

# Planning Committee

Application Address	Tayfield House, 38 Poole Road, Bournemouth, BH4 9DW
Proposal	Demolition of existing office building and the erection of a flatted development comprising of 40 units (was 41) with associated cycle parking and landscaping. Retention of one access for servicing.
Application Number	7-2023-71-M
Applicant	Tayfield Homes Ltd
Agent	Pure Town Planning
Ward and Ward Member(s)	Westbourne and West Cliff Cllr J.Beesley, Cllr D.d'Orton-Gibson
Report status	Public
Meeting date	18 April 2024
<b>Summary of Recommendation</b>	<b>Grant in accordance with the legal agreement and conditions set out at the end of the report, for the reasons set out in the report.</b>
Reason for Referral to Planning Committee	20+ Objections received in accordance with the criteria in the scheme of delegation
Case Officer	Franc Genley
Is the proposal EIA Development?	No

## Description of Proposal

- 1 Full planning permission is sought to demolish the existing 4 storey building, comprising 3 floors and a lower ground floor of office space and erect in its place a contemporary block of 40 flats set over six floors. The proposal includes balconies, a roof garden, bins and cycle parking at Ground and Lower Ground floor level with a recessed 7<sup>th</sup> floor atop. Revised access arrangements are proposed retaining only one of the dropped kerb entrances to the site for waste servicing and deliveries. The development would have no car parking spaces.

- 2 The proposal has undergone minor changes since submission, negotiated by the case officer. The changes have been incorporated into the following paragraphs but for clarity include a reduction in the number of units (41 down to 40); a reduction in 1-bed units (-1); reconfigurations to the ground floor and site layout to address pedestrian access, natural surveillance, habitability and bike / bin store accessibility; increases in bin store capacity; and one of the vehicular access points will now be retained for deliveries and servicing with a turning head provided.
- 3 Access - Pedestrian access to the development would be taken from Poole Road, leading to a main entrance door facing the tree line that sits to the rear gardens serving the flatted conversions at 2 Pine Tree Glen. The door opens into an internal lobby serving all flats via a staircase and a lift. A secondary door would connect the lobby directly to the entrance on the other side of the building, the GF cycle store, and via stairs, the LGF cycle store. Residents would have internal access to the bin store from this lobby. One of the existing dropped kerb crossovers would be removed and footway reinstated retained. The retained vehicular crossover would serve the delivery/servicing space to be provided on site and cycle access.
- 4 The proposal would remove the existing built form from site, with the replacement occupying a stepped footprint to the front and rear. Whilst the rear building line would be retained, the front building line would move forwards to reflect the position of the adjacent West Mansions building. Each elevation would feature windows lighting habitable rooms. Primary windows would face South (towards Poole Road); East (towards 2 Pine Tree Glen) and north (towards 9 (flatted) and 9a Westbourne Cl) with limited glazing to the west (towards West Mansions).
- 5 The building would comprise seven floors, though from the main front street level this would appear as six floors. Floors lower ground to first generally replicate the extant rear building line of floors within the existing building and would project out between 7m and 10m deeper to the rear than the footprint of floors 2-5. The 5<sup>th</sup> floor would be set back inwards approx. 1m from all relative elevations. Relative interface distances to the closest dwellings would comprise the following:
- 6 Table 1 - Existing / Proposed Elevation Interface distances

Adjacent homes	to Existing elevations		to Proposed elevations		
	Floors LGF-1	Floors 2(roof)	Floors LGF-1	Floors 2-4	Floor 5
2 Pine Tree Glen (flats) - rear elev	Closest 16.2m Furthest 19.9m	Closest 16.2m Furthest 19.9m	Closest 17m Furthest 19.9m	Closest 17m Furthest 19.9m	Closest 18m Furthest 20.9m
West Mansion (flats) – side elev	Closest 5m Furthest 6.6m	Closest 5m Furthest 6.6m	Closest 2m Furthest 10.9m	Closest 2m Furthest 10.9m	Closest 3m Furthest 11.9m
9 Westbourne Cl (flats) – rear elev	7.6m	11.5m	Closest 7.7m Furthest 13.2m	Closest 14.7m Furthest 23.2m	Closest 15.7m Furthest 24.2m
9a Westbourne Cl (house) – rear elev	5.2m	9.5m	Closest 5.7m Furthest 8.7m	Closest 12.7m Furthest 18.7m	Closest 13.7m Furthest 19.7m

NB: Some windows in the proposed elevations facing adjacent properties that have habitable room windows themselves will be high level units or obscure glazed. Details are assessed in the amenity assessment.

- 7 Internally there would be 7no. 2-bedroom units and 33no. 1-bedroom units. These would be arranged as follows: Ground Fl. 7no. 1-bedroom flats; 1<sup>st</sup> Fl. 8no. 1 bed 1no. 2-bed; 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup> Fl. 6no. 1 bed and 1no. 2-bed; 5<sup>th</sup> Fl, 3no. 2-bedroom flats. All flats satisfy the national minimum internal space standards 2015. Unit layout/stacking generally repeats between levels.
- 8 An internal bin store room is proposed to the east side of the building, accessible from within and serviceable via doors and a clear route to the off road service bay. Cycle parking is proposed in two locations: i) (space for 50 bikes at lower ground floor (LGF) level accessed via a ramp/door externally and from stairs within; and ii) space for 14 bikes with charging points at GF level via a secondary door on the western elevation and from within. At second floor level private outdoor amenity space is proposed in the form of a roof garden to the rear, above flat nos. 8 and 9, facing Westbourne Cl but set in from the edge of the roof and screened.
- 9 The external appearance of the building would be very contemporary, comprising light grey brickwork and light mortar, arranged into recessed and protruding framed, finned and vertical segments, interspersed with recessed grey profile clad glazed balconies. Patterned brickwork at upper levels and a recessed top floor set behind parapets and glazing. No balconies are proposed to the elevation facing West Mansions. Some windows facing this building are obscured, some are not, depending on whether they face existing windows or not. To the rear, facing Westbourne Close (north) only high level windows would be provided, mostly lighting bathrooms and shared landings. Windows are proposed to 1no. flat on each of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors facing north, but these would be delivered as Juliet balconies, looking out onto an inaccessible 2.95m deep flat roof, with no ability to look down at gardens and windows below the roof edge. Some balconies are proposed to the elevation facing Pine Tree Glen, interface distances are given in the earlier table. The building would be finished in a flat roof with the top floor accommodation set in approximately 1m from all edges.
- 10 A planted rooftop amenity space is proposed to the rear at second floor level, accessed off the core lobby and screened on all sides. Landscaping is indicative at this stage and would be subject to a planning condition for the full planting details. To the ground floor, existing trees and their root protection areas are shown and the building is positioned so as to permit the delivery of soft landscaping areas to the site in place of the extant hard surfacing.
- 11 The proposal includes a viability report detailing that the provision of an off-site contribution or delivery of on-site affordable housing would prove unviable options. This has been assessed by the District Valuation Service and conclusions are presented later in the report.

## **Description of Site and Surroundings**

- 12 The site lies within the built-up area of Westbourne, at the entrance to the shopping area. In contrast to the very fine grain of the terraced shops, the site is within an area characterised by large buildings with gaps between that enable glimpses of built form and soft landscape behind. The site fronts south onto Poole Road and contains an office block with a relatively modern frontage which is an extension to an older pre-war residential building, most likely originally a Victorian Villa. The open streetscene frontage is entirely hard-surfaced for parking and there are a number of mature trees around the boundaries which are covered by an area TPO. The original house has been much altered over time being converted into flats and then offices. No.38 is shown on very early 1900's maps and planning and building control records go back to the 1920's and

30's. The local density is relatively high due to the abundance of flat conversions and new build flats dating from the 1920s, 1960s and more recent decades.

- 13 To the west of the site the boundary of the Westbourne Conservation Area lies beyond the other side of the adjacent building to the west ('West Mansions'), some 32 metres away. There are also other heritage assets in the form of the Grade II listed Grand Cinema to the west, and the Grade II listed West Cliff Baptist Church on the opposite side of Poole Road.
- 14 Buildings are in a range of architectural sizes and range from one to five storeys. The existing building on the application site is at heart a late Victorian villa, but this is masked by a contemporary two storey forward extension of limited architectural quality with a third storey accommodated within a mansard roof. An attractive brick wall demarcates the Poole Road boundary, and the frontage is softened by three mature trees, although the sea of tarmac for parking is a detraction.
- 15 To the east, behind tall mature and protected trees at a distance of approximately 13.5m are a block of 3 storey flats, 'The Gables' which front Pine Tree Glen. Pine Tree Glen hosts many other flatted blocks ranging in height from 3 to 4 storeys, some with lower ground floors due to level changes in the land. To the rear (north) of No.38 are two infill dwellings, Nos. 9 (2 storey house converted to flats) and 9a (single 2 storey dwellinghouse) which front Westbourne Close, formerly known as Surrey Road South. Distanced only 5 – 8m these were erected in the former rear curtilage of No. 38. To the NW of the site are more flats (4.5 floors) known as Anglewood Mansions, distanced 13.5m and fronting Westbourne Close. Directly west are West Mansions, a large block of modern flats, 4 and 5 storeys high, at a distance of 5m. These, and Anglewood Mansions replaced one dwelling formerly historically on a single plot.

## Relevant Planning History

- 16 The site has a long planning history, mostly composed of tree applications. It appears to have been converted to flats in the 1930s and to offices in the 1970s and 1980s, with various minor applications for alterations since then. Only the following applications are considered relevant:

### Application Site

- a) **7-2021-71-I** - Prior approval procedure - Change of use of first floor\* offices (Class B1(a) (now Class E) to 16 flats (Class C3). Grant. *\*Note: This application was incorrectly described as first floor offices but did in fact relate to the conversion of all three floors under permitted development.*
- b) **7-2021-71-J** - Prior approval procedure - Erection of 2 additional storeys to the existing premises to accommodate 4 flats with ancillary bin and cycle storage – Prior Approval Required and Refused.
- c) **7-2023-71-L** - Outline submission for demolition of the existing office building and the erection of a flatted development comprising of 39 units with associated cycle parking and landscaping – Withdrawn May 2023

## Constraints

- 17 The site has the following constraints:
  - Area Tree Preservation Order;
  - Setting of Westbourne Conservation Area
  - Setting of listed buildings

*Listed Buildings:* In considering whether to grant planning permission or permission in principle for development which affects a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990

## Public Sector Equalities Duty

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

## Other relevant duties

- 19 For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective.
- 20 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.
- 21 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.
- 22 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

- 23 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:** *Initial objections overcome, **no objections** subject to conditions;*
  - **Heritage Team: Objection** – *“The height, scale and mass of the building will result in a significant addition to the streetscene, exacerbated by the repositioning the front building line significantly further forward of the existing. This would result in a building that would adversely affect the significance of the Conservation Area and fail to remain subservient within the setting of the nearby Listed Buildings. It is the Listed Buildings that should retain prominence in views along Poole Road in this important gateway location to Westbourne and consider there to be less than substantial harm.”*
  - **Regulation (Noise): **No objections** subject to conditions.**

- **Tree Officer:** *No objections to the loss of the 6 low quality trees, subject to retention of stated trees, landscaping and related mitigation/SUDS conditions.*
- **Ecology Officer:** *No objections, subject to conditions.*
- **Wessex Water:** *No objections, Standing advice received;*
- **Waste & Recycling:** *Shortfall but no objections subject to conditions;*
- **NHS:** *Request for contribution towards Primary Care Infrastructure £5,944*
- **Lead Local Flood Authority (LLFA):** The site is considered to be at relatively low risk and therefore the LLFA has **no objection** in principle on flood risk and surface water drainage grounds, subject to conditions for detailed drainage scheme.
- **Planning Policy:** There is a fallback position for residential conversion, in view of this and noting the contribution the site could make towards housing provision **no objection** is raised on Policy CS27 grounds (loss of employment use). The mix of units does not reflect the housing market assessment need.

