



Planning Committee

Application Address	134 Carbery Avenue, Bournemouth, BH6 3LH
Proposal	Demolition of existing dwelling and construction of a block of 5 flats with associated parking and amenity space
Application Number	7-2024-19822-A
Applicant	Fox Homes Limited
Agent	Aspire Architects
Ward and Ward Members	East Southbourne & Tuckton Cllr Bernadette Nanovo Cllr Judy Richardson
Report Status	Public
Meeting Date	23 January 2025
Recommendation	GRANT permission with conditions and the completion of a Section 106 agreement
Reason for Referral to Planning Committee	Over 20 objections
Is proposal EIA development	No
Case Officer	Darren Henry

Description of Development

1. This application seeks full consent to demolish the existing detached traditional two-storey three bedroom house and erect a block of five flats. Provision is also made for three car parking spaces, bicycle storage for 10 bikes as well as a visitor stand to the front, a bin storage area to the rear and communal garden area.

Description of Site and Surroundings

2. This application seeks consent to erect a block of five flats with associated parking and turning, an internal bike and bin store and communal gardens.
3. The proposed site is located within an established residential locality within Bournemouth with good amenities and strong transport links. It lies just over half a mile from Southbourne high street and approximately 120m away from a small row of local shops consisting of three levels, with the floors above ground level likely to be flats.
4. The immediate area is characterised by a mixture of residential developments in the form of detached buildings and some flatted developments.
5. The development site is located on the corner of Carberry Avenue and Cranleigh Road. The site is fairly level and as a triangular corner plot, with access from both Cranleigh Road and Carberry Avenue. The property is a 1950s detached house and is situated deep within its large corner plot, where it is well concealed from public views by a dense and tall hedge acting as front boundary treatment along both roads' frontages. The plot's corner location makes it highly visible from both roads' street scenes, as well as longer views along Tuckton Road. The row of trees fronting both sides of Carberry Avenue significantly provide prominent and high value visual amenity and add significantly to the character of the area.
6. The neighbouring properties consist of a varied mix of architectural styles and finishes, including traditional two storey brick and tile properties as well as chalet style rendered and slate properties with timber cladding.
7. Across the road from the site is Bournemouth Society of the New Church and attached hall. Whilst not a nationally or locally listed building, it is identified as being of local importance and any impact to its setting or significance would be a loss to the community and local heritage. As such, during decision-making on planning applications, consideration should be given to the impact development may have on its setting or significance, as noted within Historic England Advice Note (HEAN) 7 (Local Heritage Listing: Identifying and Conserving Local Heritage) and Policy CS40.

Relevant Planning Applications and Appeals:

8. 7-2000-19882-A. The erection of a conservatory. Granted on the 28th of November 2000.

Public Sector Equalities Duty

9. 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

10. 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.
11. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
12. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
13. For the purposes of this application, in accordance with section 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.
14. 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.
15. In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), for the purposes of this application, regard has been had to deliver a minimum of 10% biodiversity net

gain above the baseline habitat provision to ensure that the development site will result in a measurably better state than it was before the development.

Consultations

16. Heritage Officer—No objection.
17. Local Highways Authority—initially objected due to insufficient cycle parking and the size of the cycle storage; however, these have now been amended in accordance with the Parking Standards SPD.
18. Urban Design Officer—No objection subject to a condition to retain the remaining boundary wall and hedge.
19. Waste Collection Authority Officer—Initially objected due to the size of the storage door; however, the door size now accords with policy.

Representations

20. Site notices were posted in the vicinity of the site on 12th of August 2024 with an expiry date for consultation of 02nd of September 2024.
21. 37 letters of objection have been received, stating the following summarised reason for objection:
 - Bushes surrounding the property obstruct view of traffic.
 - The proposal is out of character with the area, as there are no flats in the area.
 - The vehicle access is near the junction with Cranleigh Road.
 - The proposal will result in the loss of a 3-bedroom family home.
 - Only three car parking spaces are provided which is not enough, so there will be increased conflict for on-road car parking, particularly during the times when children are being dropped-off and picked-up from the nearby Cranleigh Lodge Nursery School.
 - The development will set a precedent for further flatted development in the area.
 - There is a restrictive covenant that governs the local area.
 - The bulk of the block of flats detract from the street scene.
 - The proposal will increase noise and disturbance due to increased traffic.

