



Planning Committee

Application Address	Southbourne Crossroads Car Park Southbourne Overcliff Drive Bournemouth BH6 3NH
Proposal	Minor material amendment application to vary condition no .2 for internal and external alterations to Blocks A-D, erection of a new cycle store for Block A and re wording of conditions 4,5,7,8 and 9 (Application ref. 7-2021-28119, original description - Erection of 4 blocks (total of 27 flats) with bin and cycle stores and formation of vehicular access and associated undercroft car parking).
Application Number	7-2025-28119-C
Applicant	Vivir Estates Ltd
Agent	Pure Town Planning
Ward and Ward Member(s)	East Southbourne & Tuckton Councillor Bernadette Nanovo and Councillor Judy Richardson
Report status	Public Report
Meeting date	5 June 2025
Summary of Recommendation	Approve subject to a S106 and conditions
Reason for Referral to Planning Committee	A call-in request from Cllr Bernadette Nanovo (Cllr Judy Richardson notified). The member considers that ' <i>The original application has already had a detrimental effect on this area of our ward and has eroded the trust that residents have in their elected representatives and in BCP officers</i> '. Also, 37 objections have been received from properties located within a 1-mile radius form the site
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

Description of Proposal

1. Planning consent is sought for a S73 amendment application to vary condition no .2 for internal and external alterations to Blocks A-D, erection of a new cycle store for Block A and re wording of conditions 4,5,7,8 and 9 (Application ref. 7-2021-28119, original description - Erection of 4 blocks (total of 27 flats) with bin and cycle stores and formation of vehicular access and associated undercroft car parking).
2. The original application subject of the current proposals relates to the Appeal A planning permission (LPA Ref: 7-2021-28119), which permitted the construction of 4 new blocks of apartments, known as Blocks A, B, C and D, with associated undercroft car parking, cycle store and bins stores. The approved development would provide a total of 27 x flats with 29 undercroft parking spaces.
3. The applicant submitted a Design and Access Statement, which provides the following summary of changes:

Block A:

- Material palette altered and the design of the rear elevation has been simplified.
- Integral cycle store for Block A has been removed and replaced with a single storey standalone building to the side of Block A. This change allows the internal layout of Flat A1 to be modified to allow for the provision of a study room.
- Terrace and balcony arrangement to the eastern side of Block A have been modified to provide additional outdoor space, which improves living conditions.

Block B:

- Material palette altered and the design of the rear elevation has been simplified.
- The use of louvers on the rear elevation has been replaced with obscure glazing.
- Ground floor cycle and bin store layout modified to improve useability.
- Internal layouts simplified with the number of curved internal walls minimised.
- Additional study rooms provided to satisfy the growing demand for home working.
- The triangular shaped balconies on the east elevation at first and second floor will be removed to provide the additional internal floor area for the study rooms.
- Curved external detailing to the western corner and the rear corners has been replaced with angular detailing.

Block C:

- Material palette altered and the design of the rear elevation has been simplified.
- Curved external detailing to the building corners replaced with angular detailing.
- Roof lights added to provide additional light.
- Individual entrances have been provided to the flats from street level.
- The former communal areas have been utilised to provide additional habitable floor space for the flats. This change has allowed for the creation of study rooms to satisfy the growing demand for home working.
- Individual bike stores provided, which are accessible via the communal parking area.
- The layout of the communal parking area has been modified to facilitate the above changes. The amount of car parking remains unaltered from the approved scheme.

Block D:

- Material palette altered and the design of the rear elevation has been simplified.

- Curved external detailing to the building corners has been replaced with angular detailing.
- Internal layout of the block has been altered to provide three self-contained flats with individual entrances from street level.
- Roof lights added to provide additional light to Flats D1 and D3.
- Enlarged terrace areas formed to Flats D1 and D2.

4. It should be noted this application would not amend the originally approved number of residential units on site. The proposed changes to the planning conditions would be as follows:

- Condition 2 – Change approved plans (this would be discussed further in this report);
- Condition 4 – Amend the condition to include reference Section 5.0 of the submitted Slope Stability Report prepared by BE Willis Partnership and the Geotechnical Design Report and Foundation Strategy by Thorpe Engineering Consultants;
- Condition 5 – Condition to be changed to a compliance-based condition linked to the submitted Phase II Site Investigation Report by Ground and Water Limited;
- Condition 7 – Condition to be changed to a compliance-based condition linked to the submitted materials schedule;
- Condition 8 – Condition to be changed to a compliance-based condition linked to the submitted landscaping plan;
- Condition 9 – Change approved drainage plan drawing number list to reflect proposed changes set out within the amended drainage layout by CGS Civils.

