

Planning Committee

Application Address	The Bridge, 947 Christchurch Road, Bournemouth, BH7 6AZ
Proposal	Demolition of existing flats and Outline Submission for erection of a building of up to seven storeys for up to 46 apartments (with all matters for consideration other than landscaping).
Application Number	7-2024-5331-I
Applicant	Park Place Properties Ltd
Agent	Chapman Lily Planning Ltd
Ward	Boscombe East & Pokesdown Cllr Eleanor Connolly and Cllr George Farquhar
Report Status	Public
Meeting Date	8 May 2025
Recommendation	Refuse
Reason for Referral to Planning Committee	Called in by Councillor Farquhar Considers that the proposal is contrary to the following Boscombe and Pokesdown Neighbourhood Plan policies: <ul style="list-style-type: none"> • BAP 1 Scale and density of development • BAP 2 good design for the 21st Century • Bap 6 Proposals for 10 or more units which include: – 50% 3 bedrooms or larger dwellings; – 40% 2 bedroom dwellings; – 10% 1 bedroom dwellings;
Case Officer	Peter Walters
Is the proposal EIA development	No

1. Description of Development

- 1.1 Outline planning consent is sought for the demolition of existing flats and the erection of a replacement building of up to seven storeys for up to 46 apartments. Matters relating to access, scale, layout and appearance are to be considered under this application. Landscaping is to remain a reserved matter.

2. Key Issues

2.1 The considerations involved with this application are:

- The principle of development
- Impact on character and appearance of the area
- Housing Mix
- Impact on the amenity of neighbouring residents
- Amenity of Future Occupiers
- Highway Safety and Parking
- Impact on Neighbouring Railway
- Heathland Mitigation
- Biodiversity Net Gain
- Affordable Housing Provision
- Bin Storage

2.2 These points will be discussed as well as other material considerations at para 8.5 to 8.43 below.

3. **Planning Policies**

Core Strategy (2012)

CS1: National Planning Policy Framework – Presumption in Favour of Sustainable Development

CS13: Increasing Opportunities for cycling and walking

CS16: Parking Standards

CS18: Increasing Opportunities for Cycling and Walking

CS21: Housing Distribution Across Bournemouth

CS33: Heathland

CS41: Design Quality

District Wide Local Plan (2002) Saved policies:

Policy 4.25 – Landscaping

Policy 6.10 – Flats Redevelopment

Policy 8.1 – Development on Primary & County Distributor Routes

Emerging BCP Local Plan

Following the recommendation by the Planning Inspector following Stage 1 of the Local Plan examination that the Plan should be withdrawn, the policies in it are at present considered to carry negligible weight. If the Council opts to follow the recommendation of the Inspector, the policies will carry no weight. Policies that would apply to the proposal are as follows

Policy C2: Sustainable construction and low carbon energy

Policy C7: Sustainable Drainage (SuDS)

Policy NE2: Habitats sites and wildlife sites

Policy NE3: Biodiversity

Policy H1: Housing Delivery

Policy H2: Affordable Housing

Policy H3: Housing Mix

Policy H4: Internal and external space standards

Policy T2: Transport and Development

Boscombe and Pokesdown Neighbourhood Plan (2019)

BAP1 – The scale and density of development

BAP2 – Good design for the 21st Century

BAP6 – The number and type of new homes

BAP7 – The quality of new homes

Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2020-2025

Residential Development: A Design Guide – PGN (2008)

Sustainable Urban Drainage Systems (SUDS) - PGN

Bournemouth Parking – SPD

The National Planning Policy Framework (2024)

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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

4. Relevant Planning Applications and Appeals:

- 7-2003-5331-C – Erection of a three/four storey block of ten flats, formation of new vehicular accesses and parking spaces – Granted
- 7-2003-5331-D – Erection of 3 /4 storey block of 14 flats, formation of vehicular accesses and parking spaces. Granted
- 7-2004-5331-E – Erection of a 3 / 4 storey block of 14no. flats, formation of vehicular access and parking spaces – Amended plan for application 7-2003-5331-D. Granted
- 7-2021-5331-F - Prior approval procedure – Erection of 2 additional storeys on the existing block of flats to create 11 additional units. Refused
- 7-2021-5331-G – Prior approval procedure – Erection of 2 additional storeys on the existing block of flats to create 9 additional flats. Granted
- 7-2022-5331-H – Outline submission for a seven storey side extension, rear extension, exterior redesign with internal alterations, and extension to roofspace for three additional floors to form 31x flats with some matters reserved (45 flats in total) (amended plans). Refused for the following reasons:

