

Notice of Planning Committee

Date: Tuesday, 24 May 2022 at 10.00 am

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



Membership:

Chairman:

As appointed at the meeting held on 19 May 2022

Vice Chairman:

As appointed at the meeting held on 19 May 2022

Cllr S Baron

Cllr S Bull

Cllr J J Butt

Cllr M Davies

Cllr G Farquhar

Cllr P R A Hall

Cllr P Hilliard

Cllr D Kelsey

Cllr R Lawton

Cllr T Johnson

Cllr M Le Poidevin

Cllr S McCormack

Cllr T O'Neill

Cllr Dr F Rice

Cllr T Trent

All Members of the Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5316>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

Note for Members of the Planning Committee

Members are asked to bring their copies of the Development Plans for BCP Council to the meeting for reference purposes.

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

16 May 2022



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meeting held on 19 May 2022.

To Follow

5. Public