## Representations

- 24 Three site notices were erected outside the site on 26 May 2023 with an original consultation expiry date of 17 June 2023.
- 25 Following the receipt of minor revisions to keep one of the highways access points, it was determined that re-consultation should take place. Although the Statement of Community Involvement did not oblige the Council to reconsult, Officers considered that as the publicised scheme had proposed closing up the access points, the retention of one access could alter public response. Plans were placed on the Council's website in November and new site notices were erected on 20 November 2023 publicising the minor amends.

### Response to proposal (as submitted)

- 26 14 Responses were initially received, rising to 30 after the additional publicity when amendments were made. There are a total of 22 objections which meet the criteria as set out in the Council's Scheme of Delegation, satisfying the threshold for Committee Determination. Comments are summarised below:
- 27 Summary of the objections:
- Overdevelopment , height, size and style completely incongruous with the area and the neighbourhood and local plans, particularly policy CS21
  - building obtrusive and garish
  - Building is far too high and too modern
  - Will harm the conservation area and the Victorian character of the village
  - Will completely take away any sunlight in garden (Pine Tree Glen)
  - Just paid to remove pine trees in own rear garden to receive sun (Pine Tree Glen)
  - Balconies and windows will intrude on neighbouring privacy
  - General happiness, mental health and wellness will be harmed
  - Design of building not in keeping with quaint style of Westbourne
  - Pressure on local services, Only one school and doctor's surgery
  - Lack of affordable homes, will be buy-to-let or holiday lets, denying locals a home
  - Will add to pressure of 150 new homes on Princess Road
  - Permission already exists for change of use to residential without any demolition
  - 15 car parking spaces are insufficient, 41 parking spaces are needed
  - Lack of car parking spaces will worsen on street parking and prevent existing residents and shoppers from parking nearby
  - Removal of parking spaces and in/out access will cause deliveries to park on footpath and road, causing safety concern and danger to pedestrians
  - Development will increase noise disturbances in the evening

- A Westbourne Close resident comments that West Mansions tenants have all been evicted, hence the lack of objections from them
- Communal roof garden, balconies and full length windows will overlook Properties on Westbourne Close;
- Communal roof garden has no natural sunlight so any soft planting intended to achieve privacy for adjacent homes will fail
- Communal roof garden looks down on flats within no. 9 Westbourne Cl
- Number of 1 bed flats is excessive for the plot size
- Demolition is wasteful, developer should be made to record a life-cycle analysis including demolition and an 'embodied carbon analysis' for the build
- Demolition will be hugely intrusive and disturbing to neighbours for prolonged time
- Concerns about health of off-site trees whose roots are near proposed foundations
- Tree 6 is marked for removal but is outside the site
- 'Exclusion zones' around tree group G3 appear to be infringed

28 Summary of the support

- The addition of the loading bay/service area is welcomed

29 It is not understood where the assertion by objectors that '15-16 car parking spaces are proposed' has come from. This proposal has always been car-free. The site is not within the conservation area, sitting outside it, nor does it share a direct boundary with the Conservation Area. Tree T6 sits outside the site and the applicant has no rights over this tree. However, it does not affect the ability of the development to go ahead. Other comments about the impact of the proposal on the resale value of neighbouring properties and the motivation of the developer to make profit at all costs are not material planning considerations and have not been reported.

### Key Issue(s)

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

### Policy Context

- 31 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
  - CS20: Encouraging Small Family Dwellinghouses
  - CS21: Housing Distribution Across Bournemouth
  - CS31: Recreation, Play and Sports
  - CS33: Heathland
  - CS38: Minimising Pollution
  - CS39: Designated Heritage Assets

CS40: Local Heritage Assets  
CS41: Design Quality

- 32 District Wide Local Plan (2002)  
4.25: Landscaping  
6.10: Flatted Development

- 33 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)

- 34 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.”*

- 35 The following sections are also particularly relevant:

#### Section 16 – Conserving and enhancing the historic environment

*Paragraph 200 – “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.*

*Paragraph 205 – “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraphs 207 and 208 relate to the level of harm. Paragraph 207 states that “Where a development proposal will lead to less than substantial harm to the significance of a

*designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". Paragraph 208 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".*

Paragraph 209 relates to 'non-designated heritage assets' and states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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*".

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

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

## Planning Assessment

### Principle of the proposed development

#### *Loss of the Existing Use / Fallback Position:*

- 36 The issue of demolition of the existing office building and replacement with flatted development was previously considered on the 39 flat scheme (2022-71-L) - ultimately withdrawn without decision. Core Strategy Policy CS27 is relevant to this application. The policy states:

*Development resulting in the loss of sites or premises used, or last used, within Use Classes B1, B2 or B8 outside the allocated employment sites will not be permitted unless it can be demonstrated that either:*

- *the current use causes environmental problems; or*
- *the location of the premises is no longer suitable for employment use.*

*Replacement uses will favour other employment generating uses prior to sites being considered for residential development.*

*Prior to other non-employment uses being considered it must be demonstrated that an employment use is not forthcoming and the land and/or premises has been sufficiently and realistically marketed for a minimum of 12 months.*

- 37 The property benefits from an extant Prior Approval consent from 2021 to convert the building to 16 flats, approved in May 2021. In this particular situation, the fall-back position is that a residential use remains potentially implementable and is thus a material consideration.
- 38 The test in terms of fallback position is whether the Council considers there is "real prospect" of the fallback occurring if the proposed development was refused. Here, Prior Approval has been secured for conversion. However, the approval in May 2021 is required to be complete by the date of 18 May 2024 according to Part 3 Class O of the

General Permitted Development Order (GPDO) (2015) (as amended). To the best of the Council's knowledge, the building remains unoccupied meaning it currently generates no revenue for the owner. It is therefore unlikely that the current prior approval can be implemented as a fallback position in the time available on the consent. However, the permitted development right still exists through Part 3 Class MA of the GPDO and there is nothing to suggest that a fresh consent would not be granted again for the conversion, subject to meeting the relevant criteria in the prior approval process. Although the Policy Team note the requirements of Policy CS27 have not been fulfilled and therefore the proposal is contrary to this policy, the site is already technically capable of use for residential. In view of this, and noting the contribution that this site could make towards housing provision, the Policy Team have raised no objections on Policy CS27 grounds, albeit that these comments were dated July 2023 when there was more time remaining on the extant prior approval consent.

*Loss of the Existing Building:*

- 39 The existing building on the application site is at heart a late Victorian villa, but this element is masked by a contemporary two storey forward extension of limited architectural quality with a third storey mansard roof. There are no objections from the Heritage team to the loss of the much-altered building, but concerns were raised about the loss of the (likely original) boundary frontage wall alongside the highway. The heritage team would prefer that this component is retained and the redundant vehicular opening to the west closed in with matching materials bar a retained opening for a footgate or cycle path. The benefits of keeping the historic property boundary wall are understood, but the associated villa plot is long disappeared and the existing brickwork would be at visual odds with the proposal. The existing building is not within the conservation area and is not considered to comprise a non-designated heritage asset. Therefore, its demolition and removal from the site is not contested. There is no conflict with adopted Core Strategy Policy CS40 in this respect. The loss of the altered brick wall is supported and will permit for a matching means of enclosure to be secured to complement the new building.

*Housing Supply*

- 40 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.
- 41 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 therefore considered 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 in the balance if there are reasons that warrant a refusal on other grounds.
- 42 The proposal is for 33 x 1 bed and 7 x 2 bed flats. Core Strategy Policy CS21 is relevant as it states that proposals for residential development will be expected to reflect the housing size demands of the area, as identified in the Strategic Housing Market Assessment. Evidence from the BCP and Dorset Local Housing Needs Assessment 2021 indicates that there is a greater need for 2 and 3 bed market housing in BCP than 1 bed (5% 1 bed, 35% 2 bed, 40% 3 bed and 20% 4 bed). The housing mix within the

development is still heavily weighted towards 1 bed flats so would not contribute towards the overall housing need mix.

#### *Housing Distribution*

- 43 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 medium and larger detached blocks of flats and it is considered that the principle of a flat block would be acceptable and the most suitable form of accommodation in this location.

- 44 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 sits in the Urban area of Bournemouth within the District Centre of Westbourne and on a Key Transport Route. There have been public comments that only affordable housing should be provided on this site and that the building should be kept and reused. The Council can only assess what has been proposed within the application.

#### *Appropriateness of Development Scale*

- 45 The site would be capable of hosting a development of houses, or a lower number of flats with or without car parking spaces. However, the NPPF has been clear for a number of years in its support for the sensible and efficient reuse of urban/brownfield land to deliver higher numbers of homes in sustainably located urban areas. Paragraph 128 for example states that development should make an efficient use of land, taking into account housing need, viability, infrastructure and sustainable locations as well as maintaining an area's character and setting.
- 46 Providing homes in house form 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 supports a higher density than that derived from spaced-out low-intensity houses on this site and the principle of this number of flats in this form is supported, subject to its impact on other factors assessed elsewhere in this report. While no 'houses' are proposed, officers have negotiated an increase in the number of 2 bedroom / family sized units within the development to provide some larger units near the town centre.
- 47 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:
- i. reflect the housing size demands of the Borough as identified in the SHMA (Strategic Housing Market Assessment);
  - ii. be of good design;
  - iii. contribute positively to the character and function of the neighbourhood;
  - iv. maintain and enhance the quality of the street scene;
  - v. respect residents' amenities; and
  - vi. ensure a positive contribution to achieving a sustainable community.