Key Issues

22. The main considerations involved with this application are:

- Principal of the proposal
- Impact on character and appearance of the area;
- Impact on residential amenity
- Space standards & housing mix
- Impact on parking and highway safety;
- Sustainability
- Impact on Parking and Highway Safety
- Biodiversity Net Gain
- Ecology
- Waste & Recycling
- Drainage
- Heathland Mitigation
- Community Infrastructure Levy

23. These points will be discussed as well as other material considerations below.

Planning Policies

24. Core Strategy (2012)

Policy CS4 – Surface Water Flooding
 Policy CS6 – Delivering Sustainable Communities
 Policy CS16 – Parking Standards
 Policy CS18 – Increasing Opportunities for Cycling and Walking
 Policy CS21 – New Housing Outside the Preferred Locations
 Policy CS33 – Heathlands
 Policy CS40 – Local Heritage Assets
 Policy CS41 – Quality Design

25. District Wide Local Plan (2002)

Policy 4.25 - Landscaping
 Policy 6.8 – Infill Development
 Policy 6.10 – Flats

26. Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2020
 Residential Development: A Design Guide – PGN (2008)
 Sustainable Urban Drainage Systems (SUDS) - PGN
 Bournemouth Parking – SPD

27. The National Planning Policy Framework (2024)

In addition to local policies, the National Planning Policy Framework is also a material consideration. The NPPF sets out the Government's objective of significantly boosting the supply of homes. Paragraph 73 recognises the important role small and medium sized sites can make in contributing to meeting the housing requirement of an area and are often built out relatively quickly. This goes on to encourage LPAs to support the development of windfall sites through their decisions and give great weight to the benefits of using suitable sites within existing settlements for homes.

Planning Assessment

Principle of the Proposal

28. The proposal is located in an established residential area with easy access to shops and connectivity to public transport. At the back of the site, at 171 Cranleigh Road, is a block of 7 flats, also with associated car parking and cycle storage, which was granted planning permission in 2006. As such, Planning Officers consider the proposal would not appear out of character in the immediate or wider vicinity and the principle of the proposal is therefore considered suitable in this location and accords with Policy CS21, subject to meeting other relevant policy requirements and material matters being acceptable.

Impact on character and appearance of the area

29. *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"* (NPPF paragraph 131) and where design fails to provide good design, the development should be refused (paragraph 139).
30. The proposed development entails the demolition of the existing detached property. The site will then be re-developed into a two and three storey block of flats. Whilst the proposal will have a bigger mass than the existing house, the site is a large plot that can adequately accommodate the block of flats without the site appearing over-developed or cramped and would provide adequate external amenity space for the occupants and space for cycle storage, bin storage and three car parking spaces.
31. The proposed length of the building, including the bay windows, is approximately 22.8m; not including the bay windows, it is 21.8m. The maximum width of the building, excluding the bin store, is approximately 9.8m and the maximum height is 8.9m to the ridge. This compares to the existing dwelling, which has a length of 15.3m, width of 7.26m and ridge height of 7.92m. The increase in the width of the proposed block of flats means that the building will be set closer to Carbery Avenue by 1.4m and to Cranleigh Road by 3.1m. The flats will still, however, be set back from the highways by 7.9m and 2.76m respectively, maintaining a good set-back distance from the roads, similar to other houses in the area.

32. Furthermore, it should be noted that there is a block of flats opposite the application site at 171 Cranleigh Road, which was approved in 2006 for a three-storey block of seven flats with associated access and car parking. The length of that proposal is approximately 18m whilst the width is approximately 12m, thereby having a comparable scale and bulk to this application.
33. Policy CS21 relates to housing distribution across the Bournemouth urban area taking place in areas that are well served by sustainable modes of travel, stating they should be located:
- a. Within the boundaries of the Bournemouth Town Centre Area Action Plan, or
 - b. Within 400m of a district centre or
 - c. Within 400m of a key transport route.
34. In addition, Policy CS41 refers to Quality Design and seeks to ensure that all development and spaces are well designed and of a high quality. Saved Policy 6.10 of the District Wide Local Plan would also be relevant, as this supports flatted development, provided that the development is in keeping with the character of the area.
35. Although there is a significant increase in scale and bulk, the Urban Design Officer (UDO) states that *"it would not be to an extent that would over-dominate both street scenes or be detrimental to the character of the area" . . . "The proposed building would be of a traditional appearance, the building would be in keeping with the character and appearance of the area which consists of variety of architectural styles and size homes"*.
36. Furthermore, the building will be significantly screened from public views by the existing boundary wall and dense tall hedge acting as front boundary treatment along both roads' frontages. The UDO, however, did express concern with regards to a lack of a landscaping proposal, stating that *"hard and soft landscape details, is a fundamental and integral part of the design process and should be developed alongside the building and site layout rather than be treated as an element to be retrofitted at a later date"*. In response to this Planning Officers have added a condition requiring a hard and soft landscaping scheme to be submitted as well as a condition to ensure the remaining wall and dense hedge, other than the small area to be removed for vehicular access and visibility splay, is retained in accordance with the proposed plans submitted.
37. The site is located across Carbery Avenue from Tuckton New Church, a non-designated heritage asset. As previously acknowledged, the scale and bulk of the proposal is much larger than the existing dwelling. However, it should be noted that from the initial Pre-application, reference PRE-19882-A, the bulk and scale have been significantly reduced and reductions in size have also been carried out as part of this application process, with the Heritage Officer stating that *"It is positive that the design of the proposed property has been revised and the tall eye-drawing turret element on the eastern elevation of the replacement building presented at pre-application enquiry stage has been removed. It is also noted that the recommendations to reduce the footprint of the proposed building"*