Description of Site and Surroundings

5. The application relates to a former Southbourne Crossroads Car Park site which is situated on the cliff top adjacent to the roundabout linking Southbourne Overcliff Drive with Southbourne Coast Road and St Catherine's Road. The site is currently under construction following the Allowed Appeal dated 3rd March 2023. The site is bounded to the north by St Catherine's Terrace which forms a vehicular access to properties fronting St Catherine's Road, to the south by Southbourne Overcliff Drive and to the west by the roundabout.
6. Development around the site is generally 3-4 storeys in height and is predominantly in residential use with some commercial uses at ground floor level around St Catherine's Road and Belle Vue Road. The architectural style within the locality varies with the traditional Victorian era terraces to the north and a variety of more modern development including a number of blocks of flats.

Relevant Planning History

7. 7-2024-28119-B: Non material amendment to application 7-2021-28119 for internal and external alterations to Block A and erection of a new cycle store – Application Withdrawn

8. 7-2021-28119-A: Erection of 4 blocks (total of 24 flats) with bin and cycle stores and formation of vehicular access and associated undercroft car parking – Non determination Appeal Approval
9. 7-2021-28119: Erection of 4 blocks (total of 27 flats) with bin and cycle stores and formation of vehicular access and associated undercroft car parking - Refused and Appeal Approved

Constraints

- Cliff top location
- Proximity of neighbouring terraces

Public Sector Equalities Duty

10. 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

11. 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.
12. 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.

Consultations

13. Environmental Health (EH) Officer (Contamination) – No objection subject to conditions
14. Tree Officer - No objection. It is noted that the green and brown roofs are not feasible therefore I confirm the proposals for green walls are acceptable and I recommend their approval. The maintenance document submitted provides a good quality scheme for maintenance of the living wall.
15. Local Lead Flood Authority (LLFA) – No objection, subject to the wider strategy for the discharge of condition 9 of application ref. 7-2021-28119.
16. Local Highway Authority (LHA) Officer – No highway objection subject to the applicant entering into an appropriately worded legal mechanism to secured required contributions and the imposition of conditions.

17. Urban Design Officer – No objection to the latest revisions, subject to condition requiring of details the decorative, perforated panels, as well as re-location of a bin store serving Block A.

Representations

18. Site notices were posted in the vicinity of the site on 14/01/2025 with an expiry date for consultation of 04/02/2025. Further re-consultation site notices were posted on 09/04/2025 advising local residents about revised plans. The notices gave an expiry date for consultation of 23/04/2025.
19. 84 representations have been received, all raising objection. However, only 37 objections have been received from properties located within a 1-mile radius form the site. The grounds of objection are as following:
1. Unacceptable changes to the approved design and layout of the site, including materials detailing;
 2. Overdevelopment;
 3. Loss of sea view (non-material planning consideration)
 4. Issues with the Bin Store
 5. Overdevelopment Concerns
 6. Removal of Walkway and Accessibility Concerns
 7. Accessibility and Connectivity concerns
 8. Loss of parking
 9. Increased traffic;
 10. Loss of privacy and overshadowing
 11. Lack of affordable housing
 12. Impact on wildlife
 13. Loss of trees
 14. Increased number of bedrooms on site
 15. Loss of value of the adjacent neighbouring properties (non-material planning consideration)
 16. The replacement of the public access path with a bike shed
 17. Changes to soft landscaping

Key Issues

20. The key issues involved with this proposal are:
- Housing Delivery Test
 - Principle of the proposed works
 - Impact on character and appearance of the area
 - Amenities for future occupiers
 - Impact on neighbouring properties
 - Sustainable Development
 - Highways/Parking
 - Drainage
 - Clif Stability
 - Contamination
 - Biodiversity Net Gain (BNG)
 - Legal Agreement

- CIL

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

Policy Context

22. Local documents:

Bournemouth Local Plan: Core Strategy (2012)

CS1 Sustainable Development
 CS2 Sustainable Homes and Premises
 CS3 Sustainable Energy and Heat
 CS4 Surface Water Flooding
 CS6 Delivering Sustainable Communities
 CS14 Delivering Transport Infrastructure
 CS15 Green Travel Plans and Transport Assessments
 CS16 Parking Standards
 CS17 Encouraging Greener Vehicle Technologies
 CS18 Increasing Opportunities for Cycling and Walking
 CS22 Housing Outside Preferred Locations
 CS33 Heathlands Mitigation
 CS35 Nature and Geological Conservation Interests
 CS38 Minimising Pollution
 CS41 Quality Design

Bournemouth District Wide Local Plan (2002)

3.25 Coastal Zone Management
 6.9 Development on Brownfield Land
 6.10 Flats Development
 8.22 Parking

Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2020
 Residential Development: A Design Guide – PGN (2008)
 Sustainable Urban Drainage Systems (SUDS) - PGN
 Parking Standards – SPD
 Waste and Recycling Services Planning Guidance Note

Emerging BCP Local Plan

The Council submitted its Draft BCP Local Plan to the Secretary of State in 2024 which sought to replace the existing Local Plans from the predecessor authorities. However, in March 2025, following stage 1 of the examination hearings into the Plan, the Council was advised by the appointed Inspectors that they were unlikely to consider that the Council had complied with various requirements regarding its Duty to Cooperate. The Council is currently considering its next steps and whether to withdraw the draft plan from examination. Having regard to the current position, at this time, the weight to be afforded to the policies in the draft BCP Local Plan is 'negligible'.

