



# Planning Committee

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|---|---|
| Application Address   | 5 Seafield Road, Bournemouth, BH6 3JE   |
| Proposal  | Erect a block of 6 flats with off road car parking after the demolition of existing house and garage.   |
| Application Number  | P/26/00686/FUL  |
| Applicant   | Mr D Lowman   |
| Agent   | Mr Darryl Howells   |
| Ward and Ward Member(s)   | East Southbourne & Tuckton:<br><br>Cllr Bernadette Nanovo<br>Cllr Judy Richardson   |
| Report Status   | Public  |
| Meeting Date  | 25 June 2026  |
| <b>Summary of Recommendation</b>  | <b>Grant in accordance with the details set out below for the reasons as set out in the report</b>  |
| Reason for Referral to Planning Committee   | <b>At the request of Councillor Nanovo for the following reasons:</b> <ul style="list-style-type: none"><li>- <b>The plan to build 6 flats with the complete removal of trees and hedging is over development of this site and will create overlooking of neighbouring residents.</b></li><li>- <b>Does not comply with Policy CS41 of the Core Strategy.</b></li><li>- <b>This site is close to Southbourne Crossroads and Southbourne Beach where there is only one small car park for the beach. No car park for residents and visitors means congestions on this corner of Seafield Road.</b></li></ul> |
| Case Officer  | Adam Davies   |
| Is the proposal EIA Development?  | No  |
| For the purposes of the Conservation of Habitats and Species Regulations 2017 has the application been subject to an appropriate assessment | Yes   |

## **Description of Proposal**

1. Full planning permission is sought for the demolition of the existing house and the erection of a block of 6 flats with off road car parking.
2. The proposal would introduce 5 x 2 bedroom and 1 x 1 bed market housing apartments with 6 off road parking spaces.

## **Description of Site and Surroundings**

3. The proposal site is currently occupied by a 2 storey detached dwelling and is a corner plot at the junction of Seafield Road and Douglas Road. The surrounding area is residential in character, made up of a mix of properties of a broad range of architectural styles and ages, including 2 storey dwellings which are domestic in scale and flatted developments, which vary considerably in scale. A previous appeal decision at the site noted that the more substantial residential buildings nearby reflect the larger scale of the buildings in the mixed commercial and residential area around Belle Vue Road. In contrast, the area beyond this, further along Seafield Road and the wider area including Douglas Road, predominantly comprises detached, 2 storey dwellings of a traditional appearance, with front gardens or parking areas between the front elevations and the highway, and boundary walls/fences and planting to the front boundaries.

## **Relevant Planning History:**

4. APP/V1260/W/25/3358649 (7-2024-26969-D) - The development proposed is the demolition of existing house and the erection of a block of 5 flats with off road car parking – Appeal Allowed
5. 7-2024-26969-D - Outline application with some matters reserved for the demolition of existing house and the erection of a block of 5 flats with off road car parking and associated works – Refused
6. 7-2023-26969-C - Demolition of existing dwelling and garage and erection of 6 flats with bin and cycle stores, widening of vehicular access, formation of new vehicular access and formation of parking spaces – Refused.
7. APP/V1260/W/22/3307023 (7-2022-26969-B) - The development proposed is erection of 6 flats with bin and cycle stores, involving demolition of existing dwelling and garage, widening of existing access, installation of new vehicular access and additional parking spaces – Appeal Dismissed
8. 7-2022-26969-B - Erection of 6 flats with bin and cycle stores, involving demolition of existing dwelling and garage, widening of existing access, installation of new vehicular access and additional parking spaces – Refused
9. APP/V1260/W/22/3307022 (7-2022-26969-A) - The development proposed is demolition of existing dwelling and garage and erection of six flats with bin and cycle stores, widening of vehicular access, formation of new vehicular access and formation of parking spaces – Appeal Dismissed
10. 7-2022-26969-A - Demolition of existing dwelling and garage and erection of six flats with bin and cycle stores, widening of vehicular access, formation of new vehicular access and formation of parking spaces. Refused

11. 7-2021-26969 - Demolition of existing dwelling and garage and erection of 4 dwellinghouses with bin and cycle stores, widening of vehicular accesses and formation of parking spaces. Refused.

### **Constraints**

12. Dorset Heathlands 5km area
13. New Forest SPA Zone of influence
14. Property is within the 250m notifiable area surrounding the North of Seafield Road suspected tipped site.

