

Planning Committee



Application Address	3 Nursery Road Bournemouth BH9 3AS
Proposal	Proposed 1No Two Storey Dwellinghouse
Application Number	P/25/01133/FUL
Applicant	Mr Malcolm Scott
Agent	Mr Adam Dunn Adam Dunn Design
Ward and Ward Member(s)	Moordown <ul style="list-style-type: none"> • Councillor Kate Salmon • Councillor Joe Salmon
Report status	Public
Meeting date	18 December 2025
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Called in by Councillor Kate Salmon Call-in form stated: <i>'Harmful to the residential amenity of neighbouring properties at 44 Malvern Road and 9 Redbreast Road, by virtue of the insufficient separation distance between the proposed development and these neighbours, resulting in an overbearing and oppressive impact with harmful overlooking, contrary to the Residential Design Guide (2008) and CS41 of the Core Strategy (2012).'</i>
Case Officer	Eden Evans
Is the Proposal EIA Development?	No

Description of Proposal

1. This application proposes the erection of a dwellinghouse and formation of parking spaces. The dwellinghouse proposed is a detached two-storey, 2-bedroom property.

Description of Site and Surroundings

2. The site is a vacant wedge-shaped plot located at the junction between Malvern Road and Nursery Road adjacent to 3 Nursery Road which is a two-storey detached property of red bricks and grey tiled roof with buff-coloured bands on the walls and timber detailing on the gable projection to the front. The surrounding area is predominantly residential of primarily two/two and half storey houses with occasional single storey bungalows and features a mix of detached, semi-detached, terraced houses and blocks of flats. In terms of design, the area does reflect any single architectural style.

Relevant Planning History

3. This application follows two recently refused applications on the site.

PRE-12717 Pre-Application Enquiry completed October 2023.

7-2024-12717 Erection of 3 x dwellings with associated access, bin and cycle storage, involving demolition of existing dwelling. Refused March 2024

Reason for refusal:

'The proposal by reason of its design, bulk and mass constitutes overdevelopment of the site which would lead to a cramped appearance in the streetscene and which would be harmful to the character and the appearance of the area. Due to the cramped nature of the proposed development, the proposed dwellings are insufficiently sized leading to a poor standard of residential amenity for future occupiers. The congested form of development furthermore leads to harm to neighbouring residential amenity, generating an overbearing and oppressive feeling regarding neighbouring residents at No. 44 Malvern Road, and harmful overlooking towards No. 44 Malvern Road and 9 Redbreast Road. The proposal is accordingly contrary to Policies CS21 and CS41 of the Core Strategy (2012), Policy 6.8 of the District Wide Local Plan (2002) the Residential Design Guide (2008) and the NPPF (2023).

The proposal would represent poor design as due to the absence of adequate visibility would give rise to increased instances of conflict between pedestrians, cyclists and motor vehicles that in turn would adversely affect highway safety. Furthermore, the excessive width of vehicular crossover would lead to increased parking stress as a result of the removal of on-street parking. Additionally, the design, insufficient quantum of cycle spaces, and layout of the cycle store would fail to accord with the specification set out in the Parking Standards SPD and consequentially fail to support active travel. The development therefore is of poor design and would be prejudicial to highway safety, contrary to Policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), BCP Parking Standards SPD (2021) and paragraphs 114 and 116 of the NPPF (2023).

Furthermore, it is considered that the proposal 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) as well as the provisions of the Dorset Heathlands Planning Framework SPD.'

7-2024-12717-B Erection of a dwellinghouse and formation of parking spaces. Refused August 2024.

Reason for refusal:

'The proposal by virtue of direct overlooking at close range and close proximity of the dwelling to the neighbouring boundary, the proposed development would be harmful to neighbouring residential amenity of No. 44 Malvern Road resulting in a loss of privacy, overbearing and oppressive feeling. The applicant furthermore has provided insufficient information for the Local Planning Authority to assess that the proposal complies with Biodiversity Net Gain, as per Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The proposal is accordingly contrary to Policies CS21 and CS41 of the Core Strategy (2012), Policy 6.8 and 6.10 of the District Wide Local Plan (2002) the Residential Design Guide (2008) and the NPPF (2023).

Furthermore, it is considered that the proposal 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) as well as the provisions of the Dorset Heathlands Planning Framework SPD.'

Constraints

4. The application site is located in Parking Zone B, within 5km of Dorset Heathlands and within 13.8km of New Forest SPA/SAC/Ramsar protected sites.