- *The proposed development, by reason of the excessive height, scale, mass, bulk, site coverage, detailed design, and excessive density of the development, would form an overly large and unsympathetic development which would appear too large for the site and out of keeping with the character and appearance of the area. The proposals would therefore be contrary to the aims of Policy 6.10 of the Bournemouth District Wide Local Plan (2002), Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), Policies BAP1 and BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (2019), Residential Development: A Design Guide (2008), and the NPPF.*
- *The proposed development, by reason of the mix of units provided, would result in a development that does not cater to identified local housing need. The proposals fail to provide sufficient evidence to demonstrate that the density and housing mix is appropriate on this site. In addition, it has not been sufficiently demonstrated that future occupants of the site would have a satisfactory standard of living having regard to the size and outlook of the units as well as potential noise and disturbance. The proposed development would therefore fail to meet the aims of Policies BAP1, BAP6 and BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (2019) as well as CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) and of Policy 6.10 of the Bournemouth District Wide Local Plan (2002).*
- *Furthermore, it is considered that the development would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).*

5. **Representations**

- 5.1 Site notices were posted in the vicinity of the site on 16/02/2024 with an expiry date for consultation of 08/03/2024.
- 5.2 4 representations have been received, 3 raising objection; 0 in support and 1 comments. The issues raised comprise the following:-
- Overlooking
 - Concerns regarding publicity of the application
 - Density of development too high
 - High density development with poor amenity results in social issues and is contrary to policy BAP 1 of the Boscombe and Pokesdown Neighbourhood Plan.
 - Contrary to Policy BAP 2 as the development would be out of keeping with the area. It would exceed the general height in adjacent and original buildings which is described as consisting of "mainly detached and pairs of semi-detached and terraced housing dating from the Edwardian period. The area is generally of a domestic, two storey scale"
 - Loss of 2 bed and 3 bed flats to be replaced by 1 bed flats will displace families living in the existing property, contrary to Policy BAP6
 - Concerns regarding loss of existing shrubbery and trees
 - Road is too congested
 - Lack of car parking a concern
 - Highway safety concerns for pedestrians

6. **Consultations**

- **Urban Design: Object**
In my opinion there is some potential for intensification on this site given the location on a main road with shops, facilities and public transport within a short walk. However, the proposed density of 460 dwellings per hectare is too high. This is completely at odds with Neighbourhood Plan policy BAP 1 which resists densities above 100 dwellings per hectare. In my opinion this is overdevelopment and the building would appear bulky, overbearing and unrelated to its surroundings. I note that the existing building was only consented 20 years ago. I can't see any explanation for the need to redevelop such a new building and I would have thought that modest extensions and modifications would make better use of resources as well as sitting more comfortably in the context.
- **Health and Safety Executive: Comments**
"Should the Local Planning Authority be minded to grant outline planning permission, we strongly recommend the following:
 - the outline planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application; and,
 - that HSE (Planning Gateway One) is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application."
- **Network Rail: Comments**
Developer must ensure that the proposal does not affect the neighbouring railway during or after construction.
Subsequent maintenance must be able to be done without encroaching onto the railway.
- **Highways: No objection**

25/03/2025 – following further submission of details

Highways initially objected due to the siting of the underground bin store (which has now been removed from amended plans) and the failure to provide an SPD compliant cycle store. Amended plans shows an integral cycle store with 68 spaces in an SPD compliant arrangement. SPD compliant arrangement ensures that sufficient onsite parking is provided.

Vehicular and pedestrian access arrangements, as well servicing arrangements utilising an operational parking bay, remain as previously proposed and considered acceptable. Details pertaining to necessary alterations to the footway to facilitate access, and to reinstate the kerb to improve the walking network, can be secured by condition.

As stated within the LHA's previous consultation response, a car-free development of this scale is expected to result in a significant increase in non-car trips, namely those undertaken on foot, by cycle and via public transport. To mitigate the impact of the proposed development and to improve the sustainable travel infrastructure, namely the construction of the primary cycle route along Christchurch Road, as identified within the LCWIP, a financial contribution of £12,144.00 is required.