and to set it back from the junction of Carbery Avenue and Cranleigh Road have been followed".

Overall

38. It is acknowledged that the scale and bulk is greater than the existing dwelling. Nevertheless, opposite the site on Cranleigh Road there is a similarly sized block of flats that is arguably more bulky than the proposal being considered here. Moreover, with the addition of conditions, the proposal will provide adequate external amenity space for the occupants of the flats, sufficient car parking and cycle storage space, as well as having a satisfactory traditional appearance, albeit, with much of the appearance being well-screened from public view.
39. Furthermore, with regards to Tuckton New Church, it is considered that the visual impact on the setting of the non-designated heritage asset, has been minimised given the reduced mass, scale and height of the proposed building since the initial pre-application submission and during the processing of this application. Therefore, it is considered that the conflict between the non-designated heritage asset's conservation and the proposal has been minimised, as per para. 216 of the NPPF.
40. In light of the above, Planning Officers consider the proposal will provide a quality development which respects the pattern and scale of the wider context and is in accordance with Policies CS21, CS41, Policies 4.25 and 6.10 of the BDWLP and paragraphs 131, 139 and 216 of the NPPF

Impact on Residential Amenity

No.132 Carbery Avenue

41. No.132 Carbery Avenue lies to the west of the application site. Currently, No. 134 adjoins the boundary to No.132 via an attached garage, whereby there is a gap of 1.9m to No.132. The proposed block of flats will be set back from the boundary, leaving a gap of approximately 6.3m between the two buildings, an increase of 4.4m between the neighbouring properties. Furthermore, the height of the proposed block of flats is lowest on the west elevation, being the same height as No.132, and there are no upper floor windows on the west elevation.
42. Whilst the proposed flats have slightly moved forward by approximately 1.4 towards Carbery Avenue and by 3.1m towards Cranleigh Road, the proposed separation between the two buildings ensures there will be no overshadowing or overlooking, as a satisfactory separation distance will be retained.

Overall

43. Given the increased separation from No.132 Carbery Avenue and there will be no habitable room windows to the west elevation, Planning Officers consider this will be a betterment with regards to loss of privacy to No.132, and therefore there will be no impact to the residential amenity of 132 Carbery Avenue.

44. Since 134 Carbery Avenue is the last house prior to the junction with Cranleigh Road, no other properties will be impacted due to the retention of adequate spatial separation.
45. In light of the above Planning Officers are satisfied that the proposal will have no impact on the neighbouring residential amenity currently enjoyed by the occupants of No. 132 Carbery Avenue, in accordance with Policy CS41.

