed within a secure, covered cycle store, a surplus of 17. The level of cycle parking is exceeds policy requirements by some margin. An external cycle stand can be conditioned to be provided near the entrance doors for visitors.

Vehicular Access

- 128 The proposed single vehicular access, at circa 6m in width, incorporates adequate driver/pedestrian inter-visibility. A reduction of vehicular accesses to the site improves the walking network and is welcomed.
- 129 The existing telegraph pole fronting the site appears to remain unaffected by this proposal whilst existing sections of dropped kerbs fronting the site, made redundant by this proposal, will be re-instated with full height kerbs. All costs associated with the changes to footway infrastructure are to be borne by the applicant and a s278 agreement should be drawn up if approval is given.

- 130 Typically, vehicular gates should be set back a minimum of 5m from the public highway to ensure no obstruction to pedestrian and vehicular traffic. However, traffic flow in this site-specific location is not deemed to be so significant that the installation of a gate would result in material harm to the operation of the highway network. Moreover, the gates are positioned at circa 4m from the back edge of the footway and therefore, pedestrians would likely not be forced into the road to pass a waiting vehicle. The use of an electric sliding gate should be conditioned to reduce waiting times to access the site and also ensure no gate will open outwards across the footway.

Car Parking

- 131 The site fronts Browning Avenue which offers large sections of unrestricted on-street parking along both sides of its carriageway however, this section of road undergoes a significant increase in parking stress across the summer months owing to its proximity to the coast.

- 132 As per, *Table 10 – C3: Houses of the Parking SPD*, the proposed development (7 x 1-3 habitable room flats and 6 x 4-habitable room flats) generates an initial parking requirement of 19 spaces. 20 spaces are proposed, with 4 of them comprising tandem spaces, each pair to be shared by a specific flats (2 in total). If more than half of the spaces are to be allocated to specific flats, an additional two spaces would be required for visitors. As all spaces are to be allocated, This means that the negotiated provision would be deficient by one space, when assessed against the SPD. The applicant has provided a plan showing they can provide an additional space to satisfy policy but this would make the car park very cramped and remove space allocated for landscaping. On balance, the scheme with the missing visitor parking space would be preferred. This under-provision of one car space is placed against the over-provision by 17 cycle parking spaces against policy requirement. Whilst this means that the proposal would fail to satisfy car parking policy by one visitor space, it would substantially exceed cycle parking policy for the development as a whole. The Parking Standards SPD seeks to minimise the reliance upon and use of cars. The support in a substantial overprovision form for a sustainable alternative mode of transport within proposal is sufficient to offset the lack of one space. Although there is a policy conflict, the harm resulting from it has been suitably mitigated for.

Manoeuvring / EV Charging Facility

- 133 The layout and design of the parking and turning arrangement accords with the Parking SPD. The provision of 100% electric vehicle charging points across the spaces exceeds the requirement and is a benefit of this scheme. Details pertaining to the specification of the charging points can be secured by condition.

Servicing

- 134 The collection of waste from the frontage of the site will take place from the public highway. 3no. bin chambers to house 4-5 EuroBins are proposed below ground. Waste will be inserted through top-side openings and on collection day. The underground Eurobins will be lifted hydraulically to the surface, controlled by panel at ground level and wheeled across level gradients to the kerbside collection point within the car park access. They will then be wheeled across the pavement, over the dropped kerb to the rear of the waiting lorry. Once emptied the journey will be reversed. Conditions will be needed to secure the route delivers unobstructed 2m wide paths. A waste management plan will be needed to set out how the bins will be managed on site and where they will be stored on collection day. The plan should also set out what mitigation (such as alternative collection arrangements) will be put into practice should the equipment fail. The volume of waste associated with this development would have a minimal impact upon stop duration and is not considered to result in material harm to the operation of the local highway network. The above

assessment has been made by planning and highway officers as the comments and objection received from Waste Services raised concerns about the operation of the underground bin store, but was based on a misunderstanding of the type of underground bin store proposed, there being an alternative type of underground store which is craned out into the refuse vehicle.

- 135 The proposals would satisfy the Council's Waste & Recycling standing advice for underground storage (Standards for Waste Container Storage & Access – adopted July 2023). A condition requiring details of a waste management contingency plan in the event of a breakdown is suggested alongside conditions requirements to ensure the delivery of an operational below ground waste storage facility. The WCA typically recommends that a separate bulky goods storage space is provided for when large items need to be disposed of when residents vacate or move in. Space exists to the side of the bin service controls where this could be positioned, and the matter can be sufficiently addressed during the discharge of the Reserved Matters submission for hard and soft landscaping.

Construction Phase

- 136 Highways Officers have not raised any issues and the matter can be adequately addressed through the application of conditions governing the Construction Environment Management Plan and construction traffic attending the site.

Highways Conclusion

- 137 The Local Highway Authority (LHA) has considered the amended proposal and raise no highways objections subject to imposition of conditions to address/secure the matters raised. The highway and vehicular impacts of the proposal would be acceptable, having regard for paragraph 111 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, and general servicing would satisfy the highway user safety and the sustainable development aims of Core Strategy Policies CS6, CS17, CS18 and the BCP Parking Standards SPD. Policy CS16 would not be satisfied but suitable mitigation to overcome conflict is proposed.