7. **Constraints**

Bournemouth Airport Safeguarding Area (maximum height of buildings limited to 45m.
Officer note – building height is 29m)
Within 5km of heathlands
Adjacent Railway line

8. Planning Assessment

Site and Surroundings

- 8.1 The area is transitional, from the secondary shopping area of Christchurch Road, beginning on the western side of the railway line, with a variety of different dwellings and architectural styles. Immediately adjacent and opposite the site are residential properties, however further to the east are a series of commercial properties including retail units and a vehicle tyre garage. Beyond this, are predominantly residential dwellings.
- 8.2 Residential properties are largely two storeys and predominantly consist of dwellinghouses. However, there are a number of blocks of flats, including on the northern side of Christchurch Road. There are a few examples of three storey buildings in the area, the existing building is the tallest building in the immediate vicinity.
- 8.3 The site is adjacent to the A35 Christchurch Road, which is key route within Bournemouth and is served by regular buses. The site is approximately 100m from Pokesdown Train Station, which is on the Bournemouth to London mainline, and the railway line runs immediately to the south of the site. The site is located in a highly sustainable location.
- 8.4 The application site itself is a triangular shape and measures approximately 0.1ha, and currently comprises 14 flats with parking to the east and the west of the building. The existing building reaches a maximum height of 4 storeys and has a traditional appearance.

Key Issues

Principle of development

- 8.5 The heart of the NPPF includes a presumption in favour of sustainable development, and this is reiterated in Policy CS1 of the Core Strategy of the Bournemouth Local Plan. NPPF paragraph 11 applies this presumption to decision making whether the local plan is classed as out of date or not. In this instance, some of the policies of the Local Plan are considered to be out of date. Footnote 8 of paragraph 11 classifies a local plan as out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
- 8.6 The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP wide Local Plan. In the Bournemouth area there is a 2.1 year housing land supply with a 20% buffer (a shortfall of 4,862 homes) and a 2022 HDT result of 73%. The local plan policies retaining to housing are therefore considered as out of date as the Local Planning Authority is unable to demonstrate a five-year supply of homes and under the HDT test threshold of 75%. The presumption in favour of sustainable development applies.
- 8.7 NPPF Paragraph 11 states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the

Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 8.8 For this planning application the benefits provided from the supply of new homes will have significant weight and a 'tilted balance' in favour of the grant of planning permission. For the local planning authority to refuse this development, the benefits of the provision of new homes must be significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a strong reason for refusal, in line with Footnote 7 of the NPPF.
- 8.9 In this particular case the site is considered acceptable in principle for residential intensification, as acknowledged by Policy CS21 of the Core Strategy because it is located on a key transport route. The development would make a notable contribution towards local housing supply in a sustainable location. Paragraph 124 of the NPPF states "planning policies and decisions should support development that makes efficient use of land".
- 8.10 The site is not an allocated site in the neighbourhood plan, but residential is considered an acceptable use for the location, as evidenced by the existing block of flats.
- 8.11 The Boscombe and Pokesdown Neighbourhood Plan (2019) is relevant to the proposal, and forms part of the development plan documents.

Impact on character and appearance of the area

- 8.12 The design of the building, in contrast to the existing building, would take a contemporary approach. In terms of materials, the applicant proposes the use of aluminium fascia and metalworks, Weinerberger Forum Smoked Branco, Avenue Smooth black and Ashley Red multi-bricks. The form of the building is mildly staggered, with the eastern end being 4 storeys, rising to 7 storeys throughout the rest of the building. The top floor is inset to reduce the prominence of the building. The southern elevation of the building is tapered to accommodate the shape of the site, as a result the building would be wider at its eastern end than it would be at the western end. Most of the buildings along Christchurch Road follow a more conventional rectilinear form. The acute angle would therefore appear jarring in the street scene in comparison to the character of the area around it.
- 8.13 The proposed building would utilise a flat roof instead of the pitched roofs that tend to prevail in the area and are most prominent on residential buildings. As such, the roof form does not relate well to the context of the area.
- 8.14 The building would have a height of 7 storeys. This is significantly higher than the buildings in the surrounding area (the tallest building in the area is the existing building that would be replaced) and the area has a generally domestic scale. It is acknowledged that a prior approval has previously been approved (7-2021-5331-G) which would allow an increase in the height of the building. However, the proposed scheme would represent an increase in the height of approximately 2m along much of the building line. While it is acknowledged that the tower element would be taller, this represents only a small element of the approved building. The width of the proposed building extends further than the existing building and therefore the difference in height of the proposed and the approved is more pronounced at