- 48 Bullet point (i) refers to the SHMA which seeks to provide homes with at least 2no. bedrooms, rather than developments with just 1 bed units. The development is centrally located on a busy main road, adjacent to the commercial services of the district centre where intensification is supported, so a balance needs to be struck with making an efficient use of land and meeting the requirements of the SHMA. In this location the principle of a more efficient use of the land is supported.
- 49 On floors 1-4, 4no. flats would provide 3 bedspaces in 2no bedrooms. Bunk beds in the single room could increase capacity to 4 bedspaces. Those four flats all have single balconies. On the top floor the remaining 3no. 2-bedroom flats all have 2no. double bedrooms and 2 balconies. All units satisfy the minimum internal space standards on plan. The creation of 7no. 2-bedroom units here, in the manner configured on plans, alongside 33 1-bedroom flats would provide some scope for small families to live centrally, satisfying points (i) and (iii) of policy CS21.
- 50 With reference to points (ii) and (iv) design and appearance are considered in 'Impact on Character' which follows later in this report and concludes that the visual impact is likely to be acceptable on balance, though an objection from the Heritage team is noted. With regards to point (v); The position, scale and proportions of the building are such that impacts on neighbouring amenity have been sufficiently addressed (see 'Residential Amenity (Neighbours)' below), satisfying this point. Regarding point (vi): The new dwellings would benefit the local community by making better use of the large plot to deliver 40 new homes in an accessible and sustainable location, in the existing district centre on a bus route and within 100m of 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 aims of Policy CS21.
- 51 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 22 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 12 years. In this case, Policy 6.10 supplements Policy CS21 as it specifically refers to flats, rather than just 'urban intensification'.
- 52 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."*
- 53 With regards to point (i), the relevant 'Character' assessment in the next section of this report, concludes the design to be suitable in this location on balance, subject to conditions to secure quality materials. The existing building can be lost as it has not been decreed a non-designated heritage asset. With reference to other parts of this report where the issues are discussed, the proposal satisfies points (ii), (iii) and (iv) of 6.10.
- Density*
- 54 Core Strategy Policy CS21 is clear that where the site falls within the defined Area B (within 400m of a district centre) there are no explicit restrictions on density (unlike policy CS22 relative to areas outside Areas A,B & C. There is no policy requirement for either

density or scale to match the locality, relying instead on broader criteria expressed in bullet points 2,3, and 4 of Policy CS21 as addressed earlier in this section.

#### *Conclusions of Principle*

- 55 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, and saved District Wide Local Plan Policy 6.10 in principle, subject to considerations of character and amenity below. The NPPF sets out robust preference and strategic support for sustainably located development, an aim which this proposal satisfies. However, the heritage team record an objection to the design and scale of the building, meaning the proposal conflicts with elements of Core Strategy policy CS39 (Designated Heritage Assets).
- 56 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

##### *Heritage Considerations*

- 57 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.
- 58 Core Strategy Policy CS39 and paragraphs 201, 205-208 of the NPPF deal with impact on Designated Heritage Assets (DHA) such as conservation areas and statutorily listed buildings. Policy CS40 seeks to identify, safeguard and enhance Local Heritage Assets.
- 59 The existing building is not considered to comprise a local heritage asset and there is no conflict with policy CS40.
- 60 The site does not fall within the boundary of or directly abut the drawn edge of the *Westbourne Conservation Area* Conservation Area. The closest part of the site sits between 25.5m and 30m from the closest north eastern part of the Conservation Area. The north eastern extent of the CA encompasses the a) West Cliff Baptist Church, School & Hall, Grade II (HE Listing ID [1329394](#)), and b) The Grand Cinema, Grade II (HE Listing ID [1385095](#)). There exists a quantum of intervisibility between these two buildings and the site, though views of either or both listed building(s) and the site in the same vista are hard to achieve given the tree cover and presence / scale of the adjacent West Mansions.
- 61 The Heritage Officer considered the proposal and returned "*fundamental concerns over the height, scale, mass, appearance and detailing of the building, footprint and plot coverage.*" The applicant did not initially submit a Heritage Assessment but has since done so. Despite the submission of a Heritage Statement justifying the proposal in the context of the surroundings, the Heritage Officer returned an updated view that the proposal "*would result in an incongruous and dominating scheme that fails to pick up the defining characteristics of the Westbourne Conservation Area or enhance its significance and would have a negative impact upon the setting of the adjacent listed West Cliff Baptist Church & former Grand Cinema.*" From an urban design perspective they consider the proposal to constitute '*overdevelopment of the site*'. The main points raised include:

- The latest Heritage Statement was submitted after the application was registered and has been written to fit with the scheme proposed not inform its design with the constraints. It does not give any narrative as to how the form of the building has been designed to fit into this context or sit comfortably within it.
  - The new building will be too tall and set further forward on the site.
  - The new building does not have any reference to Westbourne.
  - Materials finish is out of keeping.
  - Disagree that the listed church and cinema buildings will not be read in easterly views along Poole Road towards the application site.
  - Concern about loss of original front wall.
- 62 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- Impact on Listed Building Assets:*
- 63 The Heritage officer view is that the impact of the proposal on the setting of the two listed buildings is harmful, at the level of ‘less than substantial’ in the context of the NPPF but towards the upper end of that scale, mainly due to the perceived imposing scale and dominance which will be excessive and read in views of the relevant listed buildings, affecting their setting.
- 64 It is considered that the buildings will be visible from the Church, but not the Cinema site, and that views of the site in the same vista as either listed building will not be possible other than from some distance away, at which point the impact and proximity of the buildings is diminished by the distance.
- 65 The Conservation Area was designated in 1993 and the Church listing was made in May 1994. While the Church listing entry describes both the interior and exterior it does not specifically refer to the grounds, boundaries or setting other than to say: *“On the west side of the north end there is a linking range, containing rooms and a staircase to the gallery, attached to a large hall or schoolroom to the west on a N-S axis.”* The Church was listed despite the surrounding blocks.
- 66 Historic Ordnance survey maps contained within applicants Heritage Statement show that the centre of Westbourne had been a village until around 1871, and that by 1889, the Church had been built and the run of grand detached villas constructed along both sides of Poole Road. In the early years of the 1900s, the village was developed with denser, higher commercial parades with flats above, expanding the function outwards, Into the 1920s the cinema was erected. The Church was positioned at the edge of the village, adjacent to fields that were contemporaneously developed with the large Victorian Villas – the occupants of whom it would serve and the children of which its connected school(room) would educate. The benefits of situation on the main Poole Road, were that public omnibuses served the site; electrical and gas lighting would have been installed or projected along its course for the opulent Villas, enabling the Church to go benefit from electric light; the road most likely would also have been an early candidate for surfacing in asphalt or cobbles and raised footpaths provided to protect the congregation from mud and carriage traffic if they walked rather than took an omnibus or carriage.
- 67 The setting in 1871 was one of village periphery, changing within 20 years to peripheral to the expanded commercial centre, surrounded by grand houses. By the 1940s the existing congregation would have seen the 4 and 5 storey West Mansions building opposite and by 1960s the congregations would have been aware of construction all

along Poole Road as demolition of the Villas flatted redevelopment commenced. The primary purposes of this church were to preach religion to adults and educate children. The setting has changed and evolved throughout its life. It is considered that neither the historic purpose, nor the setting of the listed church would be negatively impacted by the scale, mass, siting or appearance of the proposal, the closest part of which would be some 25m+ from the church boundary wall, and 30-35m from the main entrance, and on the opposite side of the road.

- 68 The Cinema listing was made in October 2000, and while the listing entry describes the 1920s building as “having an unspoilt façade, unaltered plan and much surviving internal decoration” it does not specifically refer to any adjacent buildings or the streetscene setting. The purpose of listing is predominantly on historic importance grounds, as it is stated that the site is “an early ‘super cinema’ from the 1920s”. The site has been in use for Bingo since 1977 and the references to the exterior are descriptive. The façade is described as: *“Neo-classical two-storey five-bay rendered principal facade, rising to a third storey over the centre bay. The entrance is in the centre bay, the others being filled by shop units. A canopy runs the length of the facade, the central section rising in segmental form. In the four outer bays of the first floor there are triple-light windows with plate-glass sashes. The central bay breaks forward and has three sets of smaller paired windows, again with sashes containing plate-glass. The entire first floor has channelled rustication. Full entablature with panels of cruciform ornament in the parapet. The attic storey has three sets of similarly glazed paired windows and is surmounted by a broken pediment flanked by funerary urns with, at the summit, a plinth supporting a figurative sculpture in female form. There is original lettering in the pediment: THE GRAND CINEMA; further old lettering below the attic windows: GRAND. Three steps up to entrance.”*
- 69 The cinema’s position in this parade was most likely chosen to benefit from easy omnibus access in a central commercial location and to sit close to corporation electricity supplies along the main road - to power the cinematic projection and lighting. The primary purpose of the building’s exterior in 1920s interwar Britain was to draw people in using the grand opulent architecture of the time, then have them sit in the dark and be exported elsewhere. It is the Officer’s opinion that neither the historic purpose, nor the setting of the listed cinema would be negatively impacted by the scale or appearance of the proposal, which would be over 30m from the closest part, of 40m+ from the entrance steps.
- Impact on the Conservation Area Asset:*
- 70 The Heritage officer view is that the impact of the proposal on the character and setting of the Conservation Area is harmful, at the level of ‘less than substantial’ in the context of the NPPF. The Conservation Area was designated in 1993 and does not benefit from an appraisal. However, a summary statement was included in the expired Bournemouth District Wide Local Plan (2002) stating *“This area was laid out in the 1860s as a gracious, low density residential area. Since then it has been heavily redeveloped, at a much higher density. To the north is a very popular, compact shopping area, of the late Victorian to Edwardian period, with two main shopping roads linked by a ‘listed’ arcade. Projecting south from here are three residential roads with modest, contemporary houses in the centre section and grander houses in the south, around Alum Chine. The area forms a strong neighbourhood, with a cross section of period development under threat from unsympathetic redevelopment”*
- 71 The view of the officer is influenced by the fact that the site sits wholly outside of the CA and that because of the substantial tree cover at each side of the site, will spend at least 7-8 months significantly screened from long and short distance views into the conservation area from points east along Poole Road. Screening would reduce in the winter months and is not relied on completely, but will soften views. The scale, height

and forward position of West Mansions also largely blocks the view of the site, and the majority of the proposal from vantage points within the Conservation Area. The top two proposed floors will be visible from points on the pavement opposite the former cinema, looking outwards east along Poole Road, but the streetscape here is busy and the church and cinema in the foreground of those views would still appear taller to the onlooker until both buildings are behind or out of shot and the onlooker has walked east towards the CA boundary, leaving the designated Conservation Area behind them.