Landscaping and Trees

Landscaping (a Reserved Matter)

- 138 With regards to the manner in which the new building will be visually linked to the street, details of hard and soft landscaping across the site, and exact means of enclosure are reserved for future determination as a Reserved Matter. Sufficient space is shown around the site frontage to accommodate landscaping capable of adequately screening the above surface infrastructure needed for the below ground refuse and recycling storage. The design and layout of which should be such that it does not impede the servicing of the bins once they are brought to the surface, leaving level, 2m wide pathways clear through the site to kerbside dropped kerbs.
- 139 The tree officer has assessed the arboricultural information accompanying the proposals. The indicative soft landscaping scheme referred to in Tree documents has not been submitted so the Officer has been unable to pass verdict on possible new landscaping at this stage. It remains a Reserved Matter and subject to sufficient land being left available by a suitable layout proposal, it can be dealt with at that RM stage.
- 140 All trees on and adjoining the site are to be retained and suitably protected with the exception of G1. The applicant proposes to remove some poor quality trees on

adjoining land subject to the owners of that land/trees giving consent. The tree officer considers them to be in reasonable conditions to allow retention and they have high visual amenity value. Although within the site red line, they fall on BCP Council owned land. Their removal is proposed by this application, but the act would need to be agreed by BCP Council Parks Department who manage the land. That decision is separate to the assessment of this proposal. Proposals for re-landscaping this verge would also need to be agreed with BCP Council Parks Department.

- 141 The arboricultural report refers to a landscape scheme with a proposal to plant 4no. Black pine as replacements to this area. These trees would be suitable for this location and at maturity would have high crowns that do not obstruct sea views and they would have high visual amenity. Subject to the developer proposing suitable reasons for their removal within any landscaping submission, and a robust and comprehensive planting scheme as part of the soft landscaping Reserved Matters submission, the removal of the trees would improve sea views from the property. At this stage no support is given for the felling of trees off site on Council owned land and the matter should be specifically conditioned.
- 142 However, it is considered that the proposed scale, layout and access arrangements are sufficiently balanced so as to permit conditions and Reserved Matters to control landscaping, suitably worded so that those conditions don't conflict with access and servicing. Thus, the balanced conclusion is that the proposal has the capacity to accord with design and street scene elements of Policy 4.25 of the Bournemouth District Wide Local Plan and Policy CS41 of the Core Strategy.

Land Contamination

- 143 Environmental Health returned no concerns or comments in respect of this matter. Matters such as asbestos within the existing buildings are regulated by separate legislation to land contamination and are not controllable by planning condition. Subject to the application of a watching brief informative, the scheme is capable of satisfying related planning policies and NPPF requirements.

Flood Risk and Drainage

- 144 The site is located within current day Flood Zone 1 and has a very low risk (less than 0.1% annual probability) of surface water flooding. The land is previously developed with a domestic drainage system connected to the sewer network. Due to the clifftop location, traditional soakaways are not considered acceptable drainage solutions. To prevent flooding and provide satisfactory drainage in accordance with National Planning Policy Framework paragraph 163, 165 and 170 and Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) a surface water drainage strategy is normally required. This is to ensure the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and that the SuDS proposed operates as designed for the lifetime of the development. Illustrative drainage features are shown on the Indicative Drainage Plan drawing accompanying this outline application. It was noted my objectors that the plans contain annotations to imply that soakaways could be used, contrary to standing advice and the recommendations of the applicant's own hydrology reports accompanying the submission. The applicant has been asked to amend the plans and revise the indicative proposals to omit the reference to the soakaways.
- 145 An objection has been received from the Drainage/Flood Risk Team. Plans fail to demonstrate that sufficient space exists within the site to accommodate a suitable

SUDS system, or an alternative based on the proposed layout. Without such information, the drainage team consider it premature to approve the layout as the building may need to alter, impacting on interface distances, car parking provision and amenity impacts. The scheme would need regulate discharge into a combined sewer, as no infiltration into the ground can be agreed in this clifftop location. At the time of writing this report, the applicant has now submitted an updated drainage strategy with indicative storage tank plan. The suitability of this to handle the likely run-off and store it within the site will be reported to committee once it has been reviewed.

- 146 If the information demonstrates that the proposed on-site water storage capacity would be sufficient, then the layout can be considered fixed. In this scenario the recommendation of this report is that delegated authority be passed back to the Head of Planning to issue the decision once sufficient information has been submitted to enable a condition to be agreed. In the event that the capacity is considered insufficient *and* material changes to the layout (impacting negatively on amenity issues) are required, the recommendation is that the determination of the case be returned to Committee for determination there.

Cliff Stability

- 147 As part of the assessment of drainage, the Council has considered the potential loading upon the clifftop. At 100m+, the site is sufficiently far from the cliff edge to pose a low/negligible risk on stability grounds. A stability report has been submitted but this does not contain any conclusions or details of any specific building measures. A more detailed cliff stability report should therefore be required by condition.

Climate Change Mitigation

- 148 BCP and the Government have declared a climate emergency. Policy CS2 seeks to secure the use of green technology in new developments, and applies to schemes of more than 10. As 13 dwellings are proposed, plans shown a number of flat roof areas above the development capable of hosting photovoltaic solar panels and / or porous green roofs to assist with the staged control of water run-off. The applicant has agreed to the application of a condition to secure details of PV panels and their installation prior to first occupation and to a broader one permitting details of green roofs to be submitted as part of the drainage and soft landscaping conditions if considered necessary.
- 149 Such infrastructure is already a common sight in the area and the orientation of the building is such that subject to conditions requiring them to be set-in at least 1m from the roof parapet edge they would have little direct impact on views of the main frontage or surrounding homes. Similarly, the benefits of the 100% provision of EV charging for every car parking space is a significant benefit and it should be conditioned to secure delivery. Policy compliant cycle parking is provided, in a convenient and safe position, with easy access for residents. Whilst these elements would ensure the proposal complies with Policy CS2 aspirations, conditions will need to be worded to ensure the elements are delivered.
- 150 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 to aid the natural return of rainwater runoff to the ground. No outdoor clothes drying space is set out and the LPA strongly advise that tenancy agreements should not preclude this functionality. This would assist in helping the units not rely

solely on tumble dryers and radiators for clothes drying, reducing the reliance on those utilities and lowering the carbon footprint of occupancy.