the eastern and western ends of the site. The difference in height between the existing and approved building increases to approximately 5.5m and then 7.5m. As a result, the building would be more visually dominant within the street scene than the existing building would be. It should also be noted that more than three years have passed since the Prior Approval was granted and therefore this has now lapsed. As such, this does not form an immediate fallback position for the applicant, however, there have been no substantive changes since the prior approval application was granted and therefore it is likely that a future prior approval application would be supported.

- 8.15 In addition, the proposal would result in the loss of the existing car parking spaces with the footprint of the building covering a much greater extent of the site. As the footprint of the building is staggered (to accommodate the railway line to the rear of the site) this results in a taller building in an area currently serving as a car park. Although the staggered effect will serve to reduce to a degree the visual impact on Christchurch Road and the most easterly part of the building has a lower roof height (approximately 17.7m instead of 20.7m) it will still be read in the street scene as a significantly larger structure with a much greater massing than either what has been approved or what exists on the site. The scale of the proposed building is significantly larger than anything that is noted in the area.
- 8.16 The tower feature on the existing building is visible for approximately 450m to the west of the site along Christchurch Road. Due to the change in land levels and curves in the road the existing building cannot be seen from a significant distance to the east. The applicant has opted not to show CGI visualisations of the proposed building from the east, however, given the road rises towards the site, it is considered likely that it would be visually prominent when approached from this direction.
- 8.17 In addition to the increased mass of the building, the increased footprint reduces any opportunities for landscaping. However, as this is a reserved matter, it cannot be considered in detail at this stage of the application process.
- 8.18 The density of the development is also considered to be excessive in the area. The Boscombe and Pokesdown Neighbourhood Plan Policy BAP1 seeks to resist density above 100 dwellings per hectare unless the need for the density can be justified by means of viability or to meet identified housing need. In this instance, the proposed development would have a density of 460 dwellings per hectare. The justification for this is the Council's Housing Land Supply position resulting in an identified housing need. This is considered in greater detail later in the report. Unless this justification is considered appropriate the proposed development is considered to constitute overdevelopment of the site and is therefore contrary to the Boscombe and Pokesdown Neighbourhood Plan. It is noted that Policy BAP1 also resists the demolition of buildings unless they are of poor quality design and out of keeping with the wider area. In this instance, the existing building is one of the most prominent in the area, visible for some distance to the west of the site along Christchurch Road. As such, the demolition of the building would be acceptable.
- 8.19 Taking account of the above, the proposal does not accord with Policy CS41 of the Bournemouth Local Plan and BAP1 of the Boscombe and Pokesdown Neighbourhood Plan. In addition, the NPPF has placed increased importance on high quality design. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- 8.20 The area is predominantly residential in nature, although there are some commercial properties on Christchurch Road. The nearest residential properties are immediately to the east of the site. At its closest point the building would be approximately 2m from the boundary of the neighbouring properties to the east (2 storey 951 and 953 Christchurch Road). The previously approved building features a pitched roof on the eastern elevation that rises to a height of approximately 10.3m, however, the eaves height nearest the neighbouring properties reach a height of approximately 5m. The existing building is approximately 6.2m from the boundary of the neighbouring property. In contrast, while the proposed building is stepped back a little further on the first floor (approximately 6.5m from the eastern boundary, it rises to a height of approximately 11.5m. the roof is flat so in contrast to the approved scheme with its pitched roof. As such, there is considered to be a greater impact of the increased height of the building than would be the case if a pitched roof was employed.
- 8.21 Both the approved scheme and the proposed scheme step up in height. However, the height of the proposed building projects further to the east (and therefore closer to the neighbouring property. As such, within 10m of the boundary the height of the building steps up approximately 17.6m. Within 12.5m of the boundary the height of the proposed building reaches the height of approximately 20m.
- 8.22 The rear elevation of the building projects closer to the boundary of the 951 Christchurch Road (approximately 2m). The building is less staggered than the front elevation and as such, with approximately 2.5m of the boundary of the neighbouring property the building rises to a height of approximately 18m.
- 8.23 It is considered that this relationship between the proposed development and 951 Christchurch Road would be harmful. The proposed development would have an overbearing impact on the neighbouring residential property from the rear windows of the property. This would result in a sense of side enclosure to the property, particularly as a result of the height of the proposed development in comparison to the existing neighbouring property. Officers note that Inspectors have previously concluded that this can be harmful to the amenity of neighbours (for example 2-4 Ringers Road and 5 Ethelbert Road, Bromley – ref APP/G5180/W/24/3340223 where the Inspector states: “Residents of these properties would be subject to a sense of side enclosure of garden spaces, and of intrusion due to the buildings’ overbearing effects”). Given the significant difference in heights of the neighbouring property and the proposed development, officers consider that this relationship would be harmful in this respect.
- 8.24 In terms of privacy, it is noted that there are some windows in the side (eastern) elevation of the property overlooking the neighbouring property. These windows are serving the stairwell and communal halls for the apartments. As such, they are not considered to have an impact on the privacy of neighbouring residents. Apartments on the first to third floors also have balconies and eastern aspect windows. However, these will not overlook the rear gardens of the neighbouring properties and there are no windows in the western elevation of the neighbouring properties. As such, officers consider that the proposal would not have a harmful impact on the privacy of 951 and 953 Christchurch Road.
- 8.25 As noted there are residential properties across Christchurch Road to the north of the site. Although there will be a degree of mutual overlooking between the neighbouring properties