- 72 A Conservation Area is defined by the character, form and shape of buildings within its designated map boundaries, not those from outside. The invisible boundary was selected because the buildings and townscape character outside it were determined to not be of a sufficient quality or similarity to warrant their inclusion. A conservation area of course has a hinterland that surrounds it, but so too does a commercial centre and both blocks of flats and taller commercial buildings are not unusual in this location, nor further along Poole Road. Just 300m to the east at 19-21 and 23 Poole Road sit large seven and five storey flatted blocks. 100m from the site sits an estate of late 1960s 3 and 4 storey flats sunken into the ground with monopitch roofs that raise this to 4 and 5 storeys within the site. There are four storey flatted developments at 35 and 39 Poole Road, the buildings set on land 0.5m to 1m higher than the roadway.
- 73 Looking into the CA along Poole Road, from outside, in the middle distance sits the corner parade opposite the Westbourne Pub at the junction with Seamoor Rd. This comprises a substantial 4 storey Victorian commercial parade that turns the corner and draws the eye. Along with the (5 storey high equivalent) listed Baptist Church on the corner of Grosvenor Rd, and the 4 and 5 storey West Mansions block opposite, it is a fair assessment to say that the Poole Road gateway into the Conservation Area from the east already features buildings of substantial height and road frontage width. It could be said that there is a change in character marked by the application site where buildings to the east are set further back in their plot with a lower density and more tree planting, marking a gateway to the higher density street fronting terraces of the conservation area. The proposal would bring the site more into the setting of the conservation area, extending the perceived gateway demarcation further east. The proposed building sits forward on the site with the front fins projecting forward of the adjacent block of flats to the west meaning it will be more imposing in the street scene. This is likely to result in a some harm, but at a relatively low level. The proposal here seeks to reduce the impact of the development height by setting a third of the proposed width back from the road frontage and retaining existing trees. The top two floors will project above the West Mansions building from a viewpoint on Poole Rd within the conservation area, looking east, but the townscape character is set by high quality frontage architecture and detail not the skyline as you look outwards.
- 74 The front elevation has also been recently slightly further amended since Heritage Team made their most recent comments. This does not overcome their overall objections, but the changes reduce the height of the front elevation balcony frame by one storey, having the visual effect of pushing the top two floors of the building further back into the site. The horizontal brickwork over the frontage balconies, in its revised, lower position also makes visual reference to the height of the adjacent West Mansions, diminishing the impact of the overall height of the proposal to a degree. Factoring in that the site does not involve the loss of any building having a heritage value or positive contribution in the streetscene, the development is considered to have an acceptable impact on local streetscene and character.
- 75 Planning officers are satisfied that the impacts there will be are not significant to any of the Designated Heritage Assets (DHAs) identified. A low level of harm has been identified to the setting which is weighed in the balance in respect of the benefits. Conversely, the Heritage officer remains in objection to the proposal, arguing greater

harm to the DHAs. A potential conflict with policy CS39, and therefore paragraph 205 of the 2023 NPPF must therefore be recorded. The primary aim of the NPPF is to ensure the *conservation of the DHA. The more important the asset to be conserved, the greater the weight should be. Thus, as three DHA's are impacted, regardless of the degree of impact, the NPPF is clear that great weight must be apportioned to the impact.*

Paragraph 205 explains that potential harm can comprise 'substantial harm', 'total loss' or 'less than substantial harm' to an assets 'significance'. In this case the level of harm suggested by the Heritage Officer is 'less than substantial', as there is no direct impact or loss to the fabric of the listed buildings and conservation area but it relates more to the impact on the setting.

- 76 Having assessed the objection from the heritage officer, and considered the merits of the case and arguments put forward in the applicant's Heritage Statement, it is clear that no physical harms would be made to the fabric of either of the two Grade II listed buildings. Similarly clear is that the proposed development is not really capable of having a visual impact on views of the streetscene/listed building setting without considerable visual separation. Therefore, the proposal would have no discernible impact on the setting of either listed building. Thirdly, the historic reasons for listing both buildings would not be harmed by the redevelopment of this plot for housing as it already has a mixed history involving residential and commercial and the redeployment of the site for contemporary residential flats would be an evolutionary stage in the site's ongoing development at the edge of this connected commercial centre.

- 77 Similarly, in respect of the conservation area (CA), paragraphs 71-74 above set out that despite the heritage officer objection, there is little to evidence the argument that the proposal would bring significant harm to the character and historic quality of the conservation area. There would be an impact, comprising the long-range view looking outwards (east) from the conservation area which would include the top two floors of the proposal. The application site and adjacent West Mansions building were excluded from inclusion in the CA and the proposal would be relatively hidden from view when reversing the vista from outside the CA looking inwards (west). A full range of positive views in different directions exist within the CA, unharmed by the proposed building, and therefore its impact is considered to comprise a low level of 'less than substantial harm' to the character, identity or heritage significance of the Conservation Area as a whole.

#### *Degree of Impact/Harm*

- 78 There is disagreement between Planning and Heritage officers. Planning officers consider that the development would not lead to substantial harm or total loss of significance of any of the DHA's and have only a low level of 'less than substantial harm'. Heritage officers state that the proposed development would result in a building that adversely affects the significance of the Conservation Area and fails to remain subservient within the setting of the nearby Listed Buildings – still at the level of 'less than substantial harm', but at a much higher level whereby the balance is more heavily weighted towards heritage impact.
- 79 Paragraph 208 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 80 The public benefits of the proposal are considered to be significant and are summarised in the next paragraph and in the planning balance section at the end of this report.

#### *Public Benefits of Proposal (Heritage)*

- 81 Paragraphs 158-159 of this report details the public benefits of the proposal tested against planning policy. Summarising them here, the scheme would deliver 40 much

needed new homes, making better use of the site than the 16 flats that could be delivered through Prior Approval conversion. The location is indisputably sustainable, and the proposal is car-free encouraging sustainable modes of transport for residents by making car ownership an awkward fourth travel choice after foot, bike and bus and requiring a private garage or inconvenient off-site parking space away from the site. The majority of the flats would have internal space that exceeds minimum space standards, supplemented by communal and private balcony or rooftop garden space, with satisfactory stacking and natural daylight. Impacts on neighbouring amenity would not be harmful and can be satisfactorily regulated by way of conditions. Thus, with regard for the tests of NPPF paragraph 207, the weight attached to the identified harm is outweighed by the identified public benefits.

82 NPPF Paragraph 208 explains *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* With reference to the preceding paragraph of this report and the later Planning Balance section, sufficient public benefits are considered to exist to warrant the permitting of the identified ‘less than substantial harm’ on the three specific DHA’s.

83 With regard for local policy CS39, and NPPF paragraph 208, sufficient public benefits are considered to exist to outweigh the ‘less than substantial harm’ and these are detailed in the Planning Balance at the end of this report.

#### Streetscene and Character Impacts

84 There is some crossover of this section with the preceding assessment of the Conservation Area character. Whilst that deals with the general heritage dimension, this section deals with urban design, streetscene, scale and grain of the proposal, assessed against Core Strategy Policy CS41.

#### *Position relative to Building Lines*

85 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 building position is relative to the long since vanished building line established in the era of the Victorian Villas. The adjacent development comprising West Mansions (built in the 1940s) and the terrace containing the cinema (built in the 1920s) bring development right up to the back edge of the public footway. The footway outside West Mansions is 2.4m wider than it is outside the application site and the building is set back only 1.5m from its boundary wall. Comparatively however, imagining a line extending from the relative pavement width outside the application site, the 4-storey part of West Mansions is set back 4m from this line and the 5 storey part 8m. The development proposes a building set back between 3.8m and 14.8m from the back edge of the footway outside the site. The closest part would be 13m wide and the furthers part would be 5.7m wide. Either side of the central closest/projecting part there would be gaps of 8m to the side boundaries of the site, extending to 8.3m to the side elevation of West Mansions and 15.5 to the rear elevation of 2 Pine Tree Glen. This would enable the site to reflect the forward position of the westward buildings whilst also incorporating some gaps between the adjacent sites to diminish the impact of the width and height of the building.

#### *Scale & Form & Height*

86 There would be some balcony overhangs and vertical fins on the frontage, but these help break up the elevation and add some distinct identity to the proposal, differentiating it from the blander flat fronted components of the West Mansions building. When viewed from opposite the site, the main frame of the proposed building would not stand out as unduly different to the height of the West Mansions building. The top floor would be set

back and its visual impact diminished accordingly. The stepping forwards and backwards of the proposal would also have the effect of emulating the staggering and stepping up and down of the West Mansions building. The March 2024 amendment to lower the horizontal brickwork over the frontage balconies by one storey not only makes visual reference to the height of the adjacent West Mansions, but also lightens the quantum of built form on the top two floors of the frontage. The amendments assist in diminishing the impact of the overall height of the proposal by breaking it up into smaller segments, without losing the balcony framing that affords the frontage its identity.

- 87 Established trees along the highway and on surrounding plots mean that long range views of the site frontage are for a large part of the year obscured by mature and evergreen trees. Components of the building, particularly the top floor will be visible in glimpses through or over the trees, but the bulk of the building will sit behind West Mansions when looking out from the Conservation Area, and behind evergreen trees when looking into the CA. The scale of the building would only really be visible within the streetscene when passing the site and looking towards it or approaching along Grosvenor Rd towards Poole Road where it would appear off to the right at the junction. The full vista of this view would encompass the Cinema parade, the Church and both West Mansions and the site, where bolder, long frontaged and tall buildings already exist.

#### *Appearance*

- 88 The grain of the street, the range of materials and the eras of buildings on Poole Road as it runs eastwards outside of the conservation area boundary are such that they would offer a suitable host site for the proposed building in terms of street scene. The streetscene along Poole Road has no uniformity. At some point in the 1960s, the character of the area outside the urban centre began to tilt away from Victoriana with the replacement of several villas with planned estates and larger flatted blocks on both sides of the road. It is clear that this continued well in to the 1980s and 1990s and likely contributed to the designation of the commercial centre as a conservation area in 1993. However, as the journey outwards, away from the Conservation Area is peppered with varied styles of flatted developments, ranging from mediocre modernist and post-modernist architecture, the introduction of the building style and appearance proposed here would not stand out as unduly prominent and would settle into the varied pattern of development along this stretch of road. The proposal would clearly be different in its design but the alternative of recreating a faux Victorian pastiche would risk misleading future historians as to contemporary architectural trends and deny the area any chance at embracing modern architectural building designs. The site remains clearly outside the conservation area, and is not technically on the boundary with it. The key to assessing the proposal lies within a consideration of how its scale and proportions are complemented or diminished by its component parts. The recent amendments to reduce the rectangular emphasis on the projecting frame around the balconies has the effect of reducing the perceived height of this component and help emphasise the horizontal height relationship with the West Mansions building next door.
- 89 The two wings of the building would be set back sufficiently from the forward part of the frontage, and in from both side boundaries by sufficient distances so as to not undermine the pattern of gaps between developed sites along local block faces. The impacts of the rear parts of the building that are not easily visible from the public realm, including proposed windows and balconies on neighbour amenity are addressed in the 'Neighbouring Amenity' section of this report.
- 90 The loss of the frontage perimeter wall, and its replacement with one that would match the materials within the proposed building is supported. The wall has been modified for highways traffic twice and also to accommodate Fire Hydrant access and tree root position., The existing 'original' Victorian boundary wall has no counterpoint reference on

sites either side of this plot and insistence on its retention would serve only to retain a feature that would then appear disjointed with the new development proposed for the site.