- 151 The loss of the extant building is noted. The applicant opted to not engage in pre-application enquiries and has not offered a carbon footprint analysis of demolition/rebuild versus retention/extension so the LPA cannot form a view on this aspect of the proposals' sustainability. However, the opportunity to deliver a similar quantum of housing units the site is capable of sustainably hosting in this scheme, having regard to adopted local and national policies and standards, would likely be stymied by the retention of the dated low-density structures.

Ecology & Biodiversity

- 152 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 2023 paragraph 174. In respect of Protected European Species, the LPA also has a statutory duty under the Habitat Regulations 2017 (which are only regulated by pre-Brexit EU legislation).
- 153 In this case a Preliminary Ecological Appraisal was undertaken on behalf of the applicant. The survey established a need to erect and/or incorporate bird and bat boxes into the building fabric and the site. Secondly, the report concluded that prior to the commencement of any development (including demolition) a reptile survey would be required by condition to identify the potential presence on site, along with any mitigations to protect and enhance their habitats on the site or cover the relocation and upgrade costs for a replacement off-site habitat. Some reptiles have European protected designation under the Habitats Directive (at present). Although Nature England standing advice sets out a preference to have all such surveys before a decision is made, the BCP Ecology officer agrees with the recommendations for a pre-commencement condition. The Ecology officer also suggest that conditions control these aspects alongside a general condition to prevent vegetation clearance during bird nesting months 1st March to 31 August inclusive.
- 154 The site lies in close proximity to clifftop Sites of Nature Conservation Interest and potential wildlife corridors. Due to the grassland on site, it is considered possible that hedgehogs would utilise the site for foraging and commuting. Hedgehogs may be adversely impacted in the short-term by the construction process, through entrapment in trenches/excavations, and in the long-term through loss of foraging opportunities and access into the site by unbroken fence lines. Thus, to ensure the long-term viability of the local hedgehog population, a mitigation and compensation strategy should be controlled by conditions. Subject to suitable conditions, the development not substantially harm the natural habitats of any protected species.
- 155 The NPPF requires that "*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*". The Ecology officer is satisfied that the conditioned mitigations set out above would be appropriate and ensure implementation on site.
- 156 Subject to these conditions the proposal has the capacity to satisfy the aims of local policies CS30 and CS41; and to comply with the NPPF net gains for biodiversity.

Furthermore, the conditions would fulfil the relevant Council duties under the Habitats Regulations.

Heathland Mitigation

- 157 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.
- 158 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 13no. dwellings (13@ £331 = £4,303). Subtracting the existing trio of (authorised) flats (3x £331 [£993]) this would be a net increase of 10 dwellings. A capital contribution is therefore required and in this instance is £3,310 plus a 5% administration fee. A signed legal agreement is in progress, to provide this contribution.

Affordable Housing

- 159 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.
- 160 The proposal seeks permission for 13 units, against 3 existing flats – a net gain of 10 units, and just over the threshold at which SPD policy AH1 is triggered and Affordable Housing is required. Of these, 12 have internal space in excess of 68sqm and one which is under. Using the associated 'indicative contribution tables' this site is within the 'East Coast' district and requires a policy compliant contribution of £13,867 per flat over 68sqm and £15,770 for those between 47-67sqm. This equates to a contribution requirement of £182,174.00. However, the 3 existing flats on the site (each over 68sqm) comprise a total offset credit of £41,601. This reduces the total policy compliant affordable housing contribution required to £140,573.00. The applicant has agreed to pay this figure to the Council as an off-site commuted sum. Subject to the signing of a s.106 legal agreement to secure this, the proposal would satisfy the aims of policy AH1 in full.

Community Infrastructure Levy

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

Planning Balance/Conclusion

- 162 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.