Space Standards and Housing Mix

Space Standards

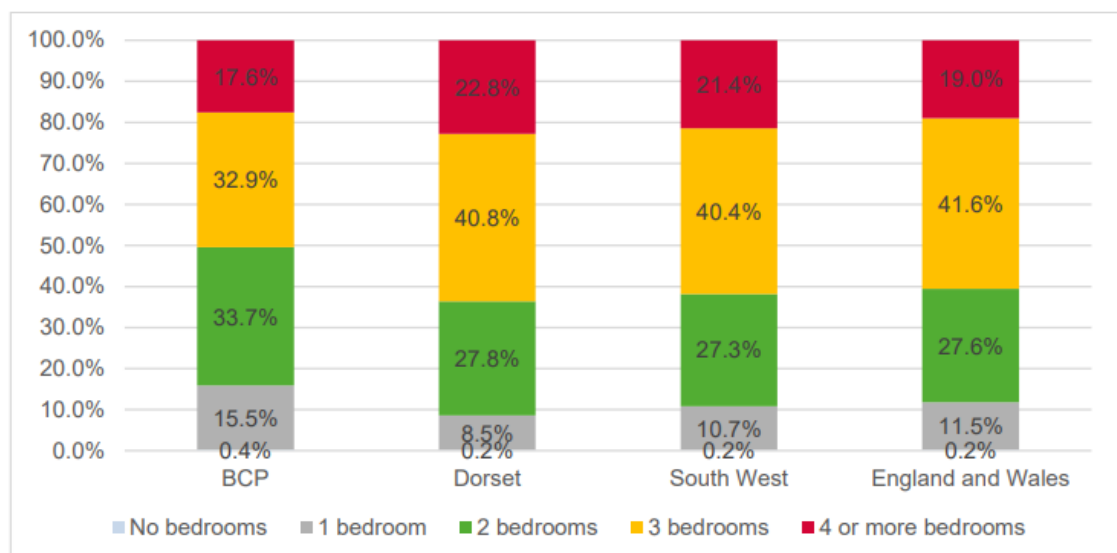
46. The Government's Nationally Described Space Standards (NDSS) "*sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy*" and is a useful benchmark in respect of the size of accommodation.
47. Policy CS41 states that "*. . . all development and spaces are well designed and of a high quality . . . [and] provide a high standard of amenity to meet the day-to-day requirements of future occupants*".
48. The existing house to be demolished has three bedrooms and is to be replaced with a block of 5 flats, with the individual flats suitable for between three and four people, with two flats on the ground floor, two flats on the first floor and one flat in the roof space/second floor, all of which are 2-bedroom flats.
49. The Nationally Described Space Standards state that for a 2-bedroom single story property suitable for three people there should be a minimum of 61sqm. For a 2-bedroom single story property suitable for four people, the floorspace increases to 70sqm. As such all the flats meet the required national space standards, with flat 1 measuring 70sqm, flat 2 measuring 64sqm, flat 3 measuring 77sqm, flat 4 measuring 70sqm and flat 5 measuring 77.5sqm.
50. Double bedrooms should have a minimum floor area of 11.5sqm and single bedrooms should have a minimum floor area of 7.5sqm. Flats 1, 3 and 4 all have sufficient space for two double bedrooms and are therefore suitable for up to four people, whilst flats 2 and 5 are suitable for three people as one of the bedrooms in each flat is only suitable for a single bed.
51. With regards to flat 5, the floor to ceiling height in the main living area is 2.5m high, although this reduces to 2.4m in height within the bedrooms and is therefore in accordance with the national minimum space standards for heights, which is 2.3m for new homes.
52. With regards to outdoor residential amenity space, there is adequate space for all occupants to share as a communal space, with ground floor flats also benefiting from their own dedicated patio area.

53. Overall, then, the proposal would provide an acceptable level of internal and external space for all the occupants, in accordance with policies CS21, CS41 and 6.10.

Housing Mix

54. Policy CS6 aims to deliver sustainable communities across the Plan area *and Promot[es] a range of housing types and tenures ensuring mixed and balanced communities.*
55. The Dorset and BCP Local Housing Needs Assessment 2021 identifies the largest number dwelling by number of bedrooms in BCP are 2-bedroom dwellings (33.7%), followed by three-bedroom dwellings (32.9), as shown in the Table below.

Table 1: Number of bedrooms. (extracted from The Dorset and BCP Local Housing Needs Assessment 2021 (Table 3.12)



Source: ONS, Census 2011

56. With regards to the number of bedrooms for outer suburbs in BCP, such as East Southbourne & Tuckton, the largest requirement is for three bedrooms (40%), followed by two bedrooms (29%), as shown in Table 2, below.

Table 2: Modelled size requirement by sub-area – market housing – BCP. (extracted from The Dorset and BCP Local Housing Needs Assessment 2021 (Table 9.22)

	1-bedroom	2-bedrooms	3-bedrooms	4+- bedrooms
Inner Central	13%	44%	30%	13%
Inner East	5%	33%	43%	20%
Inner Suburbs	6%	32%	44%	18%
Inner West	6%	32%	45%	17%
Outer Central	11%	34%	36%	19%
Outer Suburbs	4%	29%	40%	28%
Sandbanks	5%	32%	39%	24%
TW and QP	5%	31%	37%	27%
BCP – Total	6%	33%	42%	20%

Source: Housing Market Model

57. With regards to dwellings by type in the outer suburbs of BCP, approximately 69% are detached dwellings with less than 10% being flats, see Table 3 below.

Table 3: Dwellings by type and sub-area. (extracted from The Dorset and BCP Local Housing Needs Assessment 2021 (Table 3.11))



Source: ONS, Census 2011

58. The Dorset and BCP Local Housing Needs Assessment 2021 shows the highest requirement is for three bedrooms in the outer suburbs, such as East Southbourne and Tuckton. Nevertheless, there is still a significant requirement for two-bedroom units. Moreover, of all the flats in the BCP area, only 10% are within the outer suburbs, the lowest amount in the BCP area. As such a combination of significant need for two-bedroom units and a lack of flatted development in the area will improve the balance of housing types in the area.