National Planning Policy Framework 2024 (“NPPF”/”Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 11 – Making Effective Use of Land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenges of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Planning Assessment

Housing Delivery Test

23. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the local planning authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The Draft BCP Local Plan (Regulation 19) consultation launched on 20 March 2024 and included a policies map and allocations. The land supply position is therefore set out in relation to a four year housing land supply. Paragraph 79 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%.
24. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a clear 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. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a four 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.

25. The 1 April 2024 marks the fifth anniversary of when BCP Council came into existence. As such, government planning guidance requires publication of a single BCP Council housing land supply calculation, as opposed to a separate supply for each preceding authority. At 1 April 2024 BCP Council had a housing land supply of 1.6 years against a 4 year housing requirement that includes a 20% buffer (a shortfall of 8,078 homes). For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a four-year supply of homes.
26. 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 clear reason for refusal.

Principle of the proposed works

27. This application follows 2no appeal approvals, both granted at appeal on 3rd March 2023 (Appeal A – PINS Ref: APP/V1260/W/22/3302066, application ref. 7-2021-28119 a delegated planning refusal and Appeal B - PINS Ref: APP/V1260/W/22/3310674, application ref. 7-2021-28119-A a non-determination appeal). Within paragraph 3 of this appeal decision, the Planning Inspector noted that those '*2 appeals on this site relating to 2 different, albeit largely identical schemes*'. The approve schemes were found acceptable and not affecting the character and appearance of the street scene. Therefore, the scale, massing and form was found acceptable. As the current scheme shows almost identical scale and sitting of the proposed works to those already approved by the Planning Inspector. The case officer agree that the proposed development would demonstrate '*reasonably close correlation with that of established development within the vicinity*' as per paragraph 21 of the appeal decisions. Those appeals are material planning considerations while weighting the balance of the current scheme.
28. The current application seeks planning variation of conditions relating to the Appeal A (delegated refusal ref. 7-2021-28119). Regarding Appeal A, the Planning Inspector found that the scheme would not lead to unacceptable living conditions for occupants of adjacent dwellings in terms of outlook or daylight provision.
29. The Planning Inspector dealing with both appeals found the loss of a community garden and a public carpark to be acceptable. We can read within paragraph 18 of the appeal decision the Inspector's conclusion '*that the loss of public parking space would be acceptable in relation to both appeal schemes, and compliant with the development plan*'. Some objectors still refer to the loss of a community garden on site. However, as noted within paragraph 19 of the appeal decisions '*the Council has confirmed that all lawfully remain parts of the car park*'. Therefore, no garden community value was found on site.
30. In terms of other matters relating to this scheme, paragraph 42 of the appeal decision states that '*as interested parties also raise concerns in relation to wildlife, cliff stability, and drainage, there are matters which can be addressed by condition*'.

31. Finally, within paragraph 43 of the appeal decision we can read that '*Further concerns relating to loss of private views and impacts on the value of property are not matters to which I can attach any weight*'. This is because they are not material planning considerations.

Impact on character and appearance of the area

32. This part of the cliff top has changed considerably over recent years and whilst the western terrace of St Catherine's Road retains much of its original characteristics, most surrounding development is of a more modern appearance and design. The predominant character of properties to the east and west of the site is residential flats, 3 to 4 storeys in height.
33. The principle of the proposed scale and massing was agreed by the local authority as shown with a delegated decision report ref. 7-2021-28119. The Planning Inspector also agreed on the appeal approval from 3rd March 2023 that the scale and massing of the proposed blocks of flats shall not be objected. It was agreed that the proposed buildings would reflect the scale of surrounding development and will sit comfortably within the wider street scene. Furthermore, paragraph 23 of the appeal decision notice states that both schemes would help '*to better link the site with the rest of the seafront*'.
34. The current application proposes revisions to the approved design and external facing materials. The applicant provided a set of comparative plans to show the rear elevations of the respective blocks compared with the approved designs for Appeal A (7-2021-28119) and Appeal B (7-2022-28119-A). The scale, massing, siting and footprint of the proposed works is almost identical to this approved by the Planning Inspector apart from an external cycle store adjacent to the Block A, as well as changes to materials details that would be further discussed in this report.
35. The proposed revisions to the external facing materials were discussed with both a Case Officer and Urban Design Officer during a site visit. Given the principle of the proposed works agreed by the Inspector, it was crucial to agree quality sample materials to allow simplified design as this currently proposed. A detailed schedule of materials is presented on the approved drawing no. 1820 CO07-1 (Condition 7 0- Materials – Block A/B/C/D). Those are as following:
- 18. Knotwood Cladding & fascias above cladding – 100/150 & 200 boards – colour Bronze Rust;
 - 19. TAG Alwitra (or similar approved) polyester powder coated capping/ fascia. RAL to match Bronze Rust
 - 20. TBS Mystique facing and stacked brick;
 - 21. Proprietary JUB white silicone based render finish;
 - 22. Polyester powder coated and thermally broken aluminium windows and doors frames RAL 7016 with closure panel above;
 - 23. TAG Alwitra polyester powder coated capping. RAL 9010 white with white Rendered fascia;
 - 24. 1300mm high Frameless Glass Balustrade;
 - 25. Framed screens – RAL to match Bronze Rust.
36. Additional rendered banding has been added to the Block C elevation to St Catherine's Terrace. The case officer shares concerns with the Council's Urban Design Officer that this aspect of the building will have a blander and less successful appearance than the versions approved at appeal in terms of form, fenestration, articulation and detailing. However, the case officer believes it would not be sustainable to refuse a scheme solely based on less