Public Sector Equalities Duty

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

5. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
6. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

7. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
8. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council’s area for their own self-build and custom housebuilding.
9. 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.
10. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

- NHS Dorset Clinical Commissioning Group – no response
- Wessex Water – no response
- SGN – no response
- Waste & Recycling – no response
- Highways – objection overcome with amended plans, conditions recommended
- BNG Policy Officer – verbal discussion: scheme is compliant with BNG requirements

Representations

11. Site notices were erected in the vicinity of the site on 20/05/2024 with an expiry date for public comment of 11/06/2026. Site notices for amended plans were erected on 24/06/2025. The expiry date for public comment was 08/07/2024.
12. Two public representations have been received in objection. Issues raised comprise:
 - Overbearing and oppressive
 - Overlooking and harmful to neighbouring privacy
 - Insufficient back-to-back distances to neighbouring properties
 - Contrary to Policy CS41 and the Residential Design Code
 - Highway safety
 - Significant increase in residential dwellings in the area has put pressure on local parking provision including conversion of the chapel
 - No clear parking for No. 3 on the plans
13. Concern about neighbouring residential amenity and highway safety was also raised by Councillor Salmon who called-in the application

Key Issue(s)

14. The key issue(s) involved with this proposal are:
 - Presumption in favour of sustainable development
 - Principle of development

- Impact on character and appearance of the area
- Impact on residential amenity (future occupants)
- Impact on residential amenity (neighbouring)
- Impact on highway safety
- Impact on flooding
- Contaminated land
- Protected sites
- Biodiversity & Biodiversity Net Gain

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

Policy Context

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the...

Local documents:

Core Strategy (2012)

CS1: Presumption in favour of sustainable development
 CS4: Surface water flooding
 CS16: Parking standards
 CS18: Increasing opportunities for walking and cycling
 CS19: Protecting small family dwellinghouses
 CS20: Encouraging small family dwellinghouses
 CS21: Housing Distribution across Bournemouth
 CS30: Promoting Green Infrastructure
 CS32: International sites
 CS33: Heathlands
 CS41: Quality design

District Wide Local Plan (2002)

3.20: Contaminated land
 4.24: Landscaping
 6.8 Residential infill

Supplementary Planning Documents:

Residential Design Guide (2008)
 BCP Parking Standards (2021)
 Dorset Heathlands Planning Framework SPD 2020-25
 Guide Sustainable Urban Drainage Systems (SUDS)
 Councils Technical waste/recycling standards

17. National Planning Policy Framework ("NPPF" / "Framework")

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole, 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.”

Planning Assessment

Presumption in favour of sustainable development

18. 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 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.
19. 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 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.
20. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 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 the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
21. At 1 April 2024 BCP Council had a housing land supply of **2.1** years against a 5-year housing requirement that includes a 20% buffer. 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 five-year supply of homes.
22. In this instance, the scheme would provide one additional dwelling that would contribute towards the Council's housing delivery target. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.

23. For this planning application the benefits provided from the supply of one new home is considered to carry significant weight in the planning balance.

Principle of development

24. Policy CS21 of the Core Strategy (2012) establishes areas within 400m of a district centre as an urban intensification area, well served by modes of sustainable travel. The proposed dwelling at No.3 Nursery Road is located approximately 210m away from Wimborne Road, at the heart of the district centre of Moordown. The site is sustainably located for a residential development and there are other similar developments located in the immediate neighbourhood. Saved policy 6.8 of District Wide Local Plan states that infill development will be permitted in appropriate locations subject to detailed considerations including density, height, site coverage, means of access, landscaping, physical considerations, open space and parking provision. The proposal will be similar to the neighbouring properties in terms of density, height, site coverage and appearance. It also includes appropriate provision for car and bicycle parking. It is accordingly considered a sustainable location for further residential development, subject to other material considerations.
25. Policy CS19 seeks to retain small family dwellings; for the purposes of this policy a small family dwelling is defined as a house or bungalow with a gross external floor area of less than 140m². The submitted floor plans show that the donor dwelling has gross external floor area of approximately 130m² and therefore this would comprise a small family dwelling. As it is retained with the proposal, there is no conflict with this policy.
26. Policy CS20 of the Core Strategy (2012) promotes the development of small family dwellinghouses; for the purposes of this policy, a small family dwelling is also defined as a house or bungalow with a gross external floorspace of less than 140m². The approximate gross external floorspace is approximately 110m². The proposal is accordingly considered a small family dwellinghouse and is therefore promoted by the aims of Policy CS20 subject to the dwelling's acceptability in other criteria.
27. The proposed dwelling will be in a sustainable location, appropriate for residential development. The principle of preserving the existing small family dwellinghouse and the creation of a new small family dwellinghouse is supported by policy. The proposal for additional residential units is considered to comply with policies CS21 of Core Strategy and 6.8 of Local Plan and consequently, the proposal is acceptable in principle.