59. Overall, the proposal provides sufficient internal and external space for occupants to enjoy a good standard of living that will contribute to achieving a good balance of housing types, including smaller housing such as those proposed in this application, that will go some way to providing a range of lower cost, good quality dwellings where there is a need for such dwellings, in accordance with Policies CS6, CS21 and CS41.

Sustainability

60. The impact of climate change is ever present. The Intergovernmental Panel on Climate Change (IPCC), report that since 1860, average global temperatures have risen by 1.3 degrees C and are expected to increase to 4 degrees C by 2100, compared to pre-industrial levels of global warming. This represents a significant risk to society and how we live our lives and a threat to the planet. This threat has prompted national and local government to declare a national climate change emergency. In 2019, BCP Council made its emergency declaration to both climate change and ecology with its aim *“to keep climate warming below 1.5 degrees C to avoid further environmental damage, population displacement, biodiversity loss and risk to life”*.
61. Consequently, national government and local government has put planning at the forefront of tackling change with regards to new developments. The relevant policy, CS2 Sustainable Homes and Premises, for instance, aims to reduce the impact of climate change by setting out measures to mitigate the impact as well as how new development can adapt to climate change and ensure climate warming stays below 1.5 degrees C. The policy states, in part, that *“proposals for residential and non-residential development the Local Planning Authority will require that at least 10% of the energy to be used in developments of more than 10 dwellings . . . will come from decentralised and renewable or low carbon sources unless this is demonstrated to not be feasible or viable”*.
62. However, the proposal is minor (less than 10 units) and is therefore not applicable in this instance.

Impact on Parking and Highway Safety

63. The proposal is located in Parking Zone B and therefore 0 car parking space is required for flats with 3 habitable room and 2 bedrooms, as per the Council's Parking Supplementary Planning Document, as shown in Table 9 C3 Flats. The applicant has provided provision for 3 car parking spaces and therefore has provided more than is required.
64. With regards to cycle parking paragraph 3.3.3 of the SPD states that *“cycle parking should be in the most accessible location near the main entrance to any development and not be located in remote or inaccessible areas. Access to cycle parking should be easier than access to car parking with the exception of disabled car parking.”* The cycle parking is located to the rear and is easily accessible. The bicycle storage area is located to the rear and has provision for

ten bikes, with suitable aisle widths to make it easy to manoeuvre the bikes in and out of the shed. Whilst initial designs were not compliant with policy and unsatisfactory to Highways Officers, revised plans have been submitted and are in accordance with policy. Ten bicycle spaces is now acceptable since the revised plans reduced the number of overall bedrooms from eleven to ten.

65. In relation to access, visibility and turning, Highways Officer states that *“The existing vehicle access at Cranleigh Road is made redundant by this proposal and therefore the boundary access must be closed, and the dropped kerb must be reinstated with full height kerbs at the applicant’s expense. The continued use of the existing vehicle access at Carbery Avenue is acceptable. The widening of the access at the site boundary and the removal of the existing gate, enables driver/pedestrian inter-visibility splays to be incorporated whilst also providing ample space for vehicles and pedestrians to pass one another safely. Therefore, no alterations to the existing vehicular crossover (dropped kerb) at Carbery Avenue are required. A development comprising of 4 x 3-habitable room flats and 1 x 4-habitable room flat generates a car parking demand of one space. Consequently, the provision of 3 spaces with electric vehicle charging infrastructure is acceptable. The proposed Site Plan fails to measure at the annotated scale although dimensions are included. Additionally, a cross-check of the SUDS plan (at the same scale) does measure accurately and thus confirms the parking and turning arrangement is to SPD standard”*.
66. Since the Highways Officer submitted these comments, the applicant has submitted revised plans reducing the number of bedrooms from eleven to ten; therefore, the provision of bicycle stands for ten bikes is now acceptable.

Overall

67. The Highways Officer’s concerns have been addressed. Planning Officers are therefore satisfied that the proposal is compliant with Policies CS16 and CS18 and the Car Parking SPD, subject to conditions.

Biodiversity Net Gain

68. In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), it is now a statutory requirement that minor applications received since 2nd April 2024 provide an uplift in biodiversity of 10%, unless it can be demonstrated that an exemption applies.
69. The biodiversity gain hierarchy, as set out within articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a list of priority actions that must be followed in relation to biodiversity at the design stage of a proposed development.
- first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and