- 91 The modern and contemporary design reflects the ongoing evolution of brickwork finished residential development. It does not seek to replicate the more lightweight glass and metal architecture popular along the clifftops and near water. There is sufficient identity and visual interest in the street frontage resulting from the projections, recesses, balconies, window alignment, and framing proposed. The indicative material palette and colour choices add further interest and identity to the building exterior. The computer generated images associated with the application indicate a relatively grey style of brick which would not be appropriate but a good quality buff multi brick or perhaps a red brick would be more appropriate, giving some historic reference to the site and location while remaining of contemporary design. It is considered that to blindly force the full pastiche replication of the architecture of the 1900s era, on a contemporary (policy compliant) scale and form would be a substantial misstep and not always the right solution.
- 92 In the format proposed the scale, form, height, layout and appearance proposed are considered acceptable in this location on balance and would satisfy the character and density aims of Policies CS21 and CS41 (Core Strategy) and saved policy 6.10 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. The conclusions to that section are that there would not be a significant enough impact upon such amenities to warrant a refusal on their own.
- 93 Paragraph 123 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.

#### Residential Amenity – Neighbouring Residents

- Facing flats within West Mansions (to west)*
- 94 With regard for paragraph 9, earlier, the windows within the recessed eastern elevation of West Mansions, with the external staircase, light bathrooms and w.c.'s. In the north and south facing return walls leading into the recess, sit larger windows facing the staircase, and each lighting a bedroom. These bedroom windows are secondary windows to these oblong bedrooms, the principle window of which looks either north to the rear, or south over the Poole Road.
- 95 With reference to the interface distances set out in the table within paragraph 6 of this report, there are only oblique views over the application site and no impacts in terms of privacy or overlooking. Although the rear part of the proposal would be 2m from the windowless flank of West Mansions (as opposed to the current 5m), the front part of the proposal would be staggered so as to be nearly 11m away from the forward part of West Mansions. Whilst the proposal is higher than the existing, the shifting away of its footprint from the boundary with West Mansions, combined with the secondary nature of the windows within the recess would mean no unacceptable shadowing, outlook or daylighting impacts would result from the proposal. The building finish is proposed as a light grey brick, likely to permit more reflection of light than a darker redbrick finish.

- 96 Subject to conditions requiring the use of obscure glazing to a flank living room window within flats 10, 18, 26 and 32 facing West Mansions, the proposal would therefore respect the amenities of neighbouring residents within the neighbouring building as required by policies CS21, CS41 and 6.10.
- Facing flats within 2 Pine Tree Glen (to east)*
- 97 Converted into six flats following the grant of planning permission in 1999. When alterations were permitted in 2005 to the rear elevation windows/doors, the delegated report noted that *“The garden is surrounded by an 8ft high fence and a bank of tall fir trees at the rear which prevents any overlooking from the flats behind. As such there will be no detrimental impact on the amenities of neighbouring residents.”* Some 19 years later, some thinning and pruning appears to have taken place but the fencing and line of tall fir trees remain an evergreen barrier between the sites, limiting the scope for views between the existing flats.
- 98 With reference to the table in para 6 of this report, there exists an interface distance of between 16.2m and 19.9m between the closest and furthest parts of the existing flats/office and no.2. At its closest, the proposal would increase the horizontal gap between elevations to 17m on floors 1-4 and 18m at 5<sup>th</sup> floor. The furthest distances would remain at 19.9m over the lower floors but increase to 20.9m at 5<sup>th</sup> floor. Some 1m deep balconies are proposed to the elevation facing Pine Tree Glen, giving an interface distance from these fair-weather amenity spaces to the rear facing elevation of no.2 Pine Tree Glen of approximately 16m. There are existing windows at ground, first floor and within the side mansard roof of the second floor that already face the rear of 2 Pine Tree Glen, at shorter distances than the ones proposed.
- 99 Therefore, it is the balanced view that the proposed distances, coupled with the interruption of the view by the evergreen trees and fencing would offer a reasonable degree of privacy for occupants of Pine Tree Glen and vice versa. The interface distances between the facing elevations of both properties are acceptable and there would be no need for the imposition of conditions requiring obscure glazing in the elevations facing eastwards. The matter is revisited in the Future Occupants Assessment.
- 100 The proposal would bring the building line of the whole structure on the site substantially forward of the historic position relative to no.2, but it would also better reflect the general position of the adjacent West Mansions building line along Poole Road. The stepped back position of 2 Pine Tree Glen reflects its corner position and views from the open space to the south of no.2 would not be substantially harmed by the proposal for the same reasons relating to the evergreen trees and because this garden space receives the predominant share of its sunlight from the east and south, with only very late afternoon sunlight coming from this western/northwestern direction. The same would be true of the windows lighting habitable rooms in that southern facing elevation, with outlook of garden, trees and glimpses of Poole Road beyond.
- 9a Westbourne Close [House] (north, west side)*
- 101 The dwelling at no.9a sits nestled in very tightly to the rear boundary of the application site. No.9a was given outline planning permission as a flat above three garages in 1990, with reserved matters approved in 1992. Upon approval only the first floor was residential but subsequent to it being built an application to convert the eastern integrated garage closest to the boundary with no.9 to additional residential floorspace was approved in 2002. The works appear to have been enacted as there are now only two garages on site and what was garage door is now a domestic window adjacent to the front door. This window lights the ground floor living space and there appear to be no windows on the ground floor to the rear of the premises. The three windows to the first-floor rear (south of the flat) are complemented by three windows to the frontage (north).

The existing building has a two-storey rear projection within 5.57m of the nearest rear first floor window to no.9a. The proposal would replicate this two storey rear projection, but angle the new rear wall away from the nearest window in the rear elevation of no.9a. The windows in this rear wall, at both ground and first that light flats within the block would be high level oblong (above head height) and fitted with obscure glazing to address privacy issues. The top of the rear extension would be laid out as communal garden for residents of the development, with a fenced area set in from the rear and sides to create a private space with no lateral view other than skyward. Although the windows are high level. conditioning them to remain obscure glazed would address any latent overlooking concerns.

102 To the side of the proposal, a wing would extend outwards towards West Mansions, over all floor levels, curtailing the existing long distance view from the flat within no.9a down the side of the existing building down to 13m and 15m (higher up). However, there is no right to a view and a retained outlook of the quantum proposed is sufficient to satisfy the general facing elevation offset distances set out within the Residential Development Design Guide SPD.

103 The new building would be imposing in terms of height, as indicated on the elevation drawings with the dashed outline of the existing building. However the main bulk is set a bit further back with facing windows limited. There would be some shading and visual impact to this property but having regard to the existing context this would not be considered materially harmful. There would be no significant impacts on the quantum of daylight received by the occupants of 9a, nor any loss of outlook or undue harms to privacy. The proposal would therefore respect the amenities of neighbouring residents within no. 9a as required by policies CS21, CS41 and 6.10.

*9 Westbourne Close [flats] (north, east side)*

104 The layout of the proposed flattened block has been configured to minimise windows and openings on the northern elevation facing no 9. No.9 itself has an L-shape layout, and it is understood that the building has been subdivided into two flats. The first-floor windows are understood to serve bedrooms but the boundary between the site and no 9 is heavily obscured by mature trees. The trees comprise a Group (G3) of Cherry Laurel trees, approx. 9m in height and a 14m (approx.) high Sycamore (T7). These trees are to be retained.

105 The flank and rear of Tayfield house already has windows at first and second floor, and the extant permission to convert the existing building into flats (7-2021-7-l) used these windows to light rear facing bedroom and lounge windows at first and second floor level. This proposal deleted the existing buildings and, at first and second floor level proposes only high-level obscured windows in the northern elevation – avoiding overlooking. The same is true for the windows in the upper floors of the main rear elevation facing north. Interface distances, even if the trees were to be removed by the residents at no 9, who's land they sit on, the interface distances range between 10.5m and 12.4m at two storey height and between 15.9m, 16.7m and 21.2m between the closest parts of no.9 and the upper floors of the proposal. Subject to conditions to secure obscure glazing, there would be no impacts so significant so as to warrant a refusal on amenity grounds.

106 The replacement development would be set in/back further from the rear boundary (shared with no.9) at second floor level when compared to the existing building (marked in a pink dashed line on the east elevation and north elevation drawings). The second-floor rooftop area within this setback would be used to provide a communal garden area for future occupants. To avoid overlooking no.9, it is proposed to erect privacy screening and planting around the edge of the roof garden. This will be 1.8m high and can be secured by condition. Neighbours have objected, saying the planting will not grow without sunlight but the landscaping scheme will be ornamental rather than turfed or

tree'd. Thus, the outward views from the roof garden would be upwards towards the tree canopy of the mature trees which are being retained along the rear boundary – not windows. Subject to conditions to secure obscure screening to the rooftop garden, impacts on adjacent residential amenity would be limited and not so significant so as to warrant a policy conflict and refusal on amenity grounds.

- 107 As with the impact on number 9 above the development would be taller and to an extent more imposing. However, having regard to the existing context and subject to the above conditions in respect of obscure glazing and rooftop garden screening the LPA is satisfied that there would be no material harm to the amenity, privacy, daylight or outlook to the occupiers of no. 9 resulting from this development. The proposal would therefore respect the amenities of neighbouring residents within no.9 as required by policies CS21, CS41 and 6.10.

*Other neighbouring dwellings*

- 108 All other neighbouring properties, 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*

- 109 The Environmental Health (Noise) Officer consider noise from demolition and construction works have 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 Environment Management Plan (CEMP) is needed, along with a condition limiting the hours of construction.
- 110 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 in a busy central location, adjacent to other flats on a busy road, 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 on adjacent dwellings are likely to be appropriate for the urban setting. Even the rooftop garden would be appropriate as its size reflects the uses are likely to restrict sports and other similar exertive activity. The conclusion remains that neither the proposed units or outdoor roof garden would prejudice existing neighbouring amenity so much as to warrant refusal of the scheme.
- 111 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.