### **Public Sector Equalities Duty**

15. 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**

16. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations) 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.
17. 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.
18. 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**

- BCP Highway Services – no objection, subject to appropriate condition.
- BCP Waste & Recycling – no objection.
- BCP Trees and Landscaping Team – no objection, subject to appropriate condition.
- BCP Environmental Health Team – no objection
- BCP Ecology - no objection, subject to appropriate condition.
- BCP BNG – no objection, subject to appropriate condition.
- Dorset & Wiltshire Fire and Rescue Authority – no objection
- Wessex Water – No Comment

### **Representations**

19. Site notices were posted outside the site on 9 March 2026 with an expiry date for consultation of 30 March 2026.
20. 14 letters of representation have been received (1 from a local ward councillor). All raising objections to the proposal. The issues raised comprise the following:
  - balconies will cause overlooking and reduce privacy
  - parking situation will cause issues
  - the allowed appeal only approved 5 flats
  - The Appeal decision (para 16) states "In addition, subject to a planning condition to secure the first-floor windows in the southern and eastern elevations to be obscure glazed, as indicated on the submitted floor plans, there would be no adverse effects in terms of overlooking of the adjoining properties". Therefore, in stating this condition, the Secretary of State obviously felt that maintaining the privacy of neighbouring properties was important and to be upheld. However, these plans now propose balconies - something completely new and not shown on the previous plans submitted to the Secretary of State. The balconies on the North and West elevation look directly onto the properties opposite, in both Douglas Road and Seafield Road. The occupants of the property in Seafield Road will be particularly affected by balconies on both the first and second floors. Additionally, the side of the balcony on the North Elevation will overlook the adjoining property in Douglas Road - an issue the Appeal specifically said should not occur
  - This plot is ideal for a family housing and not apartments
  - Increase in traffic and congestion
  - The proposed dropped kerb will remove existing on-street parking
  - Over-development of the site

### **Key Issue(s)**

21. The key issue(s) involved with this proposal are:
  - Presumption in Favour of Sustainable Development
  - Impact on the character and appearance of the area
  - Impact on the neighbouring amenity
  - Proposed living environment
  - Impact on parking and access to the site
  - Waste Storage
  - Trees and landscaping
  - Biodiversity and BNG
  - Drainage
  - Contaminated Land
  - Protected Sites
  - S106/CIL compliance

### **Policy context**

22. 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. In reaching this decision the policies in the Development Plan for the area were taken into account. The development plan in this case comprises the Poole Local Plan, relevant local documents and the National Planning Policy Framework 2024.

These include specifically the following policies:

## **Core Strategy (2012)**

Policy CS1 – Sustainable Development  
Policy CS2 – Sustainable Homes and Premises  
Policy CS4 – Surface Water Flooding  
Policy CS6 – Delivering Sustainable Communities  
Policy CS16 – Parking Standards  
Policy CS17 – Encouraging Greener Vehicle Technologies  
Policy CS18 – Cycling  
Policy CS21 – Housing Distribution Across Bournemouth  
Policy CS33 – Heathland  
Policy CS35 – Nature and Geological Conservation Interests  
Policy CS38 – Minimising pollution  
Policy CS41 – Quality Design

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

Saved Policy 4.25 – Trees/landscaping  
Policy 6.10 – Flats Development

## **Supplementary Planning Documents:**

Affordable Housing - SPD  
Dorset Heathlands Planning Framework – SPD  
Residential Development: A Design Guide - PGN  
Sustainable Urban Drainage Systems (SUDS) - PGN  
Parking Standards SPD (2021)

## **The National Planning Policy Framework (2024)**

Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies 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 in this Framework taken as a whole.

The Council is unable to demonstrate a five year housing supply, meaning that the ‘tilted balance’ of Paragraph 11 may apply to this proposal. The report will outline the merits of the case and part of the assessment is whether the tilted balance should be disapplied.