- then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.
70. The first part of the Biodiversity Gain Hierarchy relates to any 'medium' or higher distinctiveness habitats (with a biodiversity score of 4 or higher according to the biodiversity metric) within the site, and states that priority must be given to avoiding harm, or mitigating harm to those habitats. Where it can be demonstrated and justified that it would not be possible to avoid or mitigate harm to these medium or higher distinctiveness habitats, consideration of these habitats will then move to the second part of the Biodiversity Gain Hierarchy.
 71. For all lower distinctiveness habitats (with a score above zero but less than 4), only the second part of the hierarchy will apply. In this case, the existing developed land/sealed surface has a very low distinctiveness value with a score of 0. The vegetated garden has a low distinctiveness with a score of 2 and the introduced shrub also has a low distinctiveness with a score of 2, of which a total of 722sqm will be lost. Therefore, biodiversity gain hierarchy requires developers to firstly prioritise compensation for any loss through the enhancement of existing or creation of new habitat onsite as far as possible. Where not possible, any shortfall can be made up through the purchase of off-site units or where these are not available, statutory credits.
 72. A Small Sites Metric, Ecological Impact Assessment and Biodiversity Net Gain Statement (including baseline and post development habitat plans) were submitted to support the application at 134 Carbery Avenue. The metric confirms the existing onsite habitat of 0.7 Ha (0.09 Biodiversity Units), comprised 0.0252 Ha of developed land/sealed surface (with 0 Biodiversity Value), 0.0472 Ha of vegetated garden (with a BU value of 0.09 BU).
 73. The post development habitat would create an additional 0.07 Ha of habitat, comprising of 0.0366 Ha of modified grassland (0.13 BU created), 0.0336 Ha of developed land/sealed surface (0 BU created), 0.0022 Ha of introduced shrub (0 BU), equating to a biodiversity net gain of 38.98%.
 74. Although the exact details of any off-site BNG contribution would not be required until after determination of the application, when discharging the biodiversity gain condition, Paragraph 019, Reference ID: 74-019-20240214, of the BNG Planning Practice Guidance advises that consideration should be given at determination of an application of whether the biodiversity gain condition is capable of being successfully discharged. This includes consideration of whether the appropriate balance expected between onsite and offsite gains has been achieved in accordance with the Biodiversity Gain Hierarchy.
 75. Whilst the development provides a BNG above the minimum 10% required, no significant habitats have been created, and the amount of net gain is not

considered to be significant. Therefore, there is no requirement for the applicant to enter into a s106 legal agreement.

76. In light of the above, Planning Officers are satisfied that the statutory biodiversity net gain condition is capable of being achieved and therefore being discharged, in accordance with the Biodiversity Gain Hierarchy.

Ecology

77. The applicant has submitted an Ecological & Biodiversity Net Gain Assessment (the Assessment to confirm the presence/absence of any protected animal species and suitable habitats for protected species, such as bats, and nesting birds, amongst other species. Paragraph 174 of the NPPF states that "*Planning policies and decisions should contribute to and enhance the natural and local environment*". Paragraph 180 (a), furthermore, states that "*When determining planning applications . . . , if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".
78. Planning Policy CS35 states that "*The Council will promote the Borough's biodiversity and geodiversity interests. . . . If significant harm resulting from a development cannot be avoided through:*
- 1. relocating on an alternative site with less harmful impacts*
 - 2. adequate mitigation, or*
 - 3. as a last resort, through adequate compensation, then planning permission will be refused by the Local Planning Authority*".
76. The Assessment notes that the house has 'moderate potential' for roosting bats and the building is not considered to support roosting bats at this time and so no action regarding bats is recommended.
77. No impacts are anticipated on dormice and great crested newts and no further actions are recommended for these species.
78. Habitats on-site were assessed to with regards providing suitable nesting habitat for birds, suitable habitat for hedgehogs, reptiles and amphibians, and these are set out in Section 5 of the Assessment.
79. Given the contents of the Assessment and proposed biodiversity enhancements and mitigation measures, Planning Officers consider that with a suitably worded condition to ensure the development fully adheres to the Assessment, the development will comply with Policy CS35 and the relevant provisions set out in the NPPF.

Waste and Recycling

80. The Waste Collection Authority have provided comments, initially raising an objection to the access doors to and from the bin store. However, amended plans have been submitted with appropriately sized doors of 1.5m wide. Planning Officers are therefore satisfied that the bin store and waste bins are now in accordance with the Council's Standards for Waste Container Storage and Access Planning Guidance Note.

Drainage

81. Policy CS4, relating to surface water flooding states that "*The design and layout of all new buildings, and the development of car parking and hard standing, will incorporate appropriate Sustainable Drainage Systems (SUDS) capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development, and ensuring the quality of local water. The use of SUDS is a requirement other than in exceptional circumstances where no technical solution is available*".
82. The Design and Access Statement, section 4.11, state that the drainage proposal "is to link the foul drainage to the existing system with soakaways on site to dispose of rain water, as shown on drawing number ASP.23.056.P008 Rev A. Planning Officers consider this is a suitable solution to avoid any increase in flooding and ensure the site is appropriately drained, subject to a condition being imposed requiring further details to be submitted. As such with a suitably worded condition, the development will accord with Policy CS4.

