

# Planning Committee

Application Address	1008 Wimborne Road, Bournemouth, BH9 2DE
Proposal	Removal of condition no.15 of 7-2023-3141-AF in relation to solar panels (Original description - Erection of a block of 8 flats, with bin, cycle stores and parking).
Application Number	7-2024-3141-AG
Applicant	K Mhana
Agent	Union Architecture
Ward and Ward Member(s)	Moordown  Cllr Joe Salmon Cllr Kate Salmon
Summary of Recommendation	<b>Grant</b> in accordance with the reasons as set out in the report
Reason for Referral to Planning Committee	Attempt to remove a planning condition recommend by Committee Members.  Planning Committee Constitution 2.3.3:  <i>d) applications which have a finely balanced Officer recommendation.</i>
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

## Description of Proposal

- The application is a S73 Minor Material Amendment to remove condition no.15 of 7-2023-3141-AF in relation to solar panels (Original description - *Erection of a block of 8 flats, with bin, cycle stores and parking*). The condition wording is as following:

*'A detailed scheme for the provision of solar panels, including elevation plans 1:100, detailed section plans 1:20, as well as manufacturer's specification, shall be submitted to the Local Planning Authority for approval in writing. The approved solar panels shall be installed prior to the first occupation of the development hereby approved, and thereafter permanently retained and kept available for their intended purpose at all times.*

*Reason: In the interests of supporting the provision of decentralised renewable/ low carbon energy generation to deliver a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy CS2 of the Core Strategy (October 2012).'*

- To justify the proposed works, the planning application form states: *'Energy assessment reports (SAP) do not require Solar Panels to comply with building regulations as Air Source*

*Heat Pumps have been chosen as the primary energy source. The submitted reports are 'As Built' as the scheme has been completed so it is not possible to install solar panels therefore, the application seeks to remove this condition'.*

### **Description of Site and Surroundings**

3. The application site consists of a recently built block of 8 flats set on the former car park, which served the former Holly Tree Hotel Public House that was converted into residential units. The existing building on site is a large detached block of 8 flats granted under 7-2023-3141-AF.
4. Wimborne Road is characterised by a mixture of commercial developments and residential dwellings with residential side streets leading off throughout its length. The character of the area predominantly consists of two storey buildings with a variety of roof types. There is a 1950s/60s three storey flat roof block of flats opposite the site which is not considered a positive feature of the street. Properties to the rear are detached two storey dwellinghouses.

### **Relevant Planning History:**

5. 7-2023-3141-AF: Erection of a block of 8 flats, with bin, cycle stores and parking – Approved by committee
6. 7-2021-1058-AD: Erection of a 3 storey block of 5 flats with bin and cycle stores – Approved
7. 7-2020-1058-AB: Erection of a 3 storey block of 5 flats with bin and cycle store and formation of parking spaces - Refused and Appeal Dismissed
8. 2017-1058-Z: Erection of a 2 storey block of 4 flats, with cycle store and formation of parking spaces – Approved
9. 2017-1058-Y: Erection of a part 3 storey, part 2 storey block of 5 flats, with cycle store and formation of parking spaces - Refused

### **Constraints**

10. There are no identified site constraints.

### **Public Sector Equalities Duty**

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

### **Other relevant duties**

12. 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**

13. No consultation comments received.

## **Representations**

14. Site notices were posted in the vicinity of the site on 23/07/2024 with an expiry date for consultation of 13/08/2024. No letters from neighbouring properties were received.

## **Key Issue(s)**

15. The key issue(s) involved with this proposal are:

- Impact on the local area character
- Impact on neighbours
- Reducing reliance on centralised energy supply
- Heathlands contributions

16. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

17. Local documents:

### **Core Strategy (2012)**

Policy CS1 – NPPF Presumption in Favour of Sustainable Development

Policy CS2 – Sustainable Homes and Premises

Policy CS6 – Delivering Sustainable Communities

Policy CS33 – Heathlands

Policy CS41 – Quality Design

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

Policy 4.25 – Landscaping

Policy 6.9 – Development on Brownfield Land

Policy 6.10 – Flat development

### **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework – SPD

Residential Development: A Design Guide – PGN

18. **National Planning Policy Framework (2023)**

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.”

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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places

## **Planning Assessment**

### **Principle of the proposed works**

19. This application relates to a variation of a planning condition associated with a recently granted permission ref. -2023-3141-AF for a detached block of 8 flats. The construction works are finalised on site. The aim of the current proposal is to remove a need for PV panels required by condition 15, as suggested by committee members while granting recent approval.
20. The applicant has submitted a SAP & EPC Specification Document associated with Part L and Part O of Building Regulations. The revised scheme proposes internal water heat pumps mitigating the need for the sustainable energy supply emerging for the requested PV panels. Furthermore, it should be noted that condition 15 refers to Policy CS2 of the Core Strategy (October 2012). However, this policy relates to developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floorspace. Whereas the approved scheme is not a major development of over 10 units (8 flats being granted). Therefore, the alternative decentralised renewable/ low carbon energy generation as proposed is considered to be on balance acceptable.