this relationship is accepted in an urban area. However, once again, the mass and height of the proposed building is considered to be likely to have a harmful impact on the neighbouring properties, particularly 968 and 974. The proposed development is situated to the south of these neighbouring properties and will therefore be in shadow as a result of the proposed development. This will impact the living conditions of the occupants of the neighbouring properties. In addition, the mass and height of the building is considered to have a domineering effect on 960 – 974 Christchurch Road given its height and massing.

- 8.26 Taking account of the above, the proposal is considered to have a harmful impact on the amenity of neighbouring residents and is therefore considered to fail to comply with Policy CS41 of the Bournemouth Local Plan Plan Core Strategy CS41 – Quality Design and Policy BAP 2 – Good Design for the 21st Century of the Boscombe and Pokesdown Neighbourhood Plan. It is also contrary to paragraph 135 of the NPPF, which requires developments to “create places... with a high standard of amenity for existing and future users”.

Amenity for Future Occupiers

- 8.27 The proposal includes a mix of flats from 1 to 3 bedroom, with different intended bedspaces for the flats. All of the flats meet the minimum space standards set out in the national Technical Guidance and are in this respect therefore considered to be acceptable. The flats from the first floor upwards have access to outside space by means of balconies or the roof terrace. However, the ground floor flats do not benefit from direct access to outdoor space. The outdoor space that is available is limited due to the footprint of the building and therefore is unlikely to provide sufficient external amenity space. In addition the Urban Design Officer has commented that we would expect to see patios for the ground floor flats to provide easy access to outside space, this has not occurred. This is therefore considered to have a harmful impact on the amenity of the future occupiers of the ground floor flats and is therefore considered to be contrary to Policy CS41 – Quality Design of the Bournemouth Local Plan and Policy BAP 7 – The quality of new homes of the Bournemouth and Pokesdown Neighbourhood Plan (2019) which requires new residential units to provide adequate amenity space.

Highway Safety and Parking

- 8.28 The proposed development site is located within a short walking distance of the local centre of Pokesdown with access to shops and amenities including Pokesdown Rail Station, two primary schools and leisure and recreation facilities at Kings Park. In accordance with BCP Parking Standards (2021), the site is located within Parking Zone A. The site fronts Christchurch Road (A35), a classified road and strategic bus route subject to a 30mph speed limit with footways on both sides. On-street parking is available fronting the site although double yellow line restrictions are in place a few metres to the west and single yellow line restriction on the opposite side of the road, within the eastbound lane.
- 8.29 Christchurch Road is also designated as a County Distributor Road in the Bournemouth District Wide Local Plan 2002 (BDWLP). To enhance traffic flow and safety on these routes, it will be necessary to restrict parking, turning movements and development access. Saved Policy 8.1 of the BDWLP seeks to permit development where it will not result in direct access, parking or turning movements on these routes or, in the case of existing developments, where the access arrangements will be improved.