*Infrastructure & Services*

- 112 Neighbours have commented that infrastructure and services will be placed under increased pressure as a result of additional residents moving into the area, with facilities such as dentists and doctors already considered 'overwhelmed' by the objectors making the comments. It is not for the planning system to fund and deliver other aspects of society currently paid for by other taxation and budgetary means unless specifically set out in local policies or to be accrued via the Community Infrastructure Levy. The NHS is funded via central Government and it is normally beyond the control of local authorities to secure contributions to fund improvements to provision. However, the NHS have calculated a contribution in this case for local primary care services resulting from the additional demand from new residents. The estimated cost of creating an additional clinical room (plus increased ancillary space (i.e. corridors, amending waiting areas, etc)

to serve the wider area is in the region of £100,000. Based on the number of patients this proposal will likely generate, the NHS have calculated that this development would need to contribute £5,944.00. The applicant has agreed to this figure and the sum is included in a s106 agreement alongside the Heathlands payments discussed later in this report.

## Residential Amenity – Future Residents

### *Location*

- 113 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. Buses serve nearby roads, making the site a very sustainable urban location for future residents.

### *Dwelling Mix*

- 114 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 7no. 2-bedroom units and 33no. 1-bedroom units. Paragraph 42 of this report details the number and split of bedspaces in these units, 3no. of the 2-bedroom flats having 4 bedspaces, and 4no. of them having 3 bedspaces. In this central location, which is not ideal for family accommodation (see next paragraph), the quantum and configuration of family sized units is considered acceptable, satisfying points (i) and (iii) of policy CS21. The provision of both single and two bedroom units offers a dwelling mix which would assist in diversifying the housing stock to meet local needs, and help reduce the need for private vehicular trips and pollution, whilst also boosting the local economy.

### *Internal Space*

- 115 Of the 40 flats proposed, 30 satisfy or exceed the minimum floorspace standards as set of by the Governments Technical Housing Standards 2015. The standards do not currently form part of the adopted development plan in this area. They nevertheless stand as aspirational guidance and as one component of assessing habitability. If the space falls some way below it can be an indication that living standards will be poor.

- 116 Table 2 – Flat sizes

Flat No.	Bedrooms	Bed Spaces	Needs	Provides	Flat No.	Bedrooms	Bed Spaces	Needs	Provides
1	1	2	50	39.2*	21	1	1	39	40.3*
2	1	2	50	41.7*	22	1	1	39	39.9**
3	1	2	50	52.6	23	1	1	39	44.2*
4	1	1	39	40.4~	24	1	1	39	40.4*
5	1	2	50	45.9~	25	2	3	61	62*
6	1	1	39	39.2~~	26	1	1	39	39
7	1	1	39	41.7~	27	1	2	50	45.9*
8	1	1	39	39.2*	28	1	1	39	40.3*
9	1	2	50	41.7*	29	1	1	39	39.9**
10	1	2	50	39.0**	30	1	1	39	44.2*
11	2	3	61	62*	31	1	1	39	40.4*
12	1	1	39	40.4*	32	1	1	39	39
13	1	2	50	45.9*	33	2	3	61	62*
14	1	2	50	40.3*	34	1	2	50	45.9*
15	1	1	39	39.9**	35	1	1	39	40.3*
16	1	1	39	44.2*	36	1	1	39	39.9**
17	1	1	39	40.4*	37	1	1	39	44.2*
18	1	1	39	39	38	2	4	70	81.6**
19	2	3	61	62*	39	2	4	70	71.5**
20	1	2	50	45.9*	40	2	4	70	76.9**

\*/~ small balcony / GF Terrace; \*\*/~ larger balcony or roof terrace / GF terrace

- 117 Of the 10 units that fall below the threshold, 5no. flats are short by approx. 4sqm; 2 are short by 8sqm; 1 is short by 10sqm and 2 are short by 11sqm. One of these 11sqm

deficient units would have a 14sqm private balcony terrace, unlike other units that only have 1.5-2sqm balconies. The balance of units is considered to be acceptable, providing a range of unit sizes with only five examples of significant shortfall (8-11sqm), but each of those having balconies of reasonable size to help mitigate for the shortfalls.

- 118 Room uses / flat layouts are stacked well between floors. Primary outlook from units would be to the street frontage via the setbacks from the frontage allowing the rear flats forward views from the side wings. Similarly, the internal stacking arrangements (room uses) for the flats would be well arranged over floors with limited scope for transference of noise between units and reducing the likelihood of potential complaints and poor living standards within. Internal circulation space is good with each flat accessible off central lobbies with lift /staircase access and separate secure ground and lower ground floor cycle parking, ground level bin storage and conveniently located and naturally surveilled entrance doors. The combination of these attributes would make for a sensible living arrangement within the scheme, an attribute welcomed by the LPA.
- 119 There should in all developments be adequate amenity space to serve future residents. The ground floor flats have direct rear access onto the two private rear garden areas, with other residents needing to exit the buildings and head down the path between the two buildings to access the private communal space to the rear. Outdoor clothes drying will be possible on the balconies – which 32 of the 40 flats have, reducing the need for all flats to rely on conventional central heating or tumble driers.
- 120 In conclusion, it is considered that the proposals would provide satisfactory positive living conditions and amenity for future residents, meeting the anticipated habitability needs of future residents and beneficial to their wellbeing and general amenity. The proposals would therefore comply with policies CS21, CS41 and 6.10.

#### *Outlook/Privacy*

- 121 Primary outlook from units would be to the street frontage. As discussed earlier in this report privacy and overlooking conflicts have been designed out of the scheme either by omitting windows, or incorporating only high level or obscured glazing, or privacy screens to some to the rooftop garden. Subject to these conditions, there would be no privacy concerns relative to future residents of the proposed dwellings and this aspect would satisfy the aims of Policy CS41.

#### *Noise*

- 122 Environmental Health (Noise) have expressed concerns that noise from the adjacent road could prove to be intrusive or disruptive to future residents within the block if sufficient acoustic insulation is not installed to adequately protect them. However, it is considered that a pre-commencement noise survey, secured by condition together with any required mitigation for example to include upgraded glazing specifications would be able to overcome this concern. Subject to this condition being satisfactorily discharged, the scheme would satisfy the component parts of Policy CS41.

#### *Refuse/Recycling*

- 123 Bin stores would be provided at ground floor level, in a revised more accessible location for residents, off the main lobby, behind 2no. fire doors. Collection-wise, the distance is beyond the 10 metre pull distance required for Council collection so will require a private collection to be secured by condition. Whilst bin store size and number of bins have both been increased, there also remains an undersupply of bin storage against standards. Adopted Standards require 9,600L of recycling storage whilst the development would deliver 6,600L; and 7,200L for general waste but provides 5,500L. The majority of flats in the development are single bedroom flats, whereas the capacity calculation estimate is based on average household size across the borough. The Waste Team raise no objection to the proposed capacity subject to conditions requiring the submission,

approval and implementation of a private waste management plan to govern collection frequency. Subject to the condition, this aspect would satisfy the aims of Policy CS41.

#### Highway Safety, Capacity & Flow

124 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.

125 The Highways team initially objected due to a lack of parking for operational servicing, waste collection, and concerns over the siting of the cycle parking below ground. These objections were overcome in full through amendments to plans.

#### *Pedestrian Access*

126 The main pedestrian access will be taken from Poole Road, connecting to a lobby door and the stairway/ramp to the lower ground cycle store. A secondary path to the west will serve the ground floor cycle store, which connects internally to the main lobby. The pedestrian route crosses the delivery bay/turning area where service vehicles will attend the site, making use of the existing dropped kerb and wall opening. The ground would be level and the pedestrian route can be demarcated through surface material treatment, secured by condition.

#### *Cycle Access & Parking*

127 A cycle store is now provided at ground level accessed via the pedestrian footpath that is 2.24m wide. 7 Sheffield stands are provided and the plans are annotated to include electric charging points for E bikes. Below ground level provides an additional 25 Sheffield stands are to be provided resulting in 32 Sheffield stands. Due to the internal alterations the number of units has reduced to 40. The level of cycle parking and the layout is considered acceptable. The bike wheel ramp to assist with cycles located at lower ground level is supported on balance due to the provision of 7 Sheffield stands at ground level which will give future residents a choice where to park their cycles. Highways are satisfied that the quantum of spaces and locations of the bike parking are now suitable and comfortably accessible externally/internally to fully satisfy the Parking Standards SPD.

#### *Vehicular Deliveries (Access)*

128 The amended site plan now shows the retention of one vehicular access to the east that will be used by delivery / service vehicles. This is welcomed by the LHA and overcomes previous concerns regarding lack of on-site delivery or waste collection vehicle space. A condition should be added to close off the redundant (western) vehicular access and reinstate the dropped kerb. A turning head has been provided within the site to allow sufficient space to turn a delivery vehicle and therefore enter and exit the site in a forward gear. It is recommended that a condition be added, requiring the erection of a sign to remind delivery drivers to turn and exit the site in a forward gear.

#### *Servicing (Waste)*

129 Following discussions with the Waste & Recycling team, the waste binstore has been repositioned closer to the public highway. This will reduce the drag distance and the

stopping duration on the highway. Paths in excess of 2m width are provided to the highway boundary of the site, enabling servicing in accordance with standing advice. On balance, the LHA will accept collection from Poole Road subject to collections being made off-peak. A condition regarding a waste management plan for private collection should be included with the permission to ensure that the waste collection details are agreed before first occupancy. The off-peak collection will assist with keeping Poole Road traffic flowing during rush hours.

#### *Car Parking*

- 130 In this location, the Parking Standards SPD permits car free development owing to its sustainable location within a local centre. The absence of parking complies with the Adopted SPD and Core Strategy policies CS6 and CS16.

#### *Construction Phase*

- 131 Highways Officers have not raised any issues and the matter can be adequately addressed through the application of a condition requiring a Construction Environment Management.

#### *Highways Conclusion*

- 132 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, CS16, CS17, CS18 and the BCP Parking Standards SPD.