- 163 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 13 homes, making better use of the site to deliver 13no. flats rather than the 3-4 historically permitted on site. The development would make the best use of previously developed land and assist in delivering local housing targets in a sustainable manner and location, with significant regard for the adopted Neighbourhood Plan and in accordance with the aims of the NPPF. A contribution towards affordable housing need would also be made, which is positive. All of the flats would have internal space that meets or exceeds minimum, supplemented by communal and private outdoor space and storage, satisfying policies.
- 164 The proposal would satisfy all local plan policies with the exception of:
- a) Policy CS16 - the single missing visitor car parking space: The missing space, if provided would result in reduced landscaping space, to the detriment of the scheme and local character. Given the substantive over provision of cycle parking spaces in excess of policy requirement, and the fact that street parking spaces are not controlled by parking meter or other permit system, adequate capacity exists on the street to accommodate the single visitor vehicle that may or may not overspill from this development. The development would be in a sustainable accessible location. No highway safety concerns have been raised and matters can be addressed through conditions. Given the offset presented by overprovision of cycle parking, limited weight should be attached to this policy conflict.
 - b) Policies CS40 / BAP1 Loss of Non Designated Heritage Asset: Although the fallback position permitted by the approved Prior Approval allows immediate demolition of the building, the proposal to demolish the building still conflicts with local policies CS40 and BAP1. Heritage officers object to the loss and consider the weight to be attached to the significance of the building to be lost is low and the positive impact of its successor to the street scene can be sufficiently secured through reserved matters and conditions. With regard for para 203 of the NPPF, limited weight should be attached to this policy conflict.
 - c) Policy CS4 - Surface Water Drainage: Subject to review by the drainage team the proposal appears to satisfy the requirements of condition CS4. It is considered that the layout out of the proposal has the capacity to deliver a suitable and policy compliant surface water drainage strategy as part of a SUD system. A condition is suggested, with determination of this element delegated to senior officers within the planning department. Given this aspect is likely capable of resolution, only limited weight should be attached to this policy conflict.
- 165 Local residents have raised concerns that too many units are proposed and that the degree of activity, disturbance and vehicles associated with the number of households would impact harmfully on the established character of the area and the bowling green, diminishing the quality of life and adding to parking pressure.
- 166 It remains that the aims of policy CS21 *require* proposed redevelopment of this sustainably located site to deliver an increased number of dwellings, so long as the scale, form and general appearance of the proposal do not harm the character of the locality. It is recognised that there are similar blocks of flats nearby. The proposal would deliver new housing within an attractive building and well laid out site.

- 167 Policy CS21 also requires that new development “respects residents’ amenities”. The scheme has been amended and conditioned to secure a design that does not result in loss of privacy, sunlight or outlook; or cause unacceptable shadowing, to any habitable room in neighbouring dwellings. Where impacts exist, interface distances exceed minimums and/or conditions can adequately mitigate for residual impacts. Highways Officers do not consider there to be any highways safety issues resulting from the proposed parking or access arrangements.
- 168 Sufficient mitigations have been proposed to address biodiversity impacts and adequately protect protected species using the site, and these can be adequately secured by condition, satisfying polices and Habitat Regulations.
- 169 The proposal would deliver 13 dwellings in a sustainable location, compliant with all policies, bar one of the local plan. Chapter 5 of the NPPF sets out the National aims to help deliver a sufficient supply of homes. Paragraph 62 of the NPPF discusses the need for a mixture of dwelling sizes, types and tenures to meet the needs of different groups in the community. Para 63 refers back to this as ‘*the objective of creating mixed and balanced communities*’. The proposal would diversify the mix of dwelling sizes, types and tenures and assist in delivering a mixed and balanced community.
- 170 The development would also invoke short and long term economic benefits in the form of construction jobs and by way of 10 additional households able to contribute to the local economy. The benefits of replacing the dated housing stock with a modern, attractive, better insulated building, that makes better use of the site - would not hinder the delivery of a worthy hard/soft landscaping scheme or appropriate external appearance, both to be secured by reserved matters condition.
- 171 So, factoring in the constraints of the site, neighbouring amenity and the need to balance Core Strategy policy aims against each other and the main aims of the NPPF - the proposed unit mix and density represents an appropriate provision achievable on this site; in a building having an acceptable scale, height, mass, and interface relationship with adjacent and surrounding buildings and street scene; and no severe impact on highway capacity or flow. All other matters can be addressed by condition. The benefits of the proposals and would align with Chapter 11 of the NPPF
- 172 With regard for the ‘tilted balance’ set out in paragraph 11(d) of the NPPF, and footnote no.7 and having considered the appropriate development plan policies and other material considerations and proposed conditions, it is considered that the tilted balance is triggered there are insufficient grounds for refusing permission. This is because:
- a) the proposal would accord with all but three local Development Plan policies;
 - b) satisfactory mitigation is offered for the single missing visitor parking space so that the impacts would be sufficiently offset to justify minor non-compliance with Policy CS16;
 - c) the heritage value associated with the existing building is not so significant that its impact on street scene could not be replicated or improved, in time, by the proposed development. Prior Approval Permission (PAP) to demolish the building already exists and the impacts of approving this permission would offer a degree of certainty about the form of the replacement building not currently associated with the PAP. There is sufficient justification for non-compliance with Policies CS40 and BAP1;

- d) suitable resolution of the conflict with Policy CS4 is under discussion, with an alternative route back to reconsideration of the scheme at committee should this not occur;
- e) the conditions securing biodiversity mitigations would sufficiently overcome any reason for refusing the proposal under paragraph 11(d)(i) of the NPPF so that (d)(i) does not apply; and
- f) that Paragraph 11(d)(ii) does apply here, but the tilted balance is such that there are no harms that significantly or demonstrably outweigh the benefits of the scheme.

173 In conclusion, the proposals would deliver benefits comprising provision of new housing, an affordable housing contribution, and the economic, social and environmental objectives of sustainable development. With regards to the NPPF, the harms, where identified do not significantly and demonstrably outweigh these benefits.

174 In accordance with s38(6) of the Planning And Compulsory Purchase Act 2004 (as amended), it is considered that the proposal 'would accord with the local development plan policies when they are read as a whole'. The Development Plan Policies considered in reaching this decision are set out throughout this report.

Recommendation

175 With regard to the issue of drainage, it is requested that if Members vote to agree the recommendation of the report to grant permission, that decision making authority for the issuing of the decision be delegated back to the Head of Planning pending satisfactory resolution of the matter as set out in the drainage section of this report. In the event that the matter is not resolved and the development needs material changes to the layout that impact on amenity/parking/footprint issues, the delegated authority would expire and the case would be returned to Committee for reconsideration and determination.