successful choice of external facing materials, especially when those are set along rear facing elevation, located away from wider public viewpoints.

37. The current application also indicates revisions to a bin store serving Block A. The current scheme shows an external bin provision rather than the internal one approved on the previous appeal. The applicant indicated it is feasible to relocate the bin store into a less prominent location within the site. Such details would be conditioned.
38. The internal layouts have also been amended to overcome the concerns raised by the Local Highway Authority relating to the provision of additional habitable rooms. This will be further discussed in sections below.
39. The applicant informed it is no longer feasible to provide green roofs on Blocks B, C and D as set out in condition 8 by the Planning Inspector on a decision relating to planning application ref. 7-2021-28119, granted on 31 January 2023. Such revisions are required because of the amount of PV panels that need to be installed by the developer to comply with the latest Building Regulations related to energy efficiency. However, the proposals incorporate a brown roof to Block A. The amount (square meterage) of living wall being provided has been formulated by the applicant's agent to ensure that the proposal provides suitable biodiversity and ecological enhancements comparable to the green roofs.
40. The increase in the amount of PV on the roof that is required will cover the green roofs thereby negating the required ecological gain for these areas (Blocks B, C and D). In addition to this, due to health and safety issues, the reliance on clearly defined safe working areas at height makes green roof a situation the applicant wishes to avoid. The removal of the need for a situation whereby site operatives must utilise a fall arrest system every time they access the flat roof removes a significant amount of danger of working at heights from the development.
41. The amended plans also show the living wall that the Applicant is proposing to install along the site frontage in lieu of green roofs. The full specification of this feature is provided within the updated landscaping plan and planting schedule. The living wall will likely be sourced from Scotscape and the plant species that have been selected by Partridge Associates are tolerable to the site's coastal location.
42. The intensity of the development highly limits any significant new soft landscaping, and any external landscaping scope is very limited. The hedge to the rear of block C adjacent St Catherines Terrace is a suitable and acceptable hedge for this location and there is no scope for tree planting here. There is no scope for trees at the back of Block C given the narrow space available, and that a hedge as shown on the landscape plan is the most realistic solution. The Council's Tree Officer agreed that the applicant provided a good quality scheme for maintenance of the living wall. However, officers believe that a living wall is likely to struggle in this exposed seafront location over the long term.
43. Overall, the proposals would not materially alter the original permission and are in line with planning policies CS21, CS41, 4:25 and 6.10 which, in part, require development to complement and respect the character of neighbouring development, ensure that development is of high quality and to be of good design.

Amenities for future occupiers

44. The proposed works would not alter the approved number of units. All residential flats on site would be of a size that is greater than the requirements of the Government's 'Technical standards - nationally described space standards' document.
45. Also, all of the two and three bedroom properties would be provided with a private balcony or terrace and the duplex properties, which will likely be suitable for families, are provided with a larger terrace garden. Given the proximity of the site to the cliff top and the beach, it is considered that the level of amenity space and living conditions for future residents would be good and in accordance with the Council's guidance document 'Residential Development: A Design Guide'. Furthermore, the scheme introduces low level illumination to St Catherine's terrace to help the alleyway feel safe and discourage misuse.
46. It should be noted that numerous neighbours objected the removal of a footpath between proposed Blocks A and Blocks B. However, it should be noted that in relation to Appeal A, the revised plan omitted a footpath between proposed Blocks A and Blocks B. Such approach was agreed by the Planning Inspector within paragraph 37 of the Appeal Decision. Despite of that, it should be noted that an original legal agreement was signed by the applicant before the appeal decision and includes Highway Works requirement for dedication as highway of 3 metres street between Block A and B under Schedule 3, page 18, of the agreement.
47. Given the above, it is considered that the proposed works would comply with provisions of Policy 6.10 of the Bournemouth District Wide Local Plan 2002 (the Local Plan), Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the Core Strategy), Part 3 of the Residential Development – A Design Guide SPG 2008 (the Design SPG), and Residential Development: A Design Guide.