#### Landscaping and Trees

- 133 With regards to the manner in which the new building will be visually linked to the street, sufficient space is shown around the site frontage and boundaries to accommodate landscaping. The Landscaping team have assessed the proposals along with the submitted arboricultural information. The 6 trees being lost as a result of this proposal are all low quality trees which can be replaced on site. The arboricultural method statement details 6 new trees of suitable species in suitable locations. Alongside this, planting on the site frontage (in place of the current surfaced car park) will improve the visual amenity of the site when viewed from the street. The pruning proposed for other flora is minor and not of harm. The Protection measures detailed for retained trees is suitable.
- 134 Retention of hard surfacing is proposed as tree protection but two areas need excavation with caution to avoid tree harm. These areas are very small and tree harm is unlikely if conditions govern this precaution. Services and SUDS information will be required before commencement of development and any excavation and routing of utilities must not be harmful to retained trees. A height restriction barrier is proposed which will be essential to avoid tree harm. Specialist surfaced footpaths are proposed to avoid tree root harm.
- 135 The Tree officer raised no objections to the proposals subject to conditions to ensure:
- Compliance with the arboricultural method statement and tree protection plan;
  - Submission of a detailed soft landscaping scheme that includes the detailed tree planting information specified within the submitted arboricultural method statement;
  - Submission of a 5 year soft landscaping maintenance scheme;
  - Submission of a scheme of specialist surfacing from an engineer or systems supplier for the two footpaths within root protection areas; and

- Submission of a scheme for below ground utility services routing and SUDS that do not cause harm to retained trees.
- 136 Generally, sufficient space exists to deliver a satisfactory soft landscaping scheme and the service/access routes needed for the development to function. How they will be planted out or finished remains for assessment at condition discharge stage.
- 137 Conditions would also be needed in respect of the communal roof terrace screening, along with specifications for any planting proposed at roof level, and any necessary boundary fencing, or fixed paths or infrastructure. The design and layout of which should be such that it does not impede the servicing of the bins by way of 2m wide pathways clear through the site to kerbside dropped kerbs.
- 138 Overall, it is considered that the proposed scale, layout and access arrangements are sufficiently balanced so as to permit conditions 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

- 139 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

- 140 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. There are no known Wessex Water assets within the proposed site boundary. The land is previously developed with a drainage system connected to the sewer network. However, Wessex Water state that no surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly as part of the redevelopment. The inland Flood Risk Management (iFRM) team have responded as the relevant Lead Local Flood Authority (LLFA) as follows:

*"The proposal represents major development and therefore requires our ongoing involvement as a technical consultee.*

*The site falls within the Environment Agency Flood Zone 1 (low risk from rivers and sea). Relevant mapping indicates no theoretical risk of flooding on the site from other sources, although there is some localised surface water risk in Poole Road, adjoining the site and areas east of the site.*

*British Geological Survey (BSG) mapping indicates that the site sits on bedrock of Branksome sand formation and superficial deposits of river terrace sand and gravel. BGS derived mapping indicates that the subsurface is likely to be suitable for infiltration (subject to infiltration testing).*

*The NPPF (para 175) requires that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. NPPG (para 059) requires a sustainable drainage strategy is to be submitted in support of the application. An indicative drainage plan such has been submitted (ref 9442/107 Rev A*

17/4/23). The applicant's Flood Risk Assessment (FRA) includes minimal drainage information. Para 3.4 of the FRA recognises that there is uncertainty about existing drainage arrangements on the site and that details of existing drainage should be confirmed. The drainage plan proposes a soakaway subject to further ground condition investigation and states that alternative solutions such as an attenuation tank may be required.

*Whilst infiltration is in principle the preferred approach in accordance with the SuDS hierarchy; as no ground condition investigation or soakaway testing has been undertaken, there can be no certainty at this point, that the soakaway is deliverable and viable. Should infiltration prove unviable, any surface water discharge from the site should be into the surface water sewer, not the combined sewer and would be subject to agreement of discharge rates and volumes.*

*The site is considered to be at relatively low risk and therefore the LLFA has no objection in principle on flood risk and surface water drainage grounds, subject to the attachment of the pre-commencement planning conditions in respect of detailed design and maintenance requirements to any grant of permission.*

- 141 Subject to the application of the precommencement condition the proposals would satisfy policy CS4 of the Core Strategy.

#### Climate Change Mitigation

- 142 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 40 dwellings are proposed, plans shown a number of flat roof areas at the top of 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, subject to permitted development criteria.
- 143 Such infrastructure is already a common sight locally but the flat roof of the building will assist in minimising the impacts on the adjacent conservation area. Similarly, the car free nature of the scheme is a significant benefit. 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, a condition would need to ensure the elements are delivered.
- 144 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 on balconies. 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.
- 145 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 as proposed here would likely be stymied by the retention of the dated low-density structures, placing pressure on less sustainably located sites.

#### Ecology & Biodiversity

- 146 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.
- 147 A survey report has been submitted by the applicant to address this issue. No protected species were found on the site. A number of enhancements are proposed including bat tubes, swift bricks, bee tubes and suitable tree and vegetation planting to support bat foraging and other wildlife. The Ecology Officer comments that the Biodiversity recommendations as given in section ‘5, Ecological mitigation & biodiversity enhancement strategy’ and ‘Appendix 6’ of Ecological Assessment Report for the site are satisfactory. A condition to secure the implementation on site the scheme would be needed.
- 148 Due to the grassland on this and neighbouring sites 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 would not substantially harm the natural habitats of any protected species.
- 149 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

- 150 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.
- 151 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 40no. dwellings (40@ £331 = £13,240). A capital contribution is therefore required and in this instance is £13,240 plus a 5% administration fee. A signed s106 legal agreement has been completed and sealed, to provide this contribution and the NHS monies discussed earlier.

#### Affordable Housing

- 152 Policy AH1 of the Affordable Housing DPD 2009 seeks to secure the delivery of affordable housing 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. Government guidance sets out a developer

profit margin of 15-20% to be a reasonable expectation. The applicant states that they are unable to offer any onsite AH or offsite contribution as to do so would be unviable.

- 153 The application is supported by a Viability Assessment (VA) which has been assessed by the District Valuer (DV). The District Valuer has undertaken an independent review of this and confirms that the proposal represents the only viable option. Whilst the proposal fails to provide the benefits associated with an affordable housing contribution it has provided sufficient information to establish its 'unviability' as presented in this application. The LPA has not historically applied a review mechanism proviso as a condition as there is no associated policy requirement to do so in the Bournemouth Area. Thus, the conclusions of the Viability Assessment are accepted without the need to apply a review proviso. Policy AH1 satisfied.

#### Community Infrastructure Levy

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

#### Self-build and Custom Housebuilding Act 2015

- 155 The scheme is not considered to be suitable for self-build / custom housebuilding. It is a large scheme on but solely involving a development of flats.

### **Planning Balance/Conclusion**

- 156 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.

#### *The harm*

- 157 As identified in the report above there is some harm identified to the setting of the Westbourne Conservation Area due to the scale of the proposed building, forward siting and proximity to the conservation area boundary. The forward siting brings the site more into the setting than the existing building where, due to the set back building line, there is currently a natural break between the different character areas of Poole Road. This means there is some minor conflict with the elements of relevant policies which deal with character and heritage such as CS21, CS39, and CS41 of the Core Strategy and 4.4 and 6.10 of the District Wide Local Plan.

The matter is summarised in the Heritage Section of this report. Sufficient public benefits are considered to exist to outweigh the 'less than substantial harm' as per paragraph 208 of the NPPF, and these are detailed paragraph 158 below.

#### *The benefits*

- 158 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 40 new homes, making better use of the site than the 16 flats that could be delivered through Prior Approval conversion on the 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, and also in a car-free format encouraging sustainable modes of travel for residents by discouraging car ownership in accordance with the aims of the Parking Standards SPD and the NPPF. The majority of the flats would have internal space that exceeds minimum space standards, supplemented by communal and private balcony or rooftop garden space and communal cycle storage spaces, generally satisfying policies.

Impacts on neighbouring amenity would not be harmful and can be satisfactorily regulated by way of conditions.

- 159 The development would also invoke short and long term economic benefits in the form of construction jobs and by way of 40 additional households able to contribute to the local economy. The development would make better use of the site and would also reduce the amount of hard surfacing on the site, assisting biodiversity and SUD infiltration.
- 160 Local residents have raised concerns that too many units are proposed and that the height, degree of activity, disturbance, overlooking and lack of car parking on site will substantially harm their amenity, diminishing their privacy, quality of life and adding to parking pressure. These concerns have been addressed in this report and the LPA concludes there is no likelihood of harm sufficient to justify a refusal on.
- 161 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.
- 162 Policy CS21 also requires that new development “respects residents’ amenities”. Despite neighbour objections, the scheme has been amended and conditioned to secure a design that has been assessed and does not result in loss of privacy, outlook; or cause unacceptable shadowing or daylight impacts, to any habitable room in neighbouring dwellings. Where impacts exist, interface distances exceed minimums and/or conditions such as obscure glazing or screens 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.
- 163 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.

#### *Conclusion*

- 164 It is acknowledged that the proposals are contrary to CS39 (Heritage) and elements of other policies that relate to this, but as stated the low level of harm is outweighed by the benefits and overall and on balance it is considered that the scheme would be acceptable. The proposal would deliver 40 dwellings in a sustainable location, compliant in most areas with local policies. 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. Paragraph 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.
- 165 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. The balance is not about how much weight is apportioned to the Heritage Officer comments as the assessment of those in this report has concluded the harm is less than substantial. Clearly the NPPF attaches great weight to the preservation of designated heritage assets, but in this instance the harm is considered to be ‘less than substantial’. The test is therefore ‘heritage harm’ vs ‘pubic benefits and the

conclusions of this assessment report are that the benefits outweigh the less than substantial heritage harm identified. All other matters can be addressed by condition. The benefits of the proposals and would align with Chapter 11 of the NPPF

- 166 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 and there are insufficient grounds for refusing permission. This is because:
- a) the proposal would accord with the majority of Development Plan policy;
  - b) the level of heritage impact associated with the proposal are disputed. The scheme remains outside the designated conservation area and would appear in only limited street views that include the nearest listed building. As such it has only a low level of heritage harm, and that impact is outweighed by the socio-economic and environmental benefits of the scheme. There is thus sufficient justification for non-compliance with Policy CS39;
  - c) 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
  - d) that Paragraph 11(d)(ii) does apply here, but the tilted balance is such that, with regard for part (b) above, there are no harms that significantly or demonstrably outweigh the benefits of the scheme.
- 167 In conclusion, the proposals would deliver benefits comprising provision of new housing 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.
- 168 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. Regard has also been had to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the impact on listed buildings and other heritage assets. Regard has been had to the NPPF test of the level of harm against the public benefits in this case.