176 Thus, it is recommended that this application be delegated to the Head of Planning (including any Interim Head of Planning) ("the Head of Planning") to:

Grant permission subject to the Head of Planning being satisfied that in their opinion there are no drainage issues relating to the application that cannot be adequately addressed by way of condition without amendment to the proposed above ground site layout plans submitted as at the time of presentation of the matter to the Planning Committee and subject further to:

- (a) **the following conditions but with power delegated to the Head of Planning to add a further condition to secure the provision of an adequate surface water drainage scheme; and**
- (b) **a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning to agree specific wording provided such wording in the opinion of the Head of Planning does not result in a reduction in the terms identified:**

Namely, the completion of a Section 106 agreement to secure the required financial contributions of

- i) £3,310 (+ 5% fee) towards Heathland Mitigation;**
- ii) £5,000 towards offsite Reptile Habitat Re-homing/ Improvements**
- iii) £140,573.00 towards off site affordable housing; and**

Conditions:

Approved Plan Numbers

- 1 In Accordance with Approved Plans
Subject to any details approved as part of the [landscaping and appearance] reserved matters application(s) as set out in conditions 3 and 4, the development shall only be carried out in accordance with the following approved plans/details:
9701/200: Rev C – Red Line Site Outline
9701/200: Rev C – Site Plan PROPOSED
9701/201: Rev B – Floor Plans PROPOSED
9701/202: Rev B – Floor Plans PROPOSED
9701/203: Rev A – Elevations / Streetscenes (Indicative)
GH2231 Rev 1a. Tree Protection Plan dated 25.08.2022
GH2231b, dated 25.08.2022 Arb Method Statement & Tree Constraints Plan
9701/206 Rev A – Indicative SUDs Drainage

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

Time Limit

2. Reserved Matters Time Limit (3 years)
Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) the expiration of three years from the date of this permission,
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

For the purpose of this permission the reserved matters are appearance and landscaping (collectively referred to as “the reserved matters”).

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

Reserved Matters

3. Reserved Matters details (Appearance)
Before any development is commenced approval shall be obtained from the Local Planning Authority (LPA) with respect to the reserved matter of the appearance of the development.

The details submitted in respect of this Reserved Matters should in particular include sufficient information and drawings to permit the LPA to assess and discharge the following matters:

- a) External Appearance of the building. To include: Ground Surfacing materials for pedestrian, bin servicing, cycle and vehicular routes and circulation areas; Section and fall-ratio of any proposed ramps within the site, connection to highway footway and dropped kerbs outside the site, external fixtures, specific details (including layout and finish materials of external surfaces of the shared roadway to the rear parking areas) of the ground floor exteriors, including any pathway or patio associated with the duplex unit to the rear, and an oversized/bulky waste storage area within the frontage.

- b) External Finish Materials (Building). To include details of all manufacturer and product identifying names, colour name and/or code together with a digital pack of visual samples for the walls, windows, doors, balcony balustrading, patio and balcony deck/floors, roofs, parapets, solar panels.
- c) Site Boundary treatments including gates. To include plans and elevations for all proposed means of enclosure for the site, including subdivision of the plot and garden spaces. Details of colour finish, treatment and materials shall be provided. Within every 10m run of boundary enclosure, an opening comprising 15cm x 15cm at ground level shall be formed to permit the passage of hedgehogs between gardens.

After approval of the above matters, the approved details shall be implemented in full, prior to first occupation of any of the units hereby permitted.

Reason: To ensure that the approved outline development proposes a coherent design of the land around the building and suitably landscaped amenity areas sufficient to address visual amenity, bat colony mitigations and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS41 and CS30 of the Bournemouth Local Plan: Core Strategy (October 2012).

Reserved Matters

4. Reserved Matters details (Landscaping)

Before any development is commenced approval shall be obtained from the Local Planning Authority (LPA) with respect to the reserved matter of the external landscaping of the development.

The details submitted in respect of the Landscaping Reserved Matters should in particular include sufficient information and drawings to permit the LPA to assess and discharge the following matters:

- a) Hard landscaping materials/finish. To include: *Ground Surfacing materials for pedestrian, bin servicing, cycle and vehicular routes and circulation areas; Section and fall-ratio of any proposed ramps within the site, connection to highway footway and dropped kerbs outside the site, external fixtures, specific details of the exterior areas around the ground floor, including any pathways, patios or hard surfacing, and an oversized/bulky waste storage area within the frontage.*
- b) Soft landscaping. To include *Planting plans for the outdoor areas of the scheme including the site frontage and surface bin storage equipment area ; Schedule of plants suited to the environment (including at least 3no. new frontage trees, 2no. new trees to the rear/interior of the site, and native shrubs and planting which are ecologically beneficial to local wildlife; and an implementation timetable.*

None of the treatments or landscaping pertinent to (a) or (b) shall be planted or installed on site until the relevant details have been approved in writing by the LPA. After which:

- i) the hard landscaping elements shall be implemented in full, prior to first occupation of any of the units hereby permitted, in accordance with the details approved in part (a) of this condition; and
- ii) the soft landscaping shall be carried out in accordance with the approved details and the approved implementation timetable.

Reason: To ensure that the approved outline development proposes a coherent design of the land around the building and suitably landscaped amenity areas sufficient to address visual amenity, bat colony mitigations and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS41 and CS30 of the Bournemouth Local Plan: Core Strategy (October 2012).