Impact on neighbouring properties

48. The proposed works would not affect the footprint or scale of the originally approved building. Also, there will not be any material alternations to the fenestration arrangements, and in fact, more obscure glazing is now introduced to the rear of the site facing adjacent neighbouring building. As such, the relationship between the development and the adjacent sites would not result in material loss of privacy and the proposal would comply with Policies CS21, CS41, saved LP Policy 6.10 with regards to protecting the amenities of neighbouring uses.

Sustainable Development

49. Policy CS2 of the Bournemouth Local Plan: Core Strategy (2012) requires all development for 10 units of residential accommodation or more to provide at least 10% of the energy used within the development to come from decentralised and renewable or low carbon sources unless it can be demonstrated that this would not be viable. In this case the applicant has indicated a willingness to implement several measures.
50. The submitted details confirm introduction of sustainable sources of materials, willingness to reduce energy consumption and carbon emission on site. Furthermore there would be PV panels introduced on site. A condition could be introduced to outline the final design in this respect and meet the requirements of the relevant policies, including the guidance set out in Policy CS2, the Town Centre Development Design Guide 4.2 and the Residential Design Guide 3.10 in terms of the careful use of natural resources.

Highways/Parking

51. The initially submitted plans were revised due to a net increase of one habitable room, in the form of a study, across 10 flats, namely A1, A3, A5, B6, B10, C1-C5. The amendments to flats resulted in a net increase in car parking requirement of 7 spaces therefore the applicant failed to provide additional parking required by the Local Highway Authority (LHA), while retaining the approved 29 spaces. The applicant provided amended floor plans, which now show that living units B6, B10 and C1-C5 have reverted to 3-habitable room flats, as per the approved scheme. Consequently, this proposal does not now result in a material increase in car parking demand and therefore, the approved car parking arrangement comprising of 29 spaces remains acceptable.
52. In terms of the cycle parking provision on site, the proposed amendments include no additional bedrooms and therefore no net increase in cycle parking demand arises from this proposal which retains sufficient parking spaces.
53. To facilitate the provision of the relocated cycle store, the pedestrian link located between Blocks A and B, as approved under application 7-2021-28119, would be removed. This link was considered a benefit to both residents and the public, echoing what has historically been available through the public car park. Preferably, such a route should be provided to achieve greater permeability of the site however, the LHA notes that the ensuing application (7-2022-28119-A) also removed this route and whilst an objection was raised, that proposal was approved by the planning inspectorate at appeal. Consequently, the principle of development without this pedestrian link has been established and represents a fallback position which is a material consideration in the assessment of this application. In light of this, it is considered that a reason for refusal on this basis could not be substantiated.
54. Additionally, it is noted that internal pedestrian links between Southbourne Coast Road and St Catherine's Terrace have been removed. The LHA acknowledges that this would have provided greater permeability through the site and would activate the lane to the rear of the development, however its removal is not considered a significant loss from a highway's perspective. The pedestrian links did not facilitate north-south access for the public, only residents and where sited offered only a marginal benefit as a 'shortcut' given that residents from adjacent blocks would access them via the coast road footway. It could be argued that it is just as convenient to stay on the footway to the east or west before turning north. Such footway offers a safe segregated passage for pedestrians whilst the previously proposed pedestrian links would result in pedestrians walking directly into the road at St Catherine's Terrace amongst an ad-hoc parking arrangement and in proximity to vehicle movements accessing parking areas to the rear of adjacent properties, all of which occurs in a relatively poorly lit environment.
55. The LHA Officer commented that as per previous applications and appeal decisions, improvements to the sustainable travel network/infrastructure are required to mitigate the impact of the proposed development in the form of (a) a financial contribution for the replacement of the existing bus shelter adjacent to Belle Vue Stores, including the provision of RTI equipment, (b) a financial contribution for the removal of the car park ticket machine, and (c) the provision of a zebra crossing and associated works on Southbourne Coast Road, or at an alternative location to be agreed with the council. However, as stated within paragraph 38 of the appeal notice, a car park recovery contribution of £1,000 for the removal of the car park ticket machine did not pass the test.
56. Those recent appeal approvals are considered to be material planning considerations hence the suggested Highway Works contributions would need to reflect the inspector's view on

legal contributions. It should be noted that the original legal agreement is dated 27th February 2023, therefore before the appeal decision dated 3rd March 2023. As noted already in this report, the original agreement includes reference to a footpath, which does not form part of plans agreed by the Inspector. Similarly, a car park recovery contribution shall be removed from the legal agreement dated 27th February 2023.

57. Consequently, the proposed works would comply with planning policies CS16, CS17, CS18 and CS41 subject to introduction of Highway Contributions supported by the Inspector, as well as the imposition of the conditions suggested by the Local Highway Authority.

Drainage

58. The application proposes to change the approved drainage plan drawing number list to reflect proposed changes set out within the amended drainage layout. The revised details were reviewed by the Local Lead Flood Authority (LLFA) consultees who confirmed that is satisfied with the proposed details. However, the consultee noted other modifications to the drainage plan. These will be assessed in the context of the wider strategy for the discharge of a drainage condition.