## **Recommendation**

- 169 **Grant permission for the reasons set out in this report, subject to:**
- (a) a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below:  
The completion of a Section 106 agreement to secure the required financial contributions of
    - i) £13,240.00 (+ 5% fee) towards Heathland Mitigation;
    - ii) £5,944 towards NHS Trust Infrastructure Provision
- and**
- (b) **the following conditions:**
- Conditions:**
- a) **3 year commencement time limit**
- 1 Approved Plan Numbers**

Subject to any details approved as part of the discharge of conditions process, the development shall only be carried out in accordance with the following approved plans/details:

9442/100: Rev B – Red Line Site Outline

9442/100: Rev B – Block Plan Proposed

9442/101: Rev B – Floor Plans Proposed LG GF FF

9442/102: Rev C – Floor Plans Proposed 2F 3 F 4 F

9442/103: Rev C – Floor Plans Proposed 5F

9442/104: Rev E – Elevations Proposed

9442/105: Rev B – Street scene

9442/107: Rev B – Drainage (Indicative Suds)

GH2237 Rev 1B. Tree Protection Plan dated 12.11.2023

GH2231 v 1, dated 03.05.2023 Arb Method Statement & Tree Constraints Plan

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

## **Pre-commencement Requirement**

### **2 Surface Water Drainage (SuDS)**

Notwithstanding the indicative details shown on drawing no. 9442/107: Rev B 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 be based upon the hydrological & hydrogeological context of the development and 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) 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.
- c) consideration of infiltration, or viable alternatives
- d) 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
- e) A timetable for implementation of the approved drainage scheme and clarification of how drainage is to be managed during construction.

Part (d) should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall only be carried out in accordance with the details approved and prior to the first occupation of any of the units hereby approved, or in accordance with a timetable as may be approved by way of part (e) of this condition when it is being discharged. Once approved, the mechanisms and drainage mitigations shall at all times be retained and managed and maintained in accordance with them.

*Reason: To provide satisfactory drainage for the development and to prevent localised flooding 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.*

### **3 Ground Levels**

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).*

### **5 CEMP Construction environment management plan**

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;
- A Construction Logistics Plan that identifies the steps that will be taken to minimise the impacts of deliveries and waste transport vehicles.
- Method of preventing mud being carried onto the highway;
- Method of suppressing dust and other airborne emissions created by demolition and construction work;
- 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;

Once approved the demolition and construction phases of the application hereby approved shall be undertaken in accordance with the approved development Construction Management Plan 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).*

### **6 Tree Protection (Site preparation)**

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 height and lateral barriers and ground protection for any trees on adjoining land have first been provided in accordance with the details contained in the approved Tree Protection Plan (dwg no. GH2237 Rev B dated 12.11.2023) and the approved Arboricultural Method Statement (ref. GH2237, dated 03.05.2023 and authored by Gwydion's Tree Consultancy) (hereafter "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).*

## **7 Tree Protection (foundation digging)**

No trenches nor excavation work, including the installation and routing of utility ducting/piping/cabling across the site, shall take place until the both the following submissions have been made to, and approval in writing by the Local Planning Authority:

- a) a scheme for below ground utility services routing and SUDS that do not cause harm to retained trees; and
- b) a scheme of specialist surfacing from an engineer or systems supplier in respect of the 2no. footpaths within root protection areas shown on approved drawings;

The approved details shall thereafter be installed in accordance with the approved information.

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**

## **4 Noise Survey (Future Resident Amenity)**

Prior to the commencement of and work above damp proof course level, a noise survey for proposed residential properties that are adjacent to/facing Poole Road shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours,

and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

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

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

*Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.*

#### 8 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).*

#### 9 (Reporting of Unexpected) Contamination

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**

#### **10 Exterior Finish Materials and Means of Enclosure**

Prior to the erection of any above ground superstructure, details of the proposed finish exterior materials to be applied to a) glazing and doors, b) walls, c) balcony, roof terrace, cycle parking ramp, and communal roof garden area balustrading and screening; d) roof areas, including any colour finish and texture shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include scaled annotated elevations and in the case of the proposed 1.8m high privacy screening to the rooftop garden, shall also include 1:50 scale section drawings showing the screening relative to nos. 9 and 9a Westbourne Close. The development shall then be completed in accordance with the approved material palette prior to the first occupation of any of the dwellings hereby approved.

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

#### **11 Hard Landscaping**

Within 4 months of the date of commencement of the development, full details including manufacturer, product type, colour finish, texture of :

- i) hard landscaping surface materials;

shall be submitted to the Local Planning Authority in writing for approval. No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The development shall then be completed in accordance with the approved material palette.

Hard landscaping surface materials and means of enclosure shall include details of demarcation for pathways, service/delivery bay, collection-day bin-dwell space, as well as finish surface materials for pathways, roadway, private patio surfaces outside ground floor units.

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

## **12 Soft Landscaping & Maintenance**

Within 4 months of the date of commencement of the development, full details of

- i) soft landscaping/planting scheme;
- ii) 5 year maintenance and management schedule

shall be submitted to the Local Planning Authority in writing for approval. No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. The development shall then be completed in accordance with the approved material palette.

Soft Landscaping details shall include:

(a) suitable planting scheme; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) detailed tree planting information specified within the submitted arboricultural method statement; (e) schedules of plants noting species, plant sizes and proposed numbers/densities; and (f) a programme and timetable of implementation.

5-year Maintenance and management scheme shall:

Cover the first 5 year period post completion of the development;

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

All aspects of the approved soft landscape scheme shall be implemented in full in accordance with the timetable agreed within part (i)(f) of this condition or before before the development hereby approved is first occupied, if no period is specified.

Any trees or plant species which die within the first 5 years post completion date of the development shall be replaced with a suitable substitute of similar height and age at the date of original planting.

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

## **13 Climate Change Mitigation**

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).*

#### **14 Servicing & Waste Management Plan**

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:

- (a) details of a management company to be set up;
- (b) the employment of a private contractor to collect the refuse;
- (c) measures to be taken if no private contractor is available at any time in the future, to arrange the collection and disposal of bulky goods arising from vacating or new residents, by a licensed waste carrier so that unimpeded access is always available for residents.
- (d) 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;
- (e) 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 12 hours before collection is due and returned to basement bin store within 6 hours; and
- (f) details of collections times, ideally scheduled to occur during periods of local off-peak traffic only.

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 the approved Servicing and Waste Management Plan condition shall at all times be accorded with.

Any changes to the proposed arrangements that would result in reduced frequency of collections or alterations to the timing of the collections so that they occur within peak traffic times, will need to seek the discharge of this condition once more.

*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*

#### **15 Redundant Dropped kerbs expunged**

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 the dropped kerb crossover across the western part of the frontage footway which is redundant and to reinstate standard footway; and

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).*

#### **16 Delivery Bay and Turning Area:**

Prior to the first occupation of any of the residential units hereby approved the area shown on the hereby approved plans for the turning of vehicles and temporary delivery unloading bay within the site shall be marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and made available only for the purposes specified. The spaces shall at no time be used as parking space other than for the purposes specified.

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

#### **Prior to first Occupation of any unit (and retained for lifetime of development)**

#### **17 Cycle Parking Provision**

Prior to the first occupation of any of the dwellings hereby approved the cycle parking facilities and bike wheeling ramp shown on the approved plans must have been constructed fully in accordance with those details, including the provision of electrical power point within the cycle store as annotated on the site plan. Thereafter, the 2no. cycle stores and any visitor 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 cycle storage facilities and to encourage the use of sustainable transport modes in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).*

#### **18 Pedestrian inter-visibility splays**

Prior to occupation of any of the dwellings hereby permitted the pedestrian visibility splays within the site and at the vehicular access along the boundary as shown on the approved plan shall be maintained clear 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. 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).*

#### **19 Roof garden screening**

Prior to the first occupation of any of the units hereby approved, the privacy screening approved by way of the materials condition on this decision notice shall be installed and shall be permanently retained as such.

*Reason: To protect the amenity and privacy of adjacent residents within nos. 9 and 9a Westbourne Close, in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).*

**20      Obscure Glazing (ground floor windows) Flats 3, 4, 5, 6 & 7**

Prior to the first occupation of Flat nos. 4, 5, 6, and 7 on the ground floor (as marked on the approved floor plans), the portions of the windows below the middle transom bar shall to each room within each dwelling shall be fitted with obscure glazing to Pilkington Level 3 obscuration or above (or the nearest equivalent standard, where 0 is clear and 5 is opaque) and shall be permanently retained as such.

Prior to the first occupation of Flat no.3 on the ground floor (as marked on the approved floor plans), the portion of the bedroom window below the middle transom bar shall be fitted with obscure glazing to Pilkington level 3 (or similar) as above 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).*

**21      Obscure Glazing (western facing living room windows) Flats 10, 18, 26 and 32**

Prior to the first occupation of units 10, 18, 26 and 32 on the respective first, second, third and fourth floors (as marked on the approved floor plans), the western facing corner window to the living/kitchen room in each dwelling shall be fitted with obscure glazing to Pilkington Level 3 obscuration or above (or the nearest equivalent standard, where 0 is clear and 5 is opaque) 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).*

**22      Obscure Glazing (north facing High Level windows) Flats 1, 2, 8 & 9**

Prior to the first occupation of units 1, 2, 8 & 9 on the respective ground and first floors (as marked on the approved floor plans), the high-level windows within the angled rear walls of all four dwellings shall be fitted with obscure glazing to Pilkington Level 3 obscuration or above (or the nearest equivalent standard, where 0 is clear and 5 is opaque) 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).*

**23      Obscure Glazing (north facing High Level windows ) Flats 19, 25 and 33, & Communal Landings**

Prior to the first occupation of units 19, 25 and 33 on the respective second, third and fourth floors (as marked on the approved floor plans), any part of the glazing of within northern facing high-level window to the shower/bathroom in each dwelling; and/or

any part of the glazing within the high level window adjacent to these bathroom windows and lighting the communal landing on each floor that sits below 1 point 1.7m above finished floor level shall be fitted with obscure glazing to Pilkington Level 3 obscuration or above (or the nearest equivalent standard, where 0 is clear and 5 is opaque) 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).*

## **24 Biodiversity Enhancement Mitigation**

Prior to occupation of any of the dwellings hereby permitted, all of the Biodiversity recommendations as given in section 5. Ecological mitigation & biodiversity enhancement strategy and Appendix 6 of 'Ecological Assessment Report Tayfield House, 38 Poole Road, Bournemouth, Dorset, BH4 9DW' dated 13.11.2023) and Authored by ABR Ecology Ltd shall be implemented in full. 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)*

### **Always Relevant**

## **25 No Gates**

Notwithstanding the provisions of Part 2, Class A 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 (pedestrian or vehicular) entrance gates site shall be provided to the application site 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).*

## **Informative Notes**

### **Ecology**

#### **Bats**

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**

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**

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**

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.

### **Footway Reinstatement**

The redundant 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](mailto: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.

### **Deliveries and Turning**

The Highways Authority advise the operator of the building to erect low level notice(s) visible to delivery drivers entering the site reminding them to only enter and exit in forward gear, and that the delivery bay and turning area should not be blocked other than when in use.

## **Contamination**

### **Building Fabric (Asbestos)**

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**

Roof faces are capable of hosting PV solar panel arrays, connected to internal storage batteries serving the development. Green roofs (planting such as sedum) should also be considered on flat roof sections 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 should 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 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.