Pre-commencement Requirement

Cliff Stability Report

- 5 Prior to the commencement of development, a geotechnical report shall be submitted to and approved in writing by the Local Planning Authority. This shall be carried out by a suitably qualified Geotechnical Practitioner and in accordance with current revisions of BS EN 1997 (EC7) and NA to BS EN 1997-1, supported by a form of Geotechnical Design Report presenting derivation and selection of characteristic geotechnical parameters and the detailed assessment of slope stability. This should be supported by a site specific ground investigation. The geotechnical report shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that development would not have adverse impact on cliff stability in accordance with Policy 3.25 of the Bournemouth District Wide Local Plan (February 2002).

CMP Construction environment management plan

- 6 No development shall take place, including demolition and site clearance 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;
- 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);
- 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 Environment Management Plan to staff, visitors and neighbouring residents and businesses;

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).

Reptile Survey & Mitigation

- 7 No part of the development hereby permitted shall be commenced including any demolition or site clearance work unless details of a reptile scheme have first been submitted to and approved in writing by the local planning authority. The reptile scheme shall in particular:
- (a) include a detailed survey of the whole of the application site sufficient to identify [*the number and species of*] all reptiles on or using any part of the application site, such a survey should comply with best practice for such a survey and incorporate details of the person(s) carrying out and producing the survey and scheme sufficient to demonstrate their competence; and
 - (b) address whether the circumstances mean that it is appropriate to translocate some or all of any species identified and if so, also include a method statement setting out the process for translocating each such species including the identified place for relocation; and
 - (c) include measures to improve the on-site habitat for any reptiles on or using the site, including any proposed relocation site and also including diagrams of any habitat enhancements to be constructed; and
 - (d) include details of all appropriate future maintenance and management requirements in relation to any identified measures and any location(s) to which any reptile is to be relocated together with full details demonstrating that such future maintenance and management will be delivered; and
 - (e) include a timescale for the delivery of measures identified including any identified translocation.

The development shall only be carried out in accordance with the approved reptile scheme and all measures including any relocated sites shall thereafter at all times be retained and also managed and maintained in accordance with the approved scheme.”

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 Policies CS30 and S41 of the Adopted Core Strategy (2012), the aims of the National Planning Policy Framework (2023) and the Protection of NERC Act 2006 S41 priority species.

Surface Water Drainage (SuDS)

- 8 Notwithstanding the indicative details shown on drawing no. 9701/206 Rev A no development shall take place, excluding demolition and site clearance works, until a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall in particular include the following:
- a) A surface water drainage strategy report/statement produced in accordance with national and local policies, including supporting information and agreements in principle, if appropriate.
 - b) Area characteristic assessment plans for both pre- and post-development scenarios. These plans should clearly show red line boundary, areas types (e.g. impermeable surface, soft landscaping), and corresponding gross area values.
 - c) Drainage layout plan showing the contributing impermeable catchment areas, drainage assets, the location of SuDS features, conveyance paths, surface water point(s) of discharge, storage and treatment areas.
 - d) Surface water drainage calculations which must include an assessment of the pre-development scenario runoff rates (i.e. greenfield or brownfield),

postdevelopment runoff rates for the 1:1, 1:30 and 1:100+40% climate change together with the proposed storage requirements and attenuation features;

- e) a management and maintenance plan for the lifetime of the development that secures the operation of the approved [surface water] drainage scheme throughout this time; and
- f) A timetable for implementation of the approved drainage scheme.

The development shall only be carried out in accordance with the approved drainage scheme and the methods, measures and arrangements in the approved scheme shall at all times be retained and managed and maintained in accordance with it.

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.

Ground Levels

- 9 No part of the development hereby permitted shall be commenced unless the following information has first been submitted to and approved in writing by the local planning authority:

- (a) a full site survey that shows the datum used to calibrate the site levels, levels along all site boundaries, levels across the site at intervals of 5 metres and floor levels of any adjoining buildings; and
- (b) full details of the proposed finished site levels and floor levels of all buildings and hard landscaped surfaces.

The development shall only be constructed in accordance with the approved details and the approved finished site levels, floor levels and hard landscaped surfaces shall thereafter at all times be retained."

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).

Tree Protection

- 10 No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to the application site of any equipment, materials and machinery for use in connection with the implementation of the development save as is necessary for the purposes of this condition, unless all barriers and ground protection for any trees on adjoining land have first been provided in accordance with the details contained in the Tree Protection Plan (no. GH2231 Rev 1a. dated 25.08.2022) and arboricultural method statement (ref. GH2231b, dated 25.08.2022 and authored by Gwydion's Tree Consultancy) ("the Approved Tree Protection Measures"). The Approved Tree Protection Measures shall thereafter be retained until both the development has been substantially completed and all equipment, machinery and surplus materials relating to the construction of the development have been removed from the site, unless an alternative time is provided for in the Approved Tree Protection Measures.

Within the areas secured by the Approved Tree Protection Measures, until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Approved Tree Protection

Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars

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).

During Construction

11 Construction Hours / Delivery & Dispatch of Materials

During the construction period(s) relative to the erection of this development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of:

08.00 and 18.00hrs Monday to Friday and 08.00 to

13.00hrs Saturday and at no time on Sundays, Bank

or Public Holidays.

Planks or similar shall be left in foundation trenching overnight and at weekends to form ramped routes that permit the escape of hedgehogs and other animals during construction work.

Reason: To ensure satisfactory control of the construction process, to maintain the free flow of the public network, and to avoid harm to neighbouring amenity and wildlife crossing the site in accordance with Policies CS41 and CS30 of the Bournemouth Local Plan: Core Strategy (October 2012).