The following chapters of the NPPF are relevant to this proposal:

- Chapter 12 – Achieving well-designed places

## **Planning Assessment**

Presumption in Favour of Sustainable Development:

23. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. For decision making 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 in this Framework taken as a whole.
24. 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.
25. 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.
26. At 1 April 2025 BCP Council had a housing land supply of **2.55** 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.
27. In this instance, the scheme would provide 5 additional dwellings that would contribute towards the Council's housing delivery target. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

#### Impact on the character and appearance of the area

28. As per the relevant planning history section, this site has a history of refused applications and dismissed appeals. The latest appeal saw the inspector allow the application. This was for:-
- “the demolition of existing house and the erection of a block of 5 flats with off road car parking at 5 Seafield Road, Bournemouth BH6 3JE in accordance with the terms of the application, Ref 7-2024-26969-D, and the plans submitted with it, subject to the conditions ...”*
29. That application was made in outline with approval of the means of access sought at that stage, along with matters of landscaping, layout and scale. The appearance of the

development was reserved for future consideration, although detailed illustrative elevations were provided to show how the proposed layout could be accommodated.

30. This application is for full planning permission with off road car parking after the demolition of existing house and garage. Although the appearance of the development was reserved for future consideration, this proposal follows a very similar design to the plans submitted under application no. 7-2024-26969-D. Following amendments, the balconies in the northern and western elevation and dormer located in the southern elevation loft have been removed.

31. The inspector states in the allowed appeal no. APP/V1260/W/25/3358649:-

6 – “The surrounding area is residential in character, made up of an eclectic mix of properties of a broad range of architectural styles and ages, including 2 storey dwellings which are domestic in scale and flatted developments, which vary considerably in scale. The Inspector in a previous appeal decision<sup>1</sup> at the site noted that the more substantial residential buildings nearby reflect the larger scale of the buildings in the mixed commercial and residential area around Belle Vue Road. In contrast, the area beyond this, further along Seafield Road and the wider area including Douglas Avenue, predominantly comprises detached, 2 storey dwellings of a traditional appearance, with front gardens or parking areas between the front elevations and the highway, and boundary walls/fences and planting to the front boundaries.

7 - I observed at my site visit that the appeal site, by virtue of its layout, and scale and design of the existing dwelling, is akin to the domestic scale and layout of the nearby residential properties and therefore makes a positive contribution to the character of the area. The proposed large, flatted developments which were the subject of the earlier appeals, by virtue of their footprint, scale and bulk, would have been at odds with the domestic scale of the site context.

8 - Despite the disparity in the scale of the surrounding buildings, the appeal site is located in proximity to flatted developments of a greater scale than the surrounding dwellings, including that at 12 Seafield Road, directly opposite the site. The proposed development, by virtue of its traditional design and overall size, would echo elements of both the flatted developments closer to Belle Vue Road and the more domestic scale and character of the surrounding residential development. It would thus be befitting of this site, which lies between the 2 distinct character areas.

9 - While the appearance of the proposed development is not for consideration at this stage, the appeal submissions demonstrate that a scheme of an appropriate height and of a traditional design and utilising appropriate materials and fenestration, could sit comfortably within the street scene of both Seafield Road and Douglas Road. The resulting development would change the appearance of the site. While it would be less spacious than the current layout, due to the increased site coverage, which would reduce the space around the building, it would not differ significantly from other developments nearby in that sense. Furthermore, the width of the outward facing facades of the building would be such to retain space between the existing and proposed built form, similar to other gaps between properties fronting both Seafield Road and Douglas Road, so as to ensure a sense of separation”.

32. The difference between the allowed appeal development and this proposal is described below:-

- Internally, the removal of shared plant/utility room on first floor with introduction of en-suites for two bedrooms on the first floor

- Internally, the separation of the loft apartment from 1 x 2 bed 4 person into 2 apartments split 1 bed x 2 person and 2 bed x 4 person (see further on in this report). This has led to the following external changes: -
- Externally, the increase from 2 x dormer windows to 4 x dormer windows on North elevation (loss of three roof light windows)
- Externally, the reduction of roof light windows from 9 to 8 on South elevation
- Externally, enlarged windows on west elevation second floor on main façade – increase from 2.1m to 3.1m (full height)
- Externally, a windowpane change on first floor west elevation main façade – removal of 2x smaller pane to large pane and removal of obscure screen to the bottom half of the other panes.

