



# Planning Committee

Application Address	Cabbage Patch Car Park, 22 St Stephen's Road, Bournemouth, BH2 6JU
Proposal	Minor Material Amendment to vary condition no. 2 of application 7-2021-7755-C for erection of an electricity sub station (Original description - Minor material amendment to vary condition no. 1 of application no. 7-2019-7755-B to vary the plans. Erection of a 5 storey block of 11 flats with parking, bin and cycle storage)- Regulation 3
Application Number	7-2024-7755-D
Applicant	BCP Council
Agent	PDP Architecture LLP
Ward	Bournemouth Central: Cllr Hazel Allen Cllr Jamie Martin
Report Status	Public
Meeting Date	1 <sup>st</sup> August 2024
<b>Recommendation</b>	<b>Grant</b>
Case Officer	Natasha McCann
Is the proposal EIA development	No
Reason for referral to Planning Committee	The application is a 'major' category application and the Council is the Applicant.

## **Description of Development**

1. The application is a Minor Material Amendment to vary condition no. 2 of application 7-2021-7755-C for the erection of an electricity substation (Original description - Minor material amendment to vary condition no. 1 of application no. 7-2019-7755-B to vary the plans. Erection of a 5 storey block of 11 flats with parking, bin and cycle storage)- Regulation 3.

## **Relevant Planning History:**

- 7-2021-7755-C: Minor material amendment to vary condition no. 1 of application no. 7-2019-7755-B was granted on 7<sup>th</sup> December 2021. This permission has been implemented and the site is currently under construction.

- 7-2019-7755-B - Erection of a 5 storey block of 11 flats with parking, bin and cycle storage – Granted, planning committee October 2019.
- 1971 – Use of the site as a car park – Granted (temporary, later extended)

### **Constraints**

2. The site is located in Bournemouth Town Centre and also within a designated heritage asset, namely the Talbot Woods and Meyrick Park Conservation Area. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Public Sector Equalities Duty**

3. 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**

4. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations), for the purposes of this application, appropriate 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.
5. 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”.
6. For the purposes of this application, in accordance with section 2 of the 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.
7. 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.
8. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

## **Consultations**

9. Highways – No objection subject to condition

Trees – No objection subject to condition

## **Representations**

10. Site notices were posted in the vicinity of the site on 03/04/2024 and press advert released 24/04/2024. No comments have been received.

## **Key Issues**

11. The main considerations involved with this application are:
- Impact on character and appearance of the area and Conservation Area
  - Impact on residents
  - Parking/traffic/highway safety considerations
  - Impact on trees
  - Heathland mitigation

## **Policy Context**

### **12. Core Strategy (2012)**

Policy CS2 – Sustainable Homes and Premises  
Policy CS4 – Surface Water Flooding  
Policy CS7 – Bournemouth Town Centre  
Policy CS16 – Parking Standards  
Policy CS18 – Increasing Opportunities for Cycling and Walking  
Policy CS21 – Housing Distribution Across Bournemouth  
Policy CS33 – Dorset Heathland  
Policy CS39 – Designated Heritage Assets  
Policy CS41 – Quality Design

### **13. District Wide Local Plan (2002)**

Policy 4.4 – Development in Conservation Areas  
Policy 4.25 – Landscaping  
Policy 6.10 – Flats Development

### **14. Town Centre Area Action Plan (2013)**

Policy D4 – Design Quality  
Policy U2 – Housing

### **15. Emerging BCP Local Plan – Little weight – see Planning Balance section of this report**

### **16. Supplementary Planning Documents:**

- Dorset Heathlands Planning Framework SPD 2020
- Affordable Housing DPD and SPD

- Residential Development: A Design Guide – PGN (2008)
- Sustainable Urban Drainage Systems (SUDS) - PGN
- BCP Parking – SPD
- Conservation Area Appraisal – Meyrick Park and Talbot Woods Conservation Area (adopted July 2009)
- Bournemouth Town Centre Development Design Guide

#### 17. **National Planning Policy Framework** (“NPPF” / “Framework”) (December 2023)

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

##### 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.”

##### Section 12 – Achieving well designed places

##### Section 15 – Conserving and enhancing the natural environment

The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question

### **Planning Assessment**

#### **Site and Surroundings**

18. The site was previously a council owned car park which was in use since the 1970s and due to its proximity to the A338 Wessex Way most likely originated as part of a left-over severed plot when that road was built. The site is accessed at the end of St Stephen’s Road. There are trees around the perimeter of the site and the site is within the Meyrick Park and Talbot Woods Conservation Area. The area contains a

mix of blocks of flats, some original villas that have been converted and newer purpose-built blocks. Planning permission was originally granted for the 5 storey block of 11 flats in October 2019 under application 7-2019-7755-B. A subsequent Minor Amendment Application (7-2021-7755-C) was approved on 7<sup>th</sup> December 2021. The scheme is currently under construction.