- 8.30 Given the sustainable location of the site, parking is not required for the flats. However, an operational parking bay is required. This has been relocated following initial comments from the Local Highway Authority. Slight alterations to the westernmost vehicular crossover may be required to provide access to the operational parking bay, however this can be resolved by planning condition and therefore is considered to be acceptable and in accordance with saved Policy 8.1 of the Bournemouth District Wide Local Plan. This should also ensure adequate pedestrian safety. Officers note the comments of objectors regarding pedestrian safety of the development due to the increased footfall generated. The development would link to the existing footway which crosses the railway and is slightly removed from the highway. The footway then continues to the junction between Christchurch Road and Seabourne Road. There are traffic light controlled crossing points providing access to Pokesdown Railway Station. As such, the development is not considered to have a harmful impact on pedestrian safety.
- 8.31 Cycle parking is proposed, with a requirement of 69 resident spaces and 5 visitor spaces being needed for the proposal. The applicant is proposing 3x Sheffield Stands (providing 6 spaces) for the visitor spaces. The Local Highway Authority consider that this is acceptable. Cycle parking for the residents is provided by an integral cycle store with 68 spaces which is an arrangement that is compliant with the Parking SPD.
- 8.32 Given that the proposed development will result in a significant increase in the number of non-car trips a contribution to mitigate the impact of the proposed development and to improve sustainable travel infrastructure, in this instance the construction of a primary cycle route along Christchurch Road a financial contribution of £12,144.00 is required. As the application is not supported, the applicant has not agreed to this and as such this forms a reason to refuse the application.

Impact on neighbouring railway

- 8.33 Immediately to the south of the site is the south west main line railway and associated land. Network Rail have been consulted on the proposal. They have provided comments about the proposal. It is noted that the building would be more than 3m from Network Rail land which is required to allow for access and maintenance of the proposed building without needing to enter Network Rail land. There are a series of statutory requirements that the applicant would need to comply with if the application were to be supported. Subject to compliance with the Network Rail requirements the proposal is considered to be acceptable in terms of the impact on the railway.

Heathland Mitigation

- 8.34 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. 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 £10,592 (to be index linked), plus an administration fee of £529.

- 8.35 A signed legal agreement would be required to secure this contribution but has not been progressed in view of the recommendation to refuse.

Biodiversity

- 8.36 The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy CS35 – Natural and Geological Conservation Interests sets out policy requirements for the protection and where possible, a net gain in biodiversity. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it was received prior to the implementation of the Act. The applicant is proposing a number of biodiversity enhancements including 1 x swift box, 2 x sparrow terraces and 3 x bat tubes and a sedum roof which are considered to be acceptable.

Affordable Housing Provision

- 8.37 The proposal is expected to provide policy compliant affordable housing in accordance with the Bournemouth Affordable Housing Development Plan Document which sets the requirement at 40%. The applicant has provided evidence that the scheme would not be viable for the development if affordable housing is provided. The District Valuer has not provided confirmation of whether this is the case. As the application is not being supported this has not been explored further.

Housing Mix

- 8.38 The proposed development would replace the existing flats with a building that has a greater scale and a larger footprint. The new building would replace the 14 existing flats with up to 46 apartments, with the following mix:

- 26 x 1 bedroom
- 16 x 2 bedroom
- 4 x 3 bedroom

The Boscombe and Pokesdown Neighbourhood Plan policy BAP6 requires 50% of the housing mix of new development to provide 3 bedrooms unless it is demonstrated that this is not viable. The development fails to do so, however, as the application is to be refused on other grounds this has not been explored further.

Bin Storage

- 8.39 The proposal initially included a bin store that be underground, supported by a crane lift. These would have been external and would not have sat comfortably within the street scene. These have been replaced with internal bin stores that are considered to be more appropriate. The bin store is less than 10m from the highway.