33. These changes do not result in any increase in the overall bulk, size or footprint of the development. The increase in dormer windows to the north elevation would increase the roof mass but it would remain a stepped down two storey development on the Douglas Road side. As previously mentioned, there has also been a removal of balconies that were originally proposed.
34. As the inspector concluded in their report –  
9 – “...The resulting development would change the appearance of the site. While it would be less spacious than the current layout, due to the increased site coverage, which would reduce the space around the building, it would not differ significantly from other developments nearby in that sense. Furthermore, the width of the outward facing facades of the building would be such to retain space between the existing and proposed built form, similar to other gaps between properties fronting both Seafield Road and Douglas Road, so as to ensure a sense of separation”.
35. An additional flat would be provided within the development, but it is not considered that this would significantly increase the intensity of use of the site to a degree that would be noticeable or harmful to the character and appearance of the area.
36. Therefore, in view of the very limited changes to the allowed appeal scheme it is considered that the proposal would not harm the character and appearance of the area. It would therefore not conflict with the combined aims of Policies CS6, CS21 & CS41 of the Bournemouth Local Plan: Core Strategy, adopted October 2012 (BLP) which require new development to be of a good design and contribute to and enhance character and local distinctiveness and saved Policy 6.10 of the Bournemouth District Wide Local Plan, adopted February 2002 which permits flats in the built-up area provided that the development, among other things, respects or enhances the character and appearance of the area.

#### Impact on the neighbouring amenity

##### *South (No.3 Seafield Road)*

37. No.5 and No.3 are presently separated by two driveway widths. Units at the front fronting Seafield Road would be adjacent to the side of No. 3 Seafield Road but would be only marginally closer than the existing house. As such no adverse overshadowing / overbearing is adjudged regarding the side windows in the opposing neighbouring elevation, nor upon its occupants while using the side area of their plot. No.5 currently has (rear) south-facing 1<sup>st</sup>-floor clearly-glazed windows opposing the side of No.3.
38. The proposed western units towards the front would have clearly glazed upper windows at 1<sup>st</sup> floor level. Previously, proposed 1<sup>st</sup> floor clear windows were not adjudged to be of any greater impact than the current situation, and such is considered to still apply here.

39. The 1<sup>st</sup> floor of the communal staircase would be required to be obscurely glazed and non-opening below 1.7m above floor level regarding their openings to avoid any loss of privacy / overlooking.
40. Flats to the 'rear', eastern side would oppose the rear garden of No. 3. It is sufficiently distanced from the boundary, as well as being sited to the north, so that no overbearing or overshadowing impact will occur upon the occupants of No. 3 whilst they are using their garden. The southern windows on the 1<sup>st</sup> floor of the eastern block (flats 3 and 4) would also have to be obscurely glazed and non-opening below 1.7m above floor level regarding their openings to avoid any loss of privacy / overlooking. It is considered that the proposed development would have no greater impact than the extant appeal scheme.

*East (No.4/4a Douglas Road)*

41. The proposed building would be closer than the existing house No.5. However, with its staggered set-back, as previously, it would still be sufficiently distanced from whole side elevation of No.4/4a so that no overbearing / overshadowing will occur to any windows or upon those using the side passage. The 1<sup>st</sup> floor windows would have to be obscurely glazed and non-opening below 1.7m above floor level regarding their openings to avoid any loss of privacy / overlooking. Again, the proposed development is essentially identical in its impact to the extant appeal scheme in respect of the scale and mass of the building and window placement.
42. The inspector commented:-  
16 – “Nor has it been demonstrated that there would be any adverse effects on the living conditions of the occupiers of the adjoining residential properties through loss of light or outlook by virtue of the height and siting of the building. In addition, subject to a planning condition to secure the first floor windows in the southern and eastern elevations to be obscure glazed, as indicated on the submitted floor plans, there would be no adverse effects in terms of overlooking of the adjoining properties. Given the use of the stairwell would be transient and infrequent, the window serving this space, which is not shown to be obscure glazed, would not give rise to an unacceptable degree of overlooking of 3 Seafield Road”.

*Summary:*

43. Provided all southern / eastern facing upper-floor windows / screens are conditioned as above it is considered that there would not be any harm regarding overlooking / loss of privacy regarding No.3 Seafield Road or No.4/4a Douglas Road, nor any adverse overbearing / overshadowing concerns.
44. Therefore, it would comply with the aims of Policy CS21, CS41 of the Bournemouth Local Plan: Core Strategy, adopted October 2012 (BLP) which require new development to be of a good design and Residential Development – A Design Guide (2008).