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

19. The application seeks permission for the siting of an electricity substation towards the southwest corner of the site. The planning statement that accompanies the application states that the sub-station is required to service the approved development following consultation with the utility provider. The location of the substation to the rear of the site behind the approved block of flats provides adequate screening from the St Stephens Road street scene. The site is located just within the southern boundary of the Talbot Woods and Meyrick Park Conservation Area. Due to its location towards the rear south west corner of the site the substation will not be viewed from St Stephens Road. A public footpath runs along the northwest boundary of the site and adjacent to the Wessex Way. Whilst there is some vegetation along this boundary it is quite open and views into the application are afforded from the public footpath, the Wessex Way and from some of the properties located on the opposite side of the Wessex Way. These views are either distant or momentary as you pass the site. The substation is subservient in scale and will be read against the backdrop of the much taller block of flats it will service. The structure will not adversely affect the significance of the designated heritage asset and not result in any harm to the Conservation Area, as required by Policy CS39 of the Core Strategy.

### **Impact on residents**

20. The site is located at the end of St Stephens Road, which is a dead end road. There are no immediate neighbouring properties to the rear (south west) and opposite at the front of the site. The Wessex Way is situated immediately adjacent the application site to the north west. Beyond the Wessex Way there are residential properties but adequate separation distances are retained to negate any harmful impact on the living conditions of the occupants of those residential blocks. The application is bounded to the south east by an adjoining residential development, but the newly constructed block of flats on the application site would screen views of the proposed substation and in any instance adequate separation is retained between this neighbouring development and the substation. For these reasons I am satisfied there will be no adverse impact on neighbouring residential amenity.
21. The proposed substation would be sited in close proximity to the western and southern facades of the development. The earlier planning applications that approved the redevelopment of the site considered the acoustical insulation of the development due to its proximity to the Wessex Way. The proposed substation has the potential to marginally increase potential noise pollution to the future residents of the development, but this can be adequately addressed by condition. As such a condition has been added to the recommended to ensure adequate acoustical insulation and ventilation is achieved. The proposals are considered to safeguard residential amenity in accordance with the aims of CS 41 of the Core Strategy.

### **Parking/Traffic/Highway Safety**

22. The siting of the substation has no material impact upon highway considerations, including pedestrian access, car, cycle access and parking arrangements. BCP

Highway Authority raise no objection subject to the imposition of previously agreed conditions.

### **Impact on trees**

23. No trees will be lost and the pruning proposed, as set out in the Arboricultural Method Statement is minor and not harmful to existing trees. Furthermore, the base of the substation does not fall within the root protection area of an existing tree (T14). An approximate route for the cable for the substation is shown at the edge of the root protection area for T14. If it remains outside the root protection zone then an open trench installation can occur, but if it passes anywhere within the root protection area then a mole installation beneath the root system will be required. The tree officer raises no objection subject to suitably worded conditions.

### **Heathland Mitigation**

24. 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 dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
25. All applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capita contribution would normally be required however given that the heathlands payment for the previously approved flats has been paid, it is not considered necessary to provide a new legal agreement in this instance.

### **Summary**

26. It is considered that:
  - The proposed substation would not be harmful to the character and appearance of the area and will not adversely affect the significance of the Conservation Area
  - The proposed development would not be harmful to the living conditions of neighbouring residents subject to a noise survey sought via condition
  - There are no detrimental parking, traffic, or highway safety implications.
  - The proposal adequately protects trees.

### **Planning Balance**

27. The proposed alterations to the previous consent are minor and will not impact adversely on the character and appearance of the area, will preserve the character and appearance of the Conservation Area and safeguard nearby residential amenity. Subject to compliance with conditions the proposals will safeguard existing trees.
28. The draft Bournemouth, Christchurch and Poole Local Plan has recently been subject to consultation and is yet to be examined. At this time it is considered the

merging BCP Local plan carries only little weight in the assessment of this planning application.

29. Read as a whole the proposals accord with the policies of the current Local Plans for the Bournemouth area and the NPPF, which is a material consideration.

### **Recommendation**

30. GRANT subject to conditions.

### **Conditions**

#### **1. Decision Notice Expiry – Minor Material Amendments**

The development to which this permission relates must be begun not later than the expiration of three years beginning on 7th December 2021.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act, 1990

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

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

28111-PD101 Rev A  
28111-PD102  
28111-PD110  
28111-SK111  
28111-PD111

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

#### **3. Affordable housing**

At least 40% of the approved units on the site shall be provided as affordable housing. The development shall not be occupied until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it and shall be retained as such thereafter. The scheme shall include:

- i. The tenure of the affordable housing provision
- ii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL is involved);
- iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to deliver mixed, balanced and sustainable communities in meeting the lack of affordable housing provision in the borough and in accordance with the adopted Affordable Housing Development Plan Document (2009).

#### **4. Materials and architectural details including screen art**

Details/samples of the materials, including bricks, decorative brickwork detail, cladding, fenestration types, balcony detail, metal screens/gates/doors (including detailed design of the artwork), and details as shown on plan 8963/105B, railings, and any other materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To maintain the character and appearance of the building and 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) and Policy 4.4 of the Bournemouth District Wide Local Plan (2002).

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

The tree protection measures as detailed in the arboricultural method statement dated 13 March 2024 and prepared by Treecall Consulting Ltd (ref. DS/88321/AL and associated plan) shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development. A meeting, to confirm the exact details, shall take place on site with the site manager and arboricultural consultant prior to the commencement of development, and an appropriate representative of the Local Planning Authority shall be invited to the meeting.

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).

#### **6. Mole Installation**

If the route cable for the sub station remains outside the root protection areas of existing trees then a open trench installation can occur. however, if it passes anywhere within the root protection areas of existing trees then a mole installation beneath the root system will be required. If the mole installation is required, details shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation.

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. Bin Store**

The bin store hereby approved shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

Reason: To preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).



## **8. Cycle store**

Before the occupation of any part of the development hereby approved, the cycle store shall be constructed as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **9. Parking**

Prior to the occupation of the development hereby approved the access and areas for turning and parking (including the marking out of spaces) shown on the approved plan shall be constructed in accordance with the approved details. All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development.

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

## **10. Visibility splays**

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modifications) the visibility splay(s) shown on the approved plans shall be cleared of all obstructions over 0.6m above the level of the adjoining highway, including the reduction in level of the land if necessary. Nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated.

Reason: In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **11. Car park security**

Prior to the occupation of the development hereby approved, a detailed scheme for the security of the car park area shall be submitted to and approved in writing by the Local Planning Authority. The security strategy should give consideration to measures such as gates, cctv and management measures where appropriate. The scheme shall be implemented as approved and retained and maintained as such thereafter.

Reason: In the interest of the safety, security and residential amenities of occupants of the development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **12. Acoustic glazing/noise reduction**

Prior to the occupation of the development, the glazing types shall be installed in accordance with the glazing configurations in the Mitigation section of the report from Clover Acoustics (ref. 4227-R2) and the map on page 17. A further report shall be submitted to and approved in writing by the Local Planning Authority outlining the ventilation strategy and any further required mitigation measures in order to meet the BS8233:2014 good standard. The measures approved within the report shall be implemented as approved prior to occupation of the development and retained and maintained thereafter.

Prior to the occupation of development, a report confirming that the approved glazing and ventilation systems have been installed and are meeting the BS8233:2014 good standard.

Reason: In order to safeguard the amenities of future occupiers of the noise sensitive development, in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **13. Obscure glazing south east side**

The proposed window(s) in the south east side elevation of the building serving the living areas of flats 2, 3, 5, 6, 8, 9 and 10 shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

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

### **14. Balcony side screens**

The proposed balconies on the front elevation of the flat block serving flats 2, 5 and 8 shall be provided with 1.8m high privacy screens to the south eastern sides in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved privacy screens shall be provided before the development hereby approved is first occupied in full or in part and thereafter maintained and retained for that purpose.

Reason: To protect the privacy of occupiers of the adjoining dwelling in accordance with Policy 6.10 of the District Wide Local Plan and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **15. Drainage Hard Surfaced Areas**

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

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

### **16. Scheme for External Pipework**

Prior to the installation of any external pipe work and/or flues to the building(s), a scheme for external pipe work and flues shall be submitted to and approved in writing by the Council. Works shall be carried out strictly in accordance with the approved scheme and unless shown on the approved elevation drawings any pipe work (with the exception of rainwater down-pipes) shall be internal to the building.

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

## **17. Sustainability and Energy**

Prior to occupation of any part of the development hereby approved an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall outline the final energy reduction strategy including renewable sources and sustainability measures to meet the requirements of Policy CS2 in terms of a minimum of 10% of the energy to be used in the development to come from decentralised and renewable or low carbon sources. The measures in the energy statement shall be implemented as approved and retained thereafter.

Reason: In the interests of encouraging the provision of sustainable homes, premises and the provision of renewable and low carbon energy sources and infrastructure in accordance with the aims of Policy CS2 of the Core Strategy (2012).

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

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

In this instance: The application was acceptable as submitted and no further assistance was required.

## **Background Documents:**

Case File ref 7-2024-7755-D

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

In addition to uploaded information there may be other publicly accessible information that may be accessed on request.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.