Other Issues

- 8.40 It is noted that some members of the public are concerned regarding the publicity of the application. The application has been publicised by a site notice displayed on 9th February 2024 and a press notice, in accordance with the Development Management Procedure Order.

Planning Balance

- 8.41 The Council is currently not in a position to demonstrate a 5-year housing supply. This means that Paragraph 11 of the NPPF applies, and the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a strong reason for refusal.
- 8.42 The proposed scheme would contribute to the need for new housing, delivering 46 additional homes within a sustainable location. However, as detailed above, the proposed development is considered to have a harmful impact on the character and appearance of the area, does not provide affordable housing or a policy compliant housing mix. In addition, it has a harmful impact on the amenity of neighbouring occupants and future occupiers of the flats. These are considered to constitute strong reasons for refusal.
- 8.43 In applying significant weight to the provision of additional housing, in the instance where the Council cannot demonstrate a 5-year supply of housing, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. While the proposals would deliver new housing, they would cause significant and demonstrable harm as outlined above. Therefore, in accordance with paragraph 11d (ii) of the NPPF, the proposal should not be supported. In addition, as set out in the report, the proposal is not considered to be in accordance with the Development Plan when read as a whole. The Development Plan Policies considered in reaching this decision are set out throughout this report.

Summary

- 8.44 It is considered that the proposal would result in significant and demonstrable harm to the character of the area, the amenity of neighbouring residents and future occupiers. The application is therefore recommended for refusal.

Recommendation

REFUSE planning permission for the following reasons:

1. The proposal, by virtue of the height, scale and massing of the building will have a harmful impact on the character of the area. The proposal is therefore contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).
2. The proposal, by virtue of the height, scale and massing of the building will have a harmful impact on the amenity of the residents of 951, 968 and 974 Christchurch Road, by introducing a sense of enclosure to 951 and appearing overbearing on all three of the neighbouring residential properties. The proposal is therefore contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).

3. The proposal, by virtue of failing to provide any external amenity space to the occupiers of the ground floor flats, will have a harmful impact on the amenity of the future residents. This is contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).
4. The proposal fails to provide policy compliant affordable housing without providing justification that is agreed by the Council and therefore is contrary to Bournemouth Affordable Housing DPD and paragraph 64 of the NPPF (2024).
5. The proposal fails to provide a financial contribution towards sustainable transport to mitigate the impact of the development. The proposal is therefore contrary to Policy CS18 of the Bournemouth Local Plan Core Strategy (2012) and paragraph 115 of the NPPF (2024).
6. The site lies between 400m and 5km of Dorset heathlands which are protected under European legislation for their wildlife importance. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 sets out the means by which the cumulative impacts of additional residential development in this zone can be mitigated. In this instance the proposal fails to secure the mitigation measures identified as necessary in the SPD such that it would be contrary to policy CS33 of the Bournemouth Local Plan Core Strategy (2012) and the provisions of the National Planning Policy Framework (2024).

Informative Notes

1. In the case of an appeal or any resubmission the applicant is advised that reason 6 could be overcome by the submission of a completed legal agreement securing the Strategic Access, Management and Monitoring contribution in accordance with the Dorset Heathlands SPD 2020-2025. Reason 5 could be overcome by providing an agreed financial contribution towards sustainable transport. Reason 4 could be overcome by demonstrating that affordable housing could not be provided due to the viability of the proposal.
2. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

PT212 PA01 001 Rev A Location Plan and Block Plan
PT212 PA01 002 Rev C Proposed Ground and First Floor Plan
PT212 PA01 003 Rev B Proposed Second and Third Floor Plan
PT212 PA01 004 Rev B Proposed Fourth and Fifth Floor Plan
PT212 PA01 005 Rev B Proposed Sixth and Roof Plan
PT212 PA01 006 Rev B Proposed Elevations Sheet 1 of 2
PT212 PA01 007 Rev B Proposed Elevations Sheet 2 of 2
3. In accordance with paragraph 39 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.

The applicant was advised that the proposal did not accord with the development plan and that the material planning considerations were not sufficient to outweigh these problems.

4. The development proposal is liable to a Community Infrastructure Levy (CIL) charge but a liability notice will not be issued as the application is being refused planning permission.
5. 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 application is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed are considered to apply, namely the application was registered prior to arrangements taking force.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.