Proposed Living Environment and Amenity Area

45. As previously mentioned, the main changes internally include the loft apartment increase from a generous 1 x 4 person 2 bed apartment to two apartments, split 1 x 4 person 2 bed apartment and a 1 x 2 person 1 bed apartment.
46. The Inspector stated in the allowed appeal: -  
15 – “Given the overall modest scale and residential nature of the proposed development, and the likely level of associated activity it would generate, there is no clear reason why the proposal, including the car parking layout, would give rise to less than satisfactory living conditions for future occupiers of the units through noise or

disturbance, loss of privacy or light pollution. In addition, the ground floor rooms with windows overlooking the parking areas are dual aspect, as such the outlook from these units would not be unduly compromised in the event that the parking spaces are occupied by a large vehicle. There is no substantive evidence that the internal dimensions of the proposed living accommodation would fail to provide suitable living conditions, or that the outdoor space would not be sufficient to meet the needs of future occupiers of the development”.

| <b>Overall GIA</b>              | <b>Bedroom 1 (2P)</b> | <b>Bedroom 2 (2p)</b>  |
|---------------------------------|-----------------------|------------------------|
| 7-2024-26969-D - Loft Apartment |                       |                        |
| 107.5sqm                        | 20.2sqm               | 18.9sqm                |
| P/26/00686/FUL – Loft Flat 1    |                       |                        |
| 43.4sqm                         | 11.7sqm               | N/A                    |
| P/26/00686/FUL – Loft Flat 2    |                       |                        |
| 61.8sqm                         | 10.1sqm               | 10.5sqm (Small Double) |

47. The allowed appeal application included a single loft apartment with generous space, as per the table above. The changes would see Flat 1 meeting the minimum standards, whilst Flat 2 would fall below the 70sqm specified in the Government’s Technical Housing Standards for 4 persons in respect of the 2-bedroom flat on the second floor. However, these standards are not adopted into local policy within this area, and the flat would otherwise provide a good amount of space, meeting the minimum 2 bed/3 persons size of 61sqm.
48. In the allowed appeal, the inspector felt that there was “no substantive evidence that the internal dimensions of the proposed living accommodation would fail to provide suitable living conditions”. As per the allowed appeal, bedroom 2 of the ground floor flat (10.4sqm) and bedroom 2 (10.4sqm) of the first floor flat also fall below the Government’s Technical Housing Standards for 4 persons in respect of the 2-bedroom flats. However, as these standards are not adopted in this area of BCP and the inspector has concluded and satisfied with the internal dimensions of the apartments it is considered that this is acceptable in this case.
49. Despite the extensive obscure glazing requirements and limitations on opening means as detailed above regarding the southern-facing and east-facing upper windows, no unacceptable adverse internal impacts will arise regarding daylight and outlook provision. All rooms will be served in some way, even if such would be somewhat distanced across open plan arrangements. Outlook to the first floor eastern flat is a little limited to the main living area but on balance acceptable. As previously mentioned, the top floor now includes 4 x dormer windows (all north facing) – two serving 1 bedroom and 1 kitchen living room area and the other two serving 2 bedrooms. The top floor eastern flat includes 4 x roof light windows (3 serving kitchen living room area and 1 the bathroom). The western top floor flat includes 6 roof light windows (all serving the kitchen / living room area) and 1 large window (facing west). All rooms will be affected by the sloping ceilings but sufficient in space that they aren’t narrow and cramped. One roof light window is located at the centre of the property roof space that allows light into the central staircase on the south elevation. No roof light windows are proposed on the eastern elevation. No windows are proposed for the southern flat bathroom.
50. The shared amenity area to the rear, eastern side and north west remains the same as the allowed appeal, where the Inspector concluded that “There is no substantive evidence that the internal dimensions of the proposed living accommodation would fail to provide suitable living conditions, or that the outdoor space would not be sufficient to meet the needs of future occupiers of the development.”

51. Therefore, the case officer concludes that the proposal complies with Policy CS41 of the Core Strategy and the Residential Development – A Design Guide (2008).