Impact on character and appearance of the area

28. Policy CS41 of the Core Strategy (2012), the Residential Design Guide (2008) and Policy 6.8 of the District Wide Local Plan (2002) on infill development all promote high quality design respectful of site and setting. Policy CS21 of the Bournemouth Local Plan: Core Strategy provides that, amongst other things, proposals for residential development will be expected to contribute positively to the character of the neighbourhood.
29. The site is a corner plot located at the junction between Nursery Road and Malvern Road that has been used in association with the host property at 3 Nursery Road as an access and parking area. The proposal is to erect a two-storey detached house by severing the land that would front onto and access from Nursery Road. The immediate neighbouring area is characterised by predominantly residential developments of mixed design with both houses and flatted developments available in the immediate vicinity.

There is no consistent building line. Plot depths and widths vary. There is also lack of consistency in terms of gaps between buildings within the immediate street scene.

30. The dwelling will be appropriately spaced in the streetscene with a reasonable gap left on both sides. The dwelling will be sited behind the building line of the host dwelling. However, due to the lack of consistent building lines, it will be acceptable in this instance. There is considerable variation in garden sizes in the area therefore whilst the proposed garden area is smaller than many gardens in the vicinity, this is considered to not be materially harmful to the character of the area. The proposed dwelling takes clear design cues from the existing detached property No. 3 Nursery Road including with respect to height, roof profile, fenestration and materials. The proposed dwelling is accordingly considered to blend well with the existing streetscene character.
31. To the front boundary of the property, the site plan details that the existing fence is to be removed and replaced with a maximum 600mm high facing brickwork with coping stone finish. Similar walls are common in the vicinity, and this is considered a positive aspect of the scheme.
32. Overall, the proposed dwelling is considered of good design which respects the character and appearance of the streetscene and relates well to the donor dwelling. The impact on the character and appearance of the area is accordingly considered acceptable and the proposal is considered compliant with Policies CS21 and CS41 of the Core Strategy (2012), Policy 6.8 of the District Wide Local Plan (2002) and the Residential Design Guide (2008) in this regard.

Impact on residential amenity (future occupiers)

33. Policy CS41 of the Core Strategy (2012), the Residential Design Guide (2008) and Policy 6.8 of the District Wide Local Plan (2002) on infill development also promote a good standard of residential amenity for future occupiers. The Technical Housing Standards (2005) outline minimum sizes for residential dwellings. Whilst not formally adopted by the LPA, to fall notably below these standards would indicate a poor standard of residential amenity, contrary to Policy CS41 and 6.8.
34. The Technical Space Standards (2005) recommend for a 2 bed 2 storey dwelling, the following minimum internal space standards:

3-person occupancy: 70m²
4- person occupancy: 79m²
35. The Technical Space Standards furthermore recommend that a double bedroom is 11.5m² and a single bedroom 7.5m².
36. The internal space of the proposed dwelling measures approximately 81m² which meets the minimum space standards for 2-bedroom dwelling. It is noted that the master bedroom falls slightly short of the space standards for a double bedroom, at 11.2m². Bedroom 2 meets the internal space standards for a single bedroom which is 7.5m². Given that the shortfall on the master bedroom is only slight, it is considered on balance to be acceptable.
37. All rooms of the house benefit from a window with habitable rooms facing the street or the external garden area. Sufficient light and outlook would be offered to all habitable rooms. The property benefits from an external amenity space which, although small, is considered of sufficient size to benefit the amenity of future occupiers by way of providing an area for outdoor seating and relaxation and to dry clothes.

38. Overall, on balance the proposal is considered to offer an acceptable standard of residential amenity for future occupiers, compliant with Policies CS41 and 6.8 and the Residential Design Guide (2008.)

Impact on residential amenity (neighbours)

39. CS41 of the Core Strategy (2012), Policy 6.8 of the District Wide Local Plan (2002) and the Residential Design Guide (2008) also stipulate that neighbouring residential amenity must be respected. The applicant site sits on a triangular plot hence the neighbours considered most likely to be potentially affected by the proposal are the adjacent boundary neighbours to each side as well as the closest neighbours to the rear. The impact on these neighbours will be considered below with regard to CS41 of the Core Strategy (2012) and the Residential Extensions Design Guide (2008).

3 Nursery Road

40. This is the host dwelling, located to the east of the proposed new dwelling. No windows are proposed on the side elevation of the proposed new dwelling facing towards this neighbour. New windows are proposed at first floor level which would provide secondary views towards the garden space of No. 3 however this is considered a normal level of mutual overlooking in a residential context and is considered not to be materially harmful.
41. It is noted that there are side elevation windows on No. 3 Nursery Road. There would be some impact on the light and outlook of these windows however given that there is some spacing on both sides of the boundary separating the two properties and the proposed dwelling does not extend past the front or rear building line of this neighbour, the impact will not be detrimental. Considering the rear building line of the proposed dwelling and No. 3 Nursery Road at two storeys, the proposed dwelling extends past the building line of No. 3 Nursery Road by approximately 0.7m only. Accordingly, this impact is considered acceptable.

44 Malvern Road

42. This is the adjacent neighbour to the northwest of the applicant site. At ground floor level on the side elevation (west) of the proposed new dwelling, a hallway window is proposed and a landing window at first floor. These are non-habitable rooms, and given the pattern of development, are angled more towards the junction and blank side gable of No. 44. It is accordingly not considered that these windows would result in harmful overlooking. It is also noted that the ground floor window would be screened by a 2m high boundary fence.
43. The recently refused application for a new dwelling on this site raised concerns that views from Bedroom 3 (as previously proposed) would afford views of the neighbouring garden in close range. The officer report stated that this 'in combination with the proximity of the built form at two storeys would lead to an overbearing and oppressive impact and a feeling of being closed-in when using this neighbouring rear amenity space. This is considered materially harmful to the residential amenity of this neighbour.'
44. The objection received from this neighbour raises issues of oppressive feeling and overlooking as well as the separation distances to Redbreast Road and highway safety, which will be addressed in the following sections.
45. Amended from the previous scheme, the two storey built form of the proposed dwelling is stepped back by approximately 1.5 m which reduces the overbearing and oppressive impact. The internal layout has also been reconfigured so that the closest window on the

rear elevation is a bathroom window. To safeguard against mutual overlooking a condition is proposed for this window to be obscure glazed and fixed shut below 1.7m.

46. The second rear elevation window proposed serves bedroom 2. Whilst some views of the neighbouring plot may be afforded by this window, views would be angled away from the house and are set back from the shared boundary therefore would not be at close range. Similar views of the garden of No. 44 Malvern Road are already afforded by the host dwelling No. 3 Nursery Road and the Redbreast Road properties to the rear.
47. At No. 44 Malvern Road, there is a ground floor window on a single storey infill extension facing the application site as well as a first floor window facing the applicant site. It is acknowledged that the introduction of built form will have some impact on light to these windows, notably to the first floor window as the ground floor window is already screened by the boundary fence. However, the windows appear to be obscure glazed. Planning history on the site 7-2011-24636 for the single storey infill extension shows the upper floor window to serve a bathroom. It is noted that the built form is also set back from the shared boundary, separated by the turning space and parking. For these reasons it is considered that the impact on these windows would not amount to material harm.

No. 9 Redbreast Road.

48. The Residential Design Guide (2008) recommends a minimum back-to-back distance at two storeys of 21m. The separation distance between the proposed dwelling at two storeys and the rear elevation of closest property Redbreast Road, No. 9, measures approximately 25m. The separation distance at single storey measures 21m. It is therefore considered that the proposed dwelling is not overbearing to these properties, nor would it result in harmful overlooking.
49. Overall, subject to the relevant condition on the first-floor rear elevation bathroom window the proposal is considered to have an acceptable impact on neighbouring residents, compliant with Policies CS41 and 6.8 and the Residential Design Guide (2008).

Highway safety and parking provision

50. Policy CS16 requires that development provides appropriate parking facilities which comply with the BCP Parking Standards, including the layout, dimensions and design. Policy CS18 requires that development promotes walking and cycling. CS41 requires quality design which positively contributes positively to the appearance and safety of the public realm.
51. The site is located in Zone B as defined in the Parking Standards SPD. There is an existing access that is to be retained and used for number 3a. The Local Highway Authority (LHA) has raised no objections to retaining the existing access. It was also noted that the site plan shows the removal of the existing fencing and the erection of a replacement boundary wall with a maximum height of 0.6m. This is welcomed by the LHA as it allows visibility and provides protection to the existing BT apparatus in front.
52. Safety concerns were initially raised by the LHA in relation to visibility for drivers of vehicles using the site access, combined with the lack of on-site turning area and proximity to the junction. Amended plans received showed correctly annotated Stopping Sight Distance at the correct location, 2.4m back from the edge of the carriageway along with pedestrian intervisibility splays at the access. The amended site plan furthermore

includes a vehicle tracking diagram demonstrating that a vehicle can enter the site in a forward gear, reverse into the parking space and turn to exit in a forward gear.

53. It is considered by the LHA that this overcomes concern regarding vehicles reversing out of the site with poor visibility. The LHA recommends that the turning area is constructed in a different material/colour in order to clearly show its intended purpose and that it does not become a second car parking space, where both cars will reverse. A condition is furthermore recommended regarding visibility splays. It is considered that subject to these conditions the proposal has an acceptable impact on highway safety.
54. Considering the quantum of parking, one parking space is proposed which accords with the BCP Parking Standards (2021). The cycle store has been relocated which improves visibility from the site access and its provision accords with Policy CS18 on promoting cycling and with the BCP Parking Standards (2021).
55. Overall, the proposal is considered to have an acceptable impact on highway safety and to offer acceptable parking provision.

Drainage

56. Policy CS4 of the Core Strategy (2012) aims to ensure there is no harmful surface water flooding arising from development, applying to all new building and areas of hard landscaping. The policy requires information to be supplied with all relevant applications. The proposed site plan includes a SuDs strategy including a new soakaway and cross fall provision for the proposed hardstanding areas. Aside from this site plan annotation, further drainage details have not been provided. It is noted that the site is in Flood Zone 1 which has the lowest probability of flooding and that there is no specific surface water flood risk or future flood risk to the site. Accordingly it is considered that this can be addressed by way of a standard condition for drainage details to be submitted. The applicant agreed to this condition on 08/10/2025.
57. Overall, subject to this condition proposal is accordingly considered compliant with Policy CS4 and the drainage impact is acceptable.

Contaminated land

58. The area for the new residential unit has been used as a parking and turning area for the host dwelling. Due to the proposed residential use, which is sensitive in nature, the applicant was advised at the Pre-Application Enquiry stage that the submission of a Phase I desktop survey in respect of the ground contamination would be required. If Phase I identifies any potential contamination in need of remediation, a Phase II survey will be needed that shall also set out suitable mitigation measures. No such survey was submitted.
59. Discussions regarding this site with an Environmental Health Officer confirmed that due to vehicle storage on site, it is considered reasonable to ask for a Phase 1 Desk Study to assess the presence of potential contamination as this will determine if further remediation measures are required. It was also noted that google maps imagery appeared to show oil staining on the ground. The LPA Environmental Health Officer agreed that in this case, this matter could be addressed with a pre-commencement condition. Subject to this condition, the proposal is considered to have an acceptable impact on contaminated land. The applicant agreed to this condition on 08/10/2025.

Protected sites

Heathlands

60. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
61. Therefore, as of 17th January 2007 all applications received for additional residential accommodation within the borough are subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required and in this instance is £527 per house with a 5% admin fee (or minimum £75), a total of £602. The required mitigation will be secured through a legal agreement.

New Forest Recreation Zone

62. The site lies also within 13.8km of New Forest SAC, New Forest SPA and New Forest Ramsar, which are protected under European legislation for their wildlife importance, where it has been demonstrated in conjunction with New Forest Strategic Access Management and Monitoring Strategy 2023, prepared by Footprint Ecology and in agreement with Natural England that additional recreational pressure from additional bedroom numbers have the potential to harm their integrity. It cannot be ruled out beyond all reasonable scientific doubt that the proposal would not have a likely significant effect on the sensitive interest features of the habitat sites, from human pressures, either alone or in combination with other proposals. Accordingly, a SAMMs payment is also required in relation to protected new Forest sites.
63. The contribution required for this site in this instance is £300, plus a £60 admin fee, a total of £360. The required mitigation will be secured through a legal agreement.

Biodiversity Net Gain

64. 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. Policy CS30 furthermore promotes enrichment of biodiversity and wildlife habitat.
65. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ensures that approved permissions 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.
66. A Biodiversity Metric and assessment report has been submitted with the application. The metric demonstrates that 10% BNG cannot be achieved. As no further gain that can be counted towards the 10% can be provided within the curtilage of the residential dwelling as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG

cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.

67. Therefore, the proposal can be made acceptable and in accordance with the relevant legislation and by way of purchasing units or credits. A condition for a biodiversity enhancement has been added to ensure compliance with Policy CS30.

Planning Balance / Conclusion

68. Given the significant housing shortfall in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by harmful impacts of the scheme.
69. In this instant the proposal would result in one new home, which in the context of the LPA shortfall has been given significant weight. The proposed unit is a small family dwellinghouse, the creation of which is support by Local Plan Policy. The proposed dwelling is furthermore located in a sustainable location for residential development with good access to transport links and local amenities.
70. Further benefits of the scheme include economic benefits during the construction phase and of the use of local facilities by residents. Given the scale of the proposal for one new dwelling only, these economic benefits are afforded moderate weight, although in accordance with paragraph 73 of the Framework the contribution of small sites is recognised.
71. Subject to the relevant conditions, the proposal is not considered to have a harmful impact on the character and appearance of the area, residential amenity, highways, drainage or contaminated land. Subject to the completion of the S106 agreement, the impact on protected sites is considered acceptable in accordance with policy and legislation. The proposal is accordingly considered compliant with the Local Plan and the NPPF when read as a whole.

Recommendation

Conditional GRANT

RECOMMENDATION I - That delegated authority be granted to the Head of Planning Operations to Grant Conditional Permission subject to:

1. satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Dorset Heathlands and the New Forest SAMMS by securing the payment of a financial contribution and conditions (below)

RECOMMENDATION II - That delegated authority be granted to the Head of Planning Operations to add/amend conditions where necessary.

RECOMMENDATION III - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution

S106 Heads of Terms

- Financial contribution of £527 towards Heathlands Mitigation plus a £75 admin fee
- Financial contribution of £300 towards New Forest SAMMs plus a £60 admin fee.

Conditions

1. Detailed permission

The development hereby permitted shall begin not later than the expiration of three years beginning with the date this permission is granted.

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

2. Decision notice - grant

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

Location plan; dwg no. 22154-00-02

Existing floor plans and elevations; dwg no. 22154-00-02 Rev. F

Proposed floor plans and elevations; dwg no. 22154-00-03 Rev. K

Proposed and existing site plans; dwg no. 22154-00-04 Rev. K

Proposed site plan; dwg no. 22154-00-05 Rev. K

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

3. Contaminated land

Unless otherwise agreed by BCP, development shall not commence until conditions A-C have been complied with. The risk assessments should be undertaken by competent and suitably qualified persons to assess the nature and extent of contamination at the site in accordance with 'Land Contamination Risk Management' published by the Environment Agency:

A Preliminary Contamination Risk Assessment (Phase I) a. A Preliminary Contamination Risk Assessment (Phase I) shall be submitted in writing to BCP. The Phase I should be produced in accordance with the Environment Agency 'Land Contamination Risk Management' guidance. A preliminary Conceptual Site Model (CSM) shall be developed to include a comprehensive assessment of the risks from contamination to all relevant receptors such as human health, controlled waters, and the environment from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations may be required.

B. Site Investigation

B(a). If the Phase I has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' guidance published by the Environment Agency will be required.

B(b). A proposed site investigation plan should be submitted to BCP for review and approval prior to the investigation works taking place. The site investigations should be designed to appropriately assess the risk to human health, the built development, sensitive ecology and controlled waters.

B(c). A Phase II report will be submitted to and approved in writing by BCP prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all relevant receptors such as human health, controlled waters and

property from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include: i. A detailed site investigation comprising an assessment of soil, groundwater and ground gases/ vapours where appropriate to establish the extent, scale and nature of contamination on-Site (irrespective of whether this contamination originates from the Site). An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to sensitive receptors. ii. If the risk assessment identifies any unacceptable risks, a further remediation strategy/plan will be submitted to and approved in writing by BCP and shall be implemented as approved.

C. Remediation Scheme

C(a). Remediation will be required if the Phase II establishes the presence of a significant pollutant linkage. The remediation scheme will be submitted to and approved in writing by BCP prior to development works. The report shall be prepared by a suitably qualified and competent person and the works thereafter will be carried out in full accordance with the remediation scheme.

If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed with BCP in writing. BCP shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on-Site.

The presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to BCP in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by BCP, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by BCP prior to re-commencement works in the affected area. The approved details shall be implemented as approved.

C(b). Following completion of remediation works, a Verification Report which demonstrates the effectiveness of the completed remediation works, any requirement for longer-term monitoring of contaminant linkages, maintenance, and arrangements for contingency action, shall be submitted to and approved in writing by BCP.

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

4. Surface Water Drainage Scheme

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must accord with the national SUDS standards and demonstrate no increase in flood risk elsewhere. Management and maintenance requirements of the surface water drainage system for the lifetime of the development should be considered. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect available receiving systems

5. BNG: Lemp Non-Significant enhancement

No part of the development hereby permitted shall be commenced, including clearance of vegetation, unless there has first been submitted to and approved in writing by the

local planning authority a Landscape and Ecology Management Plan ("LEMP"). The LEMP shall accord with all biodiversity related plans and documents required to be approved in the other conditions forming part of this permission and the recommendations contained in ecology report dated June 2025 and in particular include:

1. details of all habitat, ecological matters (incorporating all species enhancements) and landscaping associated with the development including identification of what is to be retained as well as all proposed creation and enhancement;
2. details of all proposed related works including any proposed hard landscaping and all boundary treatments;
3. a timetable for the provision of all identified habitat, ecological matters and landscaping; and
4. details and arrangements as to future on-going retention, management and maintenance, including provision for the replacement of any plant or tree associated with the habitat provision found damaged, removed, dead or dying.

The approved LEMP shall at all times be accorded with and the identified habitat, ecological matters and landscaping at all times retained, managed and maintained in accordance with the approved LEMP.

Reason: to ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

6. Obscure glazing of windows

No part of the development hereby permitted shall be occupied unless the rear elevation first floor bathroom window, as shown on dwg no. 22154-00-03 Rev. K, has first been fitted with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and fixed shut below 1.7m. The rear elevation first floor bathroom window shall thereafter at all times be retained in a manner that fully accords with the specifications of this condition.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order with or without modification no further windows, roof lights or dormer windows other than those expressly authorised by this permission shall be constructed on any part of the application site.

Reason: To preserve the amenity and privacy of neighbouring properties.

7. Visibility splays as submitted

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the approved site plan; dwg no. 22154-00-05 Rev. K be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

8. Cycle parking

Cycle parking: Before the development is occupied or utilised the cycle parking facilities shown on the hereby approved site plan; dwg no. 22154-00-05 Rev. K must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. Vehicle Parking and turning area delineation

Prior to occupation of the development hereby permitted, the approved access and parking area shall be constructed in a bound material and arranged in accordance with approved site plan; dwg no. 22154-00-05 Rev. K , including the turning area which shall be constructed in a different material/colour to the main parking area in order to demarcate it is a turning area only and permanently retain and keep available for the intended purpose, at all times.

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).

10. Biodiversity Enhancements

Prior to occupation, details of a biodiversity enhancement to be implemented on-site, must be submitted to the LPA and approved in writing. Prior to occupation, the biodiversity enhancement, as approved by the LPA must be implemented on site, in accordance with the approved details.

Reason: to promote biodiversity in compliance with Policy CS30 and paragraph 187 of the NPPF (2024).

11. Materials as specified

The development hereby permitted shall only be constructed of materials the details of which are set out on the application form.

Reason: To safeguard the visual amenities of the locality.

Informative Notes

Statement required by the NPPF

In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The applicant was provided with pre-application advice,

The applicant was provided with the opportunity to address issues identified by the case officer and permission was granted

Informative Note: BNG Required

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

arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

Informative Note: Highway Permits

Prior to construction commencing on site, the applicant/site developer is strongly advised to contact the Streetworks Team on 01202 128369 or streetworks@bcpcouncil.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.

Informative Note: Parking permits

The applicant should note and inform future residents that residents may be excluded from being able to purchase permits associated with existing or future parking permit schemes controlled by the Council in the area. This is to encourage the use of sustainable modes of travel amongst future residents in line with Council aims to promote sustainable travel. BCP Council Planning – Highway Authority Consultation Response 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.

Background Documents: P/25/01133/FUL

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