Cliff Stability

59. Paragraph 47 of the Appeal Decision states that condition relating to cliff stability '*requires adherence to the recommendations of the submitted slope stability report, which include further investigative works. This is in the interests of avoiding coastal instability. Foundation design, loading and ground movement are otherwise matters covered by the Building Regulations*'.
60. The current application aims to amend the cliff stability condition to include reference Section 5.0 of the submitted Slope Stability Report prepared by BE Willis Partnership and the Geotechnical Design Report and Foundation Strategy by Thorpe Engineering Consultants. Such revision is not objected to.

Contamination

61. Works have already commenced on site. The planning agent has asked if the LPA can change the wording of condition no 5 to reference the previously approved land contamination reports (as per standard practice) and then require the outstanding reports (which were submitted and assessed under the current application) to be submitted to and approved by the LPA prior to first occupation.
62. CampbellReith have provided an independent technical review (ITR) on behalf of Bournemouth, Christchurch and Poole Council (BCP). The information submitted in the Phase II Site Investigation Report (V1.02), reviewed in our January 2025 ITR [3], fulfilled part 1 (preliminary risk assessment) and part 2 (comprehensive intrusive investigation) of BCP planning condition 5. Calibration certificates have been also provided within the updated report [1], and these parts of condition 5 can be discharged.
63. An Asbestos Management Plan and revised Discovery Strategy has also been included in the Phase II Site Investigation Report [1]. However, as an updated Remediation and Validation Method Statement, taking into consideration the comments made in our February 2025 ITR [2] has not yet been provided, part 3 of BCP planning condition 5 (remediation

strategy, validation plan and monitoring plan), and planning condition 6 (unexpected contamination) still applies to the proposed development. As work has already started on site, the Council's Environmental Health Team agree that conditions relating to contamination can be reworded to reflect the above advice.

Biodiversity Net Gain (BNG)

64. The Biodiversity Net Gain (BNG) requirement in England became effective on 12 February 2024, compelling all planning permissions to positively impact biodiversity. The BNG requirement means that, for all planning applications made after 12 February 2024, every planning permission will have a BNG Condition attached. This condition requires a Biodiversity Gain Plan to be submitted and approved by the Planning Authority prior to commencement of the development (Paragraph 13 Schedule 7A TCPA 1990). The biodiversity gain objective/condition is met if the development increases the biodiversity value of the site by at least 10%, relative to the pre-development value of the onsite habitat, this percentage subject to change by the Secretary of State.
65. However, exemptions apply to certain development. Those could be developments below a de minimis threshold and applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5 metres by 5m metres) of non-priority onsite habitat (such as modified grassland) or 5 metres for non-priority onsite linear habitats (such as native hedgerows). This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
66. It should be noted that biodiversity net gain does not apply to section 73 permission where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024. Therefore, in case of the current application no BNG is required as the application for the original permission ref. 7-2021-28119 was made on 3rd March 2023.

Legal agreement

67. In terms of legal matters, the original permission ref. 7-2021-28119 is subject to a S106 legal agreement. The original legal agreement included contributions towards affordable housing, as well as Heathlands contributions. The planning obligations contained within the S106 legal agreement have not been paid by the applicant at the time of writing this report.
68. As per clause 9.10 of the legal agreement, in the event that a Section 73 Permission is granted this Deed shall apply to development pursuant to the Section 73 Permission as well as to development pursuant to the Planning Permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act. Therefore, no changes are required to the original S106.

Community Infrastructure Levy

69. The development proposal is liable to a community infrastructure levy charge, the final calculation to be made on a successful grant of planning permission. This charge is index-linked however and may fluctuate accordingly depending on the date of actual payment.

Planning Balance

70. The proposed amendments are minor and are considered acceptable. The proposed changes do not result in any detrimental impacts over the approved scheme. The scheme would not be harmful to the character and appearance of the area and it will not have a materially harmful impact on neighbouring residents. The proposed works will also comply with Highway Standards. The proposals will be in keeping with other recent developments in the area, as well as with the original permission's condition requirements.
71. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the local 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

72. **GRANT permission with the following conditions:**

CONDITIONS

1. Time condition

The development hereby permitted shall be begun before the 3rd March 2026.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans, except insofar as they include indicative details:

- 26. Foundation Strategy drawing number 0000 TEC V0 00 DR S 0100;
- 27. Location and Block Plan 1820 70;
- 28. Site Plan drawing number 1820 71;
- 29. SITE PLAN SHOWING ROOF PLAN drawing number 1820 72 rev. B;
- 30. BLOCK A PLANS AND ELEVATIONS drawing number 1820 73 rev. B;
- 31. BLOCK B PLANS drawing number 1820 75 rev. A;
- 32. BLOCK B PLANS drawing number 1820 76 rev. A;
- 33. BLOCK B ELEVATIONS drawing number 1820 79;
- 34. Ecology drawing number 1820 93;
- 35. Drainage Layout compressed drawing number C1539_100 rev. P4;
- 36. Landscape Proposals drawing number PA-2356-1F;
- 37. Living wall proposals drawing number PA-2356-3A;
- 38. BLOCK A PLANS AND ELEVATIONS drawing number 1820 74 rev. D;
- 39. BLOCK D PLANS AND ELEVATIONS drawing number 1820 84 rev. B;
- 40. BLOCK B ELEVATIONS compressed drawing number 1820 77 rev. D;
- 41. BLOCK B ELEVATIONS drawing number 1820 78 rev. A;
- 42. BLOCK C FLOOR PLANS drawing number 1820 80 rev. B;
- 43. BLOCK C FRONT AND REAR ELEVATIONS compressed drawing number 1820 81 rev. C;
- 44. BLOCK C SIDE ELEVATIONS drawing number 1820 82 rev. A;

45. BLOCK C SIDE ELEVATIONS drawing number 1820 83 rev. A;
46. STREETSCENE compressed drawing number 1820 85 rev. C;
47. Comparative - Elevations E drawing number 1820 10;
48. Comparative - Elevations S/ N-E drawing number 1820 20;
49. Comparative - Elevations E drawing number 1820 30;
50. Comparative - Elevation N drawing number 1820 40;
51. Lighting Plans Block A drawing number 1820 01;
52. Lighting Plans Block B drawing number 1820 02;
53. Lighting Plans Block C drawing number 1820 03;
54. Lighting Plans Block D drawing number 1820 04;
55. SITE PLAN Landscaping drawing number 1820 DOC 8C;
56. MATERIALS drawing number 1820 CO07-01;
57. Details of built-in features for nesting birds and bees drawing number 1820 CO07-02 rev. A;
58. Details of built-in features for nesting birds and bees 1820 CO07-03;
59. Details of built-in features for nesting birds and bees 1820 CO07-04;
60. Details of built-in features for nesting birds and bees 1820 CO07-05 rev. B.

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

3. On site working hours

Works, deliveries and servicing undertaken in relation to implementation of the development hereby permitted shall only take place between the hours of 08:00 – 18:00 Monday to Friday, and 08:00 – 13:00 on Saturdays. No works, deliveries or servicing shall take place on Sundays and Public/Bank Holidays.

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).

4. Land stability Report

The development hereby permitted shall be carried out in accordance with the recommendations contained within Section 5.0 of the submitted Slope Stability Report prepared by BE Willis Partnership and the Geotechnical Design Report and Foundation Strategy by Thorpe Engineering Consultants.

Reason: To comply with Policy 3.25 and avoid adverse effect upon the cliff stability.

5. Contamination

Prior first occupation, phased risk assessment has to be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). The outstanding risk assessment shall be submitted to, and approved in writing by the local planning authority. including the following components:

Phase 3: a remediation strategy, validation plan, and monitoring plan. The validation plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall then be implemented in accordance with approved risk assessment.

Reason: To safeguard the health, well-being and amenities of users of the site and the locality and avoid the migration of contaminants in general.

6. Unexpected contamination

Any unexpected contamination that is found during the implementation of the development hereby permitted shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To safeguard the health, well-being and amenities of users of the site and the locality and avoid the migration of contaminants in general.

7. Detailed specification of the materials

The development hereby permitted shall only be constructed of materials the details of which are set out in approved plan reference 1820 CO07-01.

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).

8. Landscaping scheme

The development hereby permitted shall strictly comply with landscaping and lighting proposals as set out in approved plans:

61. Landscape Proposals drawing number PA-2356-1F;
62. Living wall proposals drawing number PA-2356-3A;
63. SITE PLAN Landscaping drawing number 1820 DOC 8C;
64. Details of built-in features for nesting birds and bees drawing number 1820 CO07-02 rev. A;
65. Details of built-in features for nesting birds and bees 1820 CO07-03;
66. Details of built-in features for nesting birds and bees 1820 CO07-04;
67. Details of built-in features for nesting birds and bees 1820 CO07-05 rev. B.
68. Lighting Plans Block A drawing number 1820 01;
69. Lighting Plans Block B drawing number 1820 02;
70. Lighting Plans Block C drawing number 1820 03;
71. Lighting Plans Block D drawing number 1820 04;

The approved landscaping scheme shall then be implemented in accordance with the approved timetable and shall thereafter be maintained in accordance with the approved plan.

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).

9. Drainage scheme

Prior to the first occupation of the development hereby permitted, the drainage scheme detailed within the Surface Water Drainage Report Rev.P1 Ref. C1539 and shown on plan C1539-100-

Rev.P4 shall be fully implemented. The scheme shall thereafter be maintained in accordance with the details set out within the Surface Water Drainage Report.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

10. Bat-sensitive external lighting strategy

Prior to the commencement of construction above slab level of the development hereby permitted a bat-sensitive external lighting strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall be in accordance with the latest published guidance by the Institution of Lighting Professionals and Bat Conservation Trust. All external lighting shall then be provided and thereafter operated in accordance with the approved strategy.