Impact on parking and access to the site

52. The proposed development, comprising of 5 x 2 bedroom flats and 1 x 1 bedroom flat, is located within parking Zone D and in accordance with Table 9 – C3: Flats of the adopted BCP Parking SPD. This application follows the Planning Inspectorate’s decision to allow an appeal for the construction of a block of 5no. flats on this site, in November 2025, planning application reference 7-2024-26969-D, to which the Local Highway Authority (LHA) did not object. The material difference between the proposed and approved schemes, is the formation of one additional flat within the 2<sup>nd</sup> floor thus equating to one additional bedroom within the development.
53. Consequently, this proposal generates a resident parking requirement for 6 cars and 12 cycles. The provision of 6 car parking spaces is acceptable provided they are unallocated in nature, details of which can be secured by condition. An allocated parking approach would require 6 resident spaces and one visitor space, 7 in total. Similarly, the provision of an integral cycle store with 12 spaces is acceptable however, one external cycle stand is required for visitors, details of which can be secured by condition.
54. The proposed site layout shown in submitted Drawing No. 002 is almost identical to the approved and there are no material alterations reference highway matters. The parking and access arrangements for both cars and cycles remain as approved. As per the approved scheme, the provision of pedestrian inter-visibility splays to the required standard, to the north of the Seafield Road parking area and to the east and west of the Douglas Road parking area, is welcomed. The cycle storage facility is located to the rear central ground floor and can be access off the rear access pathway and through the central staircase from the northern access into the main corridor.
55. The design of the parking, boundary wall and hedgerow landscaping is a copy of the approved appeal. The Inspector writes in the allowed appeal:-

10 – “As the 2 separate groups of parking spaces would be viewed independently of each other in the context of each highway frontage, they would not appear unduly excessive in scale for a residential property. Moreover, this arrangement would not be incongruent, given the similar layout of properties in the immediate locality, whereby a significant proportion of the frontage comprises of hardstanding dedicated to the parking of vehicles. The retention of the existing front boundary wall, in part, and the provision of planting at the junction as part of the landscaping scheme, including a boundary hedge, would ensure the proposed development would not appear unduly stark and would be consistent with the area in that regard”.

56. Therefore, as there is no objection from the LHA, the proposal complies with Policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and the Parking SPD (2021).

Waste Storage

57. The Inspector commented in the allowed appeal: -

21 – “The officer report suggests that the proposed underground bin systems were not deemed appropriate, a condition is therefore necessary to agree details of

alternative provision. In the interests of the character and appearance of the area a condition is necessary to secure the implementation of the landscaping scheme”.

58. This proposal sees the waste storage area placed above ground, behind hedgerow abutting Douglas Road. The waste management team have provided the following comments: -

“For a development of 6 x flats provision should be made for 1 x 1100L and 1 x 660L recycling bins and 1 x 1100L refuse bin. The development should also include a provision for 1 x 140L food waste bins. The bin storage area is a suitable size to accommodate the number of containers required and is within 10 metres of the public highway to facilitate collections. In addition, the list below are some further recommendations for a compliant bin store:

Paths between the containers/store areas and the collection vehicle must be compliant: 1.5m-2m wide, and free from kerbs, steps and inclines of more than 1:12 There must be a dropped kerb to allow 4 wheeled containers to travel to the back of the collection vehicle”.

59. The proposal is suitable from a Waste Collection Authority perspective.

#### Trees and Landscaping

60. The site has well-established mature shrub landscaping but no protected trees within it. A landscape plan has been submitted (Drawing Number 524-1) which illustrates the introduction of three new trees (*Fagus sylvatica* ‘Dawyke’) in the north western corner of the site in the shared amenity area, a hedgerow planted on the north western boundary (removing the current gated access), south and eastern boundary and landscaped grassed areas in the north eastern, western and southern areas of the site.
61. A 2m close board fence will be placed on the southern and eastern boundary. An existing 900mm high brick wall will be reformatted and restored on the north western boundary. 2m high access gates will be located to the southern rear access and north eastern access into the rear of the site.
62. Therefore, it is considered that these proposals comply with Policy CS41, CS35 (Nature and Conservation Interests) and Saved Policy 4.25 of the Bournemouth District Wide Local Plan, 2002.

#### Biodiversity

63. At present no biodiversity enhancements for species have been offered. This application is currently not 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”*. However, it is considered that this can be dealt with via a condition to require the provision of ecology enhancements within the development.

#### Biodiversity Net Gain

64. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of ‘duty to conserve biodiversity’ states “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” 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 CS35 (Nature and Geological Conservation Interests) of the Bournemouth Core Strategy sets out policy requirements for the protection and where possible, a net gain in biodiversity. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 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.

65. A small site metric has been submitted that illustrates a 40.52% habitat unit gain and a 75.07% hedgerow unit gain. Therefore the proposal complies with Policy CS35 of the Core strategy, subject to the statutory BNG condition.