Reporting of Unexpected Contamination

12 In the event that any contamination, which has not previously been reported to the local planning authority as part of the planning application to which this permission relates, is found during the implementation of the development hereby permitted then this shall be reported without any unreasonable delay (and in any event within [2] working days) to the local planning authority and furthermore no work on any part of the application site shall be carried out at any time after the contamination has been found save as provided for in this condition (or as otherwise agreed in writing by the local planning authority) unless a risk assessment has been carried out, submitted to and approved in writing by the local planning authority and either:

(a) the local planning authority has confirmed in writing that work can recommence without any further action; or

(b)

(i) a detailed remediation scheme(s) in relating to that identified contamination which include:

- an appraisal of remediation options;
- identification of the preferred option(s);

- the proposed remediation objectives and remediation criteria;
- a description and programme of the works to be undertaken; and
- a verification plan which sets out the measures that will be undertaken to confirm that the approved remediation scheme has achieved its objectives and remediation criteria;

has been submitted to and approved in writing by the local planning authority and thereafter fully implemented in accordance with the approved scheme(s); and

- (ii) a verification report(s) which identify the results of the verification plan and confirms whether all the contamination objectives and remediation criteria set out in the relevant approved remediation scheme(s) have been met has been submitted to and approved in writing by the local planning authority; and
- (iii) 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 approved remediation scheme to which it relates have been met.

All schemes, reports and other documents required for the purposes of this condition shall include the qualifications and experience of the person(s) who produced them sufficient to demonstrate their competence.

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).

Within set time of commencement

Climate Change Mitigation

- 13 No part of the development hereby permitted shall be commenced unless measures to secure that a minimum of 10% of the predicted future energy use of the development including any associated communal parts hereby permitted will be from on-site renewable sources have first been submitted to and approved in writing by the local planning authority. Such details shall include identification of responsibility and arrangements for the future maintenance of such measures.
No part of the development hereby permitted shall be occupied unless all the approved measures relating to the development have first been fully carried out as approved and thereafter such measures shall at all times be retained and maintained in accordance with the approved details.

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).

Servicing & Waste Management Plan

- 14 No part of the development hereby permitted shall be constructed above damp proof course level unless a servicing and waste management plan ("Servicing and Waste Management Plan") has first been submitted to and approved in writing by the local planning authority. The Servicing and Waste Management Plan shall in particular include:

- (1) (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 at the end of the service path, *and*
 (b) sufficient arrangements to prevent any bins or waste from being stored within the bin collection point other than on the collection day the bins are due to be collected, commencing 4 hours before collection is due and returned to basement bin store within 6 hours; and
- (2) technical details of the underground bin storage system and all related equipment which for the avoidance of doubt includes the underground chamber, bins, hydraulic plant and electronic control systems, incorporating manufacturer, model, operational specifications and load capacities; and
- (3) a programmed maintenance schedule for the underground bin storage system and all related equipment detailing scope of maintenance actions and frequency of inspections; and
- (4) details of a back-up waste plan ("Back-Up Waste Plan") to handle the storage, management and collection of waste in the event of a partial or total failure of the approved bin storage system or any related equipment [together with arrangements to secure the repair and/or replacement of the approved underground bin storage system and related equipment in the event of such a failure].

No part of the development shall be occupied or otherwise brought into use unless the approved bin storage system and all related equipment have been fully provided as approved and are operational and thereafter subject paragraph (b) below the approved Servicing and Waste Management Plan shall at all times be accorded with.

In the event of a failure of the underground bin storage system including any related equipment then the approved Back-Up Waste Plan shall be put into operation within 24 hours of the failure and thereafter the Back-Up Waste Plan shall be accorded with at all times unless either the approved bin storage system and all related equipment has been made fully operational in which event the approved Servicing and Waste Management Plan shall again be fully accorded with or the local planning authority in writing agree otherwise.,

In the event of a failure of the underground bin storage system including any related equipment then both the Local Planning Authority and local Waste Authority shall be notified in writing on the first working day after the breakdown is identified.

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

Redundant Dropped kerbs expunged

- 15 Within 4 months of the commencement of development plans and a written specification shall be submitted to the Local Planning Authority for approval setting out the intended reconfiguration of the public footway outside the site to:

- remove dropped kerb crossovers across the footway which are redundant and reinstate standard footway; and
- retain or modify a dropped kerb crossover and lowered footway necessary to enable the wheeled waste bins to be moved from within the site to the roadway

within the service parameters of adopted Waste Management guidance having regard for the position of pedestrian access points to the site and the location of the below ground waste containers and service routes set out on the approved drawing nos. 9701/200 Rev C, as informed by the discharge of the Servicing & Waste Management condition of this permission.

Once approved in writing, the works shall be undertaken in agreement with the Local Highways Authority, at the applicant's expense. No part of the development shall be occupied or otherwise brought into use unless the approved details have been fully carried out as approved.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway in accordance with adopted policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and Adopted BCP Parking Standards SPD (Jan 2021).

Car Parking / Turning Space / Walkway Provision

- 16 Within 4 months of the commencement of the development details demonstrating:
- a) which vehicular space(s) is/are to be laid out and demarcated as disability / accessible space(s),
 - b) which vehicular parking spaces are to be allocated which specific flats within the development 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. Prior to the first occupation of any of the residential units hereby approved, the vehicle parking spaces, turning areas and pedestrian walkways shall be constructed, laid out and demarcated in accordance with the approved drawing 9701/200 Rev C and as augmented by parts (a) and (b) of this condition and Reserved Matters condition no.4(a).