Reason: to be compliant with National Planning Policy Framework (2024) paragraph 187 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity"; policy CS30 "enriches biodiversity and wildlife habitat".

11. Energy Strategy

Prior to the commencement of construction above slab level of the development hereby permitted, an Energy Strategy shall be submitted to and approved in writing by the local planning authority. This will provide details of measures that will provide at least 10% of the development's projected future energy needs from decentralised, renewable and/or low carbon sources. The development shall then be implemented in accordance with the approved strategy, with all measures completed and fully functional prior to first occupation.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with the requirements of Policy CS2 of the Core Strategy.

12. Visibility splays

Prior to the first occupation of the development hereby permitted the visibility splays shown on the approved plans shall be cleared/excavated to a level not exceeding 0.6 metres above the level of the adjacent carriageway. The splays shall thereafter be maintained and kept free from all obstructions.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

13. Cycle stores, vehicular parking and turning spaces

Prior to the first occupation of each of the blocks hereby permitted the related cycle stores and vehicular parking and turning spaces shown on the approved plans shall be completed and made available for the storage of cycles, and the parking and turning of vehicles respectively. The cycle stores and vehicular parking and turning spaces shall thereafter be retained and kept available for such uses at all times.

Reason: In the interests of promoting sustainable development and active travel including the cycling mode of transport, in accordance with Policy CS18 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

14. Refuse Management Plan

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of arrangements to be made in relation to waste collection, and measures to ensure that bins are properly stored. The development shall thereafter be operated in accordance with the approved plan.

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

15. PV panels

Notwithstanding the approved plans, prior first occupation the proposed solar panels shall be laid flat on stub legs/rail system, and permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

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).

16. Bin store location

Notwithstanding the approved plans, within 6 months from granting this permission, details of exact location and design, including floor and elevation plans, of a bin store serving Block A shall be submitted to and approved in writing by the Local Planning Authority. The agreed location shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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).

17. Panels

Notwithstanding the approved plans, within 6 months from granting this permission, details of the decorative, perforated panels to be provided shall be submitted to and approved in writing by the Local Planning Authority. The agreed location shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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).

Informative Notes:

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 including verges and/or shrub borders or beneath the crown spread of Council owned trees.

2. 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: Dropped Kerb

The applicant is advised that notwithstanding this consent, Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Normally this work will be undertaken at the expense of the applicant by the Highway Authority although on occasions there might be instances where the applicant under supervision can undertake this work. A Section 171 (Highways Act 1980) requires the proper construction of will be undertaken at the expense of the applicant by the Highway Authority although on occasions there might be instances where the applicant under supervision can undertake this work. A section 171 (Highways Act 1980) licence application form is available within the Roads and Transport section of the council's website (www.bcpccouncil.gov.uk).

4. Informative Note: Kerb and Footway Re-instatement

As a consequence of vehicle access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge if appropriate) restored. Normally the Highway Authority will undertake this work at the expense of the applicant although on occasion there might be instances where the applicant under supervision can undertake this work. A Section 171 (Highways Act 1980) licence application form is available within the Roads and Transport section of the council's website www.bcpccouncil.gov.uk.

5. Informative Note: Streetworks

Prior to construction commencing on site, the applicant/site developer is strongly advised to contact the Streetworks Team on 01202 128369 or streetworks@bcpccouncil.gov.uk to discuss how the highway network in the vicinity of the site is to be safely and lawfully managed during construction. This team is responsible for managing the highway network and must be consulted prior to you commencing any work that you are undertaking that may impact on the operation of the public highway. They will also be able to advise on any Permits, Licences, Temporary Traffic Regulation Orders (TTRs), traffic signal or ITS changes and signing requirements, together with co-ordination of your work in relation to the planned work of other parties on the public highway. Some procedures, require significant lead in times and therefore early engagement is essential. Therefore, to avoid any delay in starting work it is strongly recommended that you make contact at least 3 months before you plan to commence work. Failure to do so may result in delay in starting work. If any permanent changes are required to Traffic Regulation Orders (TROs), please note that these can take a minimum of 9 months to process and this period should be considered when planning your project.

6. Informative Note: Car Parking Permit Restriction

The applicant should note and inform future residents that they may be excluded from being able to purchase permits associated with parking permit schemes controlled by the Council in the area. This is to reduce the impacts from the development due to the lack of car parking provision being proposed and to encourage sustainable modes of travel amongst future residents.

Statement required by National Planning Policy Framework

In accordance with paragraph 39 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,

- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance: the applicant/agent was updated of any issues after the initial site visit, the applicant/ agent responded by submitting amended plans, which were found to be acceptable, and permission was granted.

Background Documents:

7-2025-28119-C

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