Heathland Mitigation

83. 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 Conservation of Habitats and Species Regulations 2017. 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.
84. Therefore, as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required. There is a net gain of three houses; therefore the financial contribution is £1,230 (to be index linked), plus an administration fee of £75.
85. A legal agreement has been drafted, signed and sealed to ensure the contribution is provided.

Community Infrastructure Levy

86. The development proposal is liable to a community infrastructure levy charge, as it is for residential development outside the town centre. The fee is £98.41 per sqm (subject to indexation).

Planning Balance

87. The proposed development represents an acceptable form of infill development and will increase the supply of flatted development in an area of low provision; thereby providing an affordable level of 2-bedroom dwellings in an area dominated by larger family housing. Furthermore, the proposal will have no impact on residential amenity and there is adequate external communal amenity space for the occupants, as well as car parking provision, with safe vehicular and pedestrian access and egress.
88. The development will encourage sustainable modes of transport with a suitable level of cycle parking provision and safe storage, with bin storage suitably located to a collection point.
89. Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development. Where there is no 5 Year Housing Land Supply or where the most important policies for determining the application are out-of-date, the 'tilted balance' should be engaged and permission should be granted unless:
- i. *"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*
90. In this context, the site is not located within any protected areas or assets of particular importance as outlined in the footnote 7 of the NPPF as well as paragraphs 193 and 194 of the NPPF. The Council's most recent assessment of the housing land supply position is 2.3 years with a 20% buffer and the Housing Delivery Test result is 67%. As such, the tilted balance, as advocated by the NPPF, will be engaged and the provision of additional market housing attracts significant weight in the overall planning balance.
91. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to a s106 agreement, CIL contributions and compliance with the attached conditions, 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 and would be acceptable in terms of traffic

safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

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

Section 106 terms

Heathland Mitigation (SAMM): £1,230 plus an administration cost.

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 following approved plans:

Block and Location Plan ASP.23.056.P001. Rev A
Proposed Drainage Proposals ASP.23.056.P008. Rev A
Proposed Site Plan ASP.23.056.P100. Rev A
Proposed Ground Floor Plan ASP.23.056.P100. Rev A
Proposed First Floor Plan ASP.23.056.P101. Rev A
Proposed Second Floor Plan ASP.23.056.P102. Rev A
Proposed Roof Plan ASP.23.056.P103. Rev A
Proposed SW & SE Elevations ASP.23.056.P200. Rev A
Proposed NE & NW Elevations ASP.23.056.P201. Rev A
Proposed Street Scenes ASP.23.056.P300. Rev A

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

2. On site working hours (inc demolition) restricted when implementing permission.

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

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

3. 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).

4. Access / Turning and Parking

Notwithstanding the Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, showing the existing access point along Cranleigh Road is to be closed-off, full details shall be submitted to and approved in writing by the local planning authority detailing how the access point will be permanently closed and the existing vehicle crossing expunged and the highway kerb reconstructed. The closure of the access, expunging of the existing crossing and reconstruction of the highway shall only be carried out in accordance with the approved details plan to be submitted

At no time thereafter shall the access be used for such a purpose.

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

5. Footway Crossing (Reinstated)

Prior to development above slab level, a scheme showing the existing vehicle access point at Cranleigh Road is closed-off and the dropped kerb is reinstated with full height kerbs (at the applicant's expense), as shown on the Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

The approved scheme shall then be completed prior to first occupation.

Reason: To prevent danger to road users and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. Electric Charging Points

Notwithstanding details shown on the submitted plans, within 3 months of the date consent is hereby granted, details of the provision of electric vehicle charging points shall be submitted to the Local Planning Authority for approval in writing. The proposed charging points shall be installed in accordance with the approved details and permanently retained and maintained for the residents of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with policies CS17 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

7. Cycle store to be erected prior to occupation

Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, 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).

8. Refuse Bin Store to be Erected Prior to Occupation and Location

Before the occupation of any part of the development hereby approved, the refuse bin store shall be erected and located as shown on the Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, 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. Prior Approval of Materials (all external)

Details/samples (via pamphlets/leaflets) of all external materials/surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works above slab level. Development shall be carried out in accordance with the approved details.

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

10. Boundary Treatment

With the exception of the small section of boundary wall and vegetation approved to be removed to widen the vehicle access, the remaining boundary features (wall and hedge) shall be retained in accordance with the Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, unless agreed by the local planning authority.