### Drainage

66. 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 applicant has not submitted any drainage strategy proposals.
67. The Inspector in the allowed appeal writes: -  
*17 - There is no compelling evidence that existing infrastructure, including the sewage system and local doctors and dentists do not have capacity to meet the needs of future occupiers of the proposed development, or that appropriate refuse storage facilities could not be secured through the imposition of a planning condition. In addition, subject to a condition to secure a detailed surface water drainage scheme, there is no substantive evidence that the proposed development would exacerbate flooding in the locality.*
68. 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.
69. Overall, subject to appropriate conditions, the proposal is considered compliant with Policy CS4 and the drainage impact is acceptable.

### Contaminated Land

70. The Environmental Health team have noted that the property is property is within 250m notifiable area surrounding the North of Seaford Road suspected tipped site. As there are no previous contaminative uses of the property concerned therefore the standard contaminated land condition is not necessary with an informative note attached to the permission.

### Protected sites *Heathlands*

71. 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.
72. 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 £376 per flat with a 5% admin fee (or minimum £75), a total of £1,791.30 when a credit for the existing house is added. The required mitigation will be secured through a legal agreement.

#### *New Forest Recreation Zone*

73. 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.
74. The contribution required for this site in this instance is £1,800, plus a 5% admin fee (minimum £60), a total of £1,890. The required mitigation will be secured through a legal agreement.

#### **Planning Balance / Conclusion**

75. 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.
76. In this instance the proposal would result in 5 additional properties, which in the context of the LPA shortfall has been given significant weight. The proposed units are 5 x 2 bedroom apartments and 1 x 1 bed apartment, the creation of which is support by Local Plan Policy. The proposed dwellings are furthermore located in a sustainable location for residential development with good access to transport links and local amenities.
77. 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 5 new dwellings only, these economic benefits are afforded moderate weight.
78. The proposed development is very similar to the extant appeal scheme, with the exception of an additional flat and some changes to the windows. 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**

79. **RECOMMENDATION I** - That delegated authority be granted to the Head of Planning Operations to GRANT Permission, for the reasons as set out in this report, subject to the following conditions, and a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified.
80. **RECOMMENDATION II** - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if sufficient progress on concluding the Legal Agreement has not been made within six months of the date of this resolution.

### **S106 heads of terms:**

- **Heathlands Mitigation – £1,791.30**
- **New Forest mitigation – £1,890**

### **Conditions:**

#### **1. Detailed permission – time limit**

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 - Plans**

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

Block and Location Plan, DWG No. 001, Date: 11/06/2026

Proposed Site Plan, DWG No. 002, Rev C, Date: 11/06/2026

Proposed Floor Plans, DWG No. 003, Date: 11/06/2026

Proposed Elevations, DWG No. 004, Date: 11/06/2026

Proposed Street Scenes, DWG 005, Date: 11/06/2026

Existing Garage Plans, DWG: 006, Date 11/06/2026

Existing Floor Plans, DWG 007, Date: 11/06/2026

Existing Elevations, DWG 008, Date: 11/06/2026

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

#### **3. Materials to be submitted**

No part of the development hereby permitted shall be constructed that is visible above ground level/above damp proof course level/above the proposed finished ground level unless details of the materials to be used in the construction of the external surfaces including any roof have first been submitted to and approved in writing by the local planning authority. The submitted details shall include samples of

all such materials unless otherwise agreed in writing by the local planning authority. The development shall only be carried out in accordance with the approved details and once provided the approved materials shall thereafter at all times be retained. Reason: To ensure that the impact of the development on the visual amenities of the locality is acceptable.

#### **4. Car Parking Areas**

Before the development is occupied or utilised, the proposed parking areas shall be constructed and arranged in accordance with approved plans, to a gradient not exceeding 1 in 15 and permanently retained and kept available for their intended purpose, at all times. All parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: 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).

#### **5. Footway Crossing – Entrance Kerb System**

Before the development is occupied or utilised, the proposed vehicular crossovers (dropped kerbs) at Seaford Road and Douglas Road shall be arranged in accordance with the approved plans and constructed using an entrance kerb system, with only a short ramp at the front of the footway (kerbside) to provide vehicle transition from the carriageway, to the specification and satisfaction of the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site, to ensure the walking network is not compromised and to ensure that highway safety is not adversely impacted upon in accordance with Policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **6. Pedestrian inter-visibility splays**

Prior to occupation of the development hereby permitted, the pedestrian visibility splays as shown on the approved plans shall be cleared of all obstructions over 0.6m in height above ground level and no fence, wall or other obstruction to visibility over 0.6m in height shall be erected within the area of the splays at any time.