The turning and car parking spaces shall be made available for the residents of the development and those persons visiting residents of the development, as allocated 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).

Cycle Parking Provision

- 17 Within 4 months of the commencement of the development, details of the internal layout of the proposed cycle store, and outdoor 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 46 spaces within the store shown on the approved drawing nos. 9710/200 Rev C and 9710/201 Rev B; and
 - b) specification, location and product details for the 2no. external visitor spaces.

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

building depicted on drawing nos. 9710/200 Rev C and 9710/201 Rev B, and the details approved by way of parts (a) and (b) of this condition 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 in full working order 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).

Electric Vehicle Charging Points

- 18 Within 4 months of the commencement of the development details of the provision of 19no. Active Electric Vehicle charging Points shown on drawing 9710/200 Rev C, 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 (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 dwellings 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 development)

Pedestrian inter-visibility splays

- 19 Prior to occupation of any of the dwellings hereby permitted the pedestrian visibility splays within the site and vehicular access along the boundary with Browning Avenue, as shown on the approved plan (9710/200: 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, and the roadway within the site shall be finished in bonded porous material.

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

Biodiversity Enhancement Mitigation

- 20 No part of the development hereby permitted shall be constructed above damp proof course level unless full details of the outline mitigations and enhancements within Section 5 'Discussion and Recommendations' of the 'Preliminary Ecological Appraisal 72 Browning Avenue' authored by 'Phlorum' have first been submitted to and approved in writing by the local planning authority. The full details shall in particular:
- (a) take account of the Reptile Scheme approved for the purpose of condition 7 – Reptile Survey & Mitigation above; and
 - (b) include technical specifications, the number, location and siting of:
 - (i) bird and bat boxes to be built into the development; and

- (ii) swift bricks and bee bricks (or reasonable equivalent) in render finishes to be built into external elevations.

No part of the development shall be occupied or otherwise brought into use unless the approved mitigations and enhancements have been fully provided as approved and thereafter those mitigations and enhancements shall at all times be retained and maintained in such a condition as to enable them to continue to fully function for their intended purpose(s).

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 (2023) t

Lighting

- 21 Any lighting to be erected anywhere within the site (including car park, gardens and communal areas) or on the building hereby approved or any means of enclosure shall at all times accord with the following specifications:

- i) Any overnight security lighting that is to be provided to building entrances and pathways shall be operated only by PIR sensor and extinguish by timer after a maximum of 3 minutes of no activity;
- ii) 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, and not be mounted higher than 4m above the adjacent ground level;
- iii) No external light shall at any time be directed towards any neighbouring residential windows within or outside the site;
- iv) No fixed external light shall point towards the sea; and
- v) A timer shall regulate all external lighting on the site between the hours of 23.00h and 06.00h each night so that it remains extinguished unless activated by the PIR sensor.

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

Always Relevant

Obscure Glazing (windows) Flats 1 and 2

- 22 Prior to the first occupation of first floor flat no.6 and second floor flat unit 10, (marked on approved plan no 9701/101B and 202B) hereby approved, any windows within the northern facing elevation of the building facing north and lighting rooms within those flats shall be fitted with obscure glazing 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 future residents from passing pedestrians in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

No Gates

- 23 Notwithstanding the provisions of [Part 1 or] Part 2 of Schedule 2 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 additional vehicular entrance gates to the application site shall be provided without the further specific grant of planning permission.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway and in accordance with policies CS16 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

Vegetation Clearance

- 24 Vegetation clearance on this site shall only be carried outside the bird breeding season of 1st March to 31st August inclusive unless it can be sufficiently surveyed and recorded by an ecologist to show that nesting birds are not present.

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

Reason: Compliance with Wildlife and Countryside Act 1981 (as amended); Protection of NERC Act 2006 S41 priority species and CS41 "conserve and improve landscape and townscape, biodiversity and habitats."

Informatives

Ecology

Bats

INFORMATIVE NOTE: Bats remain a European protected species. If bats are found during demolition, all work shall cease and if possible, part of structure that was removed and exposed bats, shall put back into place. Within the 24 hours that follow discovery, a bat ecologist shall be engaged to address situation and Natural England informed in writing.

Bird nesting months

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

Trees

This decision does not grant any form of consent for the removal, felling or other lesser works to the Trees outside the ownership of the red line. The necessary permissions from the Council and any other land-owners should be obtained before any such works are considered.

Highways

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.

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.

Crossover Reinstatement

INFORMATIVE NOTE: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed and reinstated to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact BCP Highways by email at highways.highways@bcpcouncil.gov.uk, or in writing at BCP Highways, Town Hall Annexe, St Stephens Road, Bournemouth, BH2 6EA, before the commencement of any works on or adjacent to the public highway.

Gates/Doors

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of section 153 of the Highways Act 1980, no door or gate should open outwards over the public highway.

Contamination

Building Fabric (Asbestos)

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

Climate Change Mitigation

INFORMATIVE NOTE: Roof faces 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 above the cycle store building 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 and are best designed in rather than retrofitted.

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. Internal lighting within communal bin and cycle parking stores should be powered from renewable sources and operated by PIR to avoid wastage when not needed.

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 the use of flexible and lenient tenancy and leasehold agreements that do not preclude this functionality as it would prevent the flats from being reliant upon tumble dryers and radiators in perpetuity.

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, but the submission was amended following feedback from statutory consultees and the planning service and 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.