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

11. Hard & Soft Landscaping

Notwithstanding the approve Proposed Site Plan, Drawing No. ASP.23.056.P002, Rev A, no part of the development hereby permitted shall be constructed above the damp proof course level until details of both hard and soft landscaping works have first been submitted to and approved in writing by the local planning authority. The details of the landscaping works shall include:

(a) proposed finished levels and contours;

- (b) surfacing materials;
- (c) means of enclosure including boundary treatments and any other landscape associated structures and features;
- (d) lighting;
- (e) planting plans;
- (f) written specifications (including cultivation and other operations) associated with plant and grass establishment;
- (g) schedules of plants noting species, plant sizes and proposed numbers/densities, including tree planting to frontage area;
- (h) vehicle parking layouts;
- (i) access and circulation areas;
- (j) a programme of implementation incorporating a timetable for planting; and
- (k) a maintenance plan for a minimum period of 5 years from the date of planting [including details securing the replacement of any planting which dies, is removed, uprooted, destroyed or becomes seriously damaged or defective during the plan period],

The development and landscaping shall thereafter be carried out, retained and maintained in accordance with the Approved Landscaping Details.

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

12. Adhere to Arboricultural Method Statement and Tree Protection Plan

The removal of trees and proposed tree planting shall accord with the approved Tree Protection Plan Barrell 24022-3 and the and the Arboricultural Impact Assessment and Method Statement, undertaken by Barrell, dated the 15/07/2024, reference 24022-AIA-LF.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works that the proposed development provides for a suitably landscaped amenity area in the interests of visual amenity and to accord with saved 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. Landscape Management Plan

The landscaping of the site shall fully accord with the Landscape Plan, Drawing No 612-1-R2 and the 30-Year Landscape Management Plan, undertaken by The Landscape Service, reference 612-2, dated the 11/12/2024. The LMP shall be implemented in full and shall thereafter be retained, maintained and managed in accordance with the Landscape Management Plan.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

14. Adhere to Ecological & BNG Assessment

The development proposal, hereby approved, shall fully adhere to Section 5 (Biodiversity mitigation and enhancement plan) of the Ecological & BNG Assessment, undertaken by ABR Ecology Ltd, dated the 08th of July 2024, and shall be fully implemented prior to the commencement. In the event that it is not possible to do so, all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species and to ensure that the proposed development enriches biodiversity and wildlife habitat and to accord with Policy CS30 of the Bournemouth Local Plan: Core Strategy (October 2012).

15. Communal Garden Space

With the exception of the designated patio areas to the ground floor units, the garden space shall be allocated as communal for use by all occupants of the five units..

Reason: to ensure adequate communal space is available for use by all occupants of the flatted units.

16. Surface Water Drainage (SUDS Implementation)

No part of the development hereby permitted shall be commenced unless a drainage scheme for] the disposal of surface water by way of a sustainable drainage system has first been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- (a) proposed arrangements for the disposal of both surface and foul water;
- (b) (in relation to the surface water), information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the application site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters; and
- (c) 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
- (d) a timetable for delivery.

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

Reason: To prevent the increased risk of flooding and 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.

17. Dust & Noise Management

No development shall take place including site clearance works until a detailed dust and noise management plan for the control of dust, emissions and noise arising from the construction of the development has been submitted in writing to the Local Planning Authority for approval. Once approved, all works which form part of the approved dust and noise management plan shall be implemented throughout the construction and demolition phase of the development.

No activity hereby permitted shall cause dust and noise to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. Should such an emission occur, the LPA shall be notified, and activity shall be immediately suspended and not recommenced until a revised dust and noise management plan is submitted in writing to and approved in writing by the LPA.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Statement required by National Planning Policy Framework (APPROVALS)

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

In this instance:

- The applicant was provided with pre-application advice,
- The applicant was provided with the opportunity to address issues identified by the case officer and permission was granted.

Informatives

1. Informative Note: 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 this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

2. Informative Note: Highway and 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.

3. Informative Note: Wildlife & Countryside Act 1981

The granting of consent for tree works does not override the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.)

Regulations 1994. In particular you are advised that it is your responsibility and that of any contractor employed by you to ensure that no harm is caused to protected wildlife through the implementation of the proposed works. The proposed development, particularly the demolition of the existing dwelling, may have a particular impact on bats (protected under European & UK law) and nesting birds (protected under UK law). Failure to take account of protected species may result in a fine of £5000 per offence and/or six months imprisonment. Your attention is drawn to the enclosed information sheet on bats and nesting birds.

4. Informative Note: CIL liable development

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.

5. Informative Note: Biodiversity Net Gain Plan

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

Background Documents:

Documents relevant to this application and Officer Report have been uploaded to the Council's website (Ref 7-2024-19822-A) and is publicly accessible and includes all formal consultation responses and representations submitted in respect of the application.