Reason: To ensure the proper and appropriate development of the site, to ensure the walking network is not compromised and to ensure that highway safety is not adversely impacted upon in accordance with Policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **7. Cycle Parking**

Notwithstanding details shown on the submitted plans, within 3 months of the commencement of the development final details of secure cycle parking, including an external stand for visitors, shall be submitted to and approved in writing by the Local Planning Authority. Cycle parking for residents and visitors shall be constructed and arranged in accordance with the agreed details and completed prior to occupation of the development hereby approved. The cycle parking shall thereafter be retained, maintained and kept available for its intended purpose, at all times.

Reason: To ensure the proper construction of cycle parking facilities in the interests of promoting sustainable development and active travel including the cycling mode of transport, in accordance with Policy CS18 of the Bournemouth Local Plan Core Strategy (October 2012).

## **8. Construction Management Plan**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

## **9. Soft Landscape Maintenance Scheme**

No part of the development hereby permitted shall be occupied/used unless a landscape management plan that includes long term design objectives, management responsibilities and maintenance schedules including replacement of dead or dying plants for all landscape areas as shown on approved plan – Landscape Plan DWG No. 524-1-R3, Date 10.06.2026, with a time period for the operation of the plan not being less than 5 years from the date of first landscape planting has first been submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out as approved.

Reason: In the interests of securing the on-going amenity and the appearance of the development and locality.

## **10. Biodiversity Enhancements**

Details of biodiversity enhancements to be supplied once agreed once agreed must be implemented in full and maintained.

Reason: compliance with National Planning Policy Framework (2024) 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” and policy CS30 “enriches biodiversity and wildlife habitat”.

## **11. Vegetation Clearance**

Vegetation clearance on this site must be carried outside the bird breeding season of 1st March to 31st August inclusive. Unless it can be sufficiently checked by an ecologist to show that nesting birds are not present.

Reason: prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981(as amended).

## **12. Obscure glazing**

The building hereby permitted shall not be occupied until the windows in the south and east elevations at first floor level, as identified on the proposed floor plans drawing number 003 as being obscure, have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

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

## **13. Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

## **14. Non Significant LEMP Condition**

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 the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and all biodiversity related plans and documents required to be approved in the other conditions forming part of this permission and the recommendations contained in the landscape management plan (524-3-R1) dated 08/06/2026 and in particular include:

- 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;

- details of all proposed related works including any proposed hard landscaping and all boundary treatments;
- a timetable for the provision of all identified habitat, ecological matters and landscaping; and
- 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 in accordance with Policies CS35 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.

### **Informative Notes:**

#### **1. Drainage**

Detailed drainage proposals may typically include:

- Detailed drainage network layout
- Manhole schedule
- Construction details for drainage elements
- Construction details for SUDS elements
- Hydraulic modelling calculations
- Exceedance flow routes (including proposed ground levels)
- Drainage maintenance and management information may typically include:
- Drainage ownership/responsibility layout
- Maintenance schedules
- Maintenance agreements
- Adoption agreements
- Schedules for replacement of drainage components (where design life is less than the lifetime of the proposed development)
- Operations and maintenance manuals

#### **2. Unforeseen contamination**

If during site works unforeseen contamination is found to be present then no further development shall be carried out until the developer has consulted the Local Planning Authority. The contamination will need to be assessed and if necessary an appropriate remediation scheme agreed with the Local Planning Authority.

#### **3. Bats**

If bats are found during demolition that all work to cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist employed to address situation and Natural England contacted. This is required by law, as all bats are protected under The Wildlife & Countryside Act 1981 (as

amended) and The Conservation of Habitats & Species Regulations 2017 (as amended).

#### **4. 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.

#### **5. 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.

#### **6. 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) licence application form is available within the Roads and Transport section of the council's website ([www.bcpCouncil.gov.uk](http://www.bcpCouncil.gov.uk)).

#### **7. Streetworks**

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](mailto: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 (TTROs), 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.

#### **8. 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.

#### **9. BNG**

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

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

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

### **Background Documents:**

P/26/00686/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