### **Impact on the local area character**

21. This application seeks the removal of the PV conditioned under the previous application. The removal of PV panels would arguably improve the visual appearance of the block of flats. The proposals introduce hot water heat pumps that would be located one per flat, inside internal stores. There would be no visual impact as all water heat pumps are internal and do not have an external condenser.
22. Overall, the scale, sitting and design of the proposed works would remain the same as granted under the most recent permission for 8 flats (ref. 7-2023-3141-AF). Consequently, there would be no material amendment to the approved appearance and impact of the proposed works.

The development is considered to be in line with Policies CS21 and CS41 of the Core Strategy, saved Policies 4.25 and 6.10 of the Local Plan, and the provisions of the NPPF.

#### Impact on neighbouring residents

23. As stated already in this report, this application does not alter already approved scale and footprint of the granted building. Also, no external works are proposed that would be associated with water heat pumps.
24. It is therefore considered that the proposed development would not be materially harmful to the residential amenities of adjoining residents. On this basis, there would be no adverse impact in residential amenity, and the proposal would comply with planning policies CS21, CS41 and 6.10.

#### Heathland Mitigation

25. 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.
26. 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 should be subject to a financial contribution towards heathland mitigation measures in the borough. A capital contribution of £2,648 plus £132.40 administration fee was already secured and paid as part of a recent approval. Also, the granted block of flats is already built. Therefore, there is no need for a further legal agreement or deed of variation securing required contributions.

#### Planning Balance / Conclusion

27. It is considered that the proposals would be acceptable in terms of their impact on visual amenities, neighbours and would therefore be compliant with the relevant policies of the Local Plan. The proposed amendments are minor and are considered acceptable. The proposed changes do not result in any detrimental impacts over the approved scheme.
28. The site benefits from a most recent permission ref. -2023-3141-AF, and the subject block of flats has already been built. The applicant has demonstrated an acceptable alternative mitigation of the need for the sustainable energy supply emerging for the requested PV panels by the committee members through the installation of hot water heat pumps.
29. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation**

### **30. GRANT permission with the following conditions:**

#### **Conditions**

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

The development hereby permitted shall be carried out in accordance with the approved Plans drawing No, 23-103\_PL03.

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

##### **2. On site working hours restricted when implementing permission.**

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

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

##### **3. 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.

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

##### **4. Windows in W Elevation to be Glazed with Obscure Glass & non opening**

The proposed first floor window panes in the west facing rear elevation of the building as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut and shall be permanently retained as such.

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).

##### **5. Windows on N Elevation to be High Level Type**

The proposed first floor windows on the north facing flank elevation serving the lounge and bedroom 2 to unit 6 as indicated on drawing number 23-103 PL02 rev. A shall be of high level type (minimum 1.75m internal sill height) and shall be permanently retained as such.

Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **6. Windows in Elevation to be Glazed with Obscure Glass**

The proposed first floor window in the north facing flank elevation of the building serving the bathroom to unit 6 as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and shall be permanently retained as such.

Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **7. Unallocated Parking**

Prior to occupation of the development hereby permitted, the 7 car parking spaces shall be made available for only the residents of the new development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **8. Access/Turning/ Parking/Visibility Splays**

Prior to occupation of the development hereby permitted, the car parking area including vehicle access and pedestrian visibility splays shall be constructed and laid out in accordance with approved plans and thereafter be retained and and thereafter these areas shall at all times be retained, be available for use for the purposes specified and maintained in a manner such that the areas remain so available. The access and splays should be kept free from obstruction all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **9. Cycle store to be erected prior to occupation**

Before the occupation of any part of the development hereby approved, the cycle store as indicated on drawing number 23-103 PL01 rev. A shall be erected as shown on the approved plans and thereafter retained, maintained so as to be safe and secure 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).

## **10. Provision of Refuse Bin Store**

The bin store hereby approved shall be provided in accordance with the approved details as indicated on drawing number 23-103 PL01 rev. A prior to the occupation of the proposed development and thereafter these areas shall at all times be retained, be available for use for the purposes specified and maintained in a manner such that the areas remain so available.

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

## **11. Provision of a Refuse Management Plan**

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private

contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The approved refuse management plan shall at all times be accorded with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **12. Windows on North Elevation to be High Level Type**

The proposed rear facing rooflights on the north elevation as indicated on drawing number 23-103 PL02 rev. A shall be of high level type (minimum 1.75m internal sill height) and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **13. Window in West Elevation to be Glazed with Obscure Glass & non opening**

The proposed side facing 2<sup>nd</sup> floor window in the west elevation of the building as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut 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. EV charging points**

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior first occupation the provision of 2no. EV charging points shall be submitted to and approved in writing by the local planning authority ("the approved Charging Points"). The approved Charging Points shall be installed prior to first occupation of any part of the development hereby permitted and thereafter shall at all times be retained, kept available for use by residents and visitors of the development hereby permitted and maintained in full working order.

Reasons: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **Informatives**

1. INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.
2. INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.



3. **INFORMATIVE NOTE:** This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

**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 7-2024-3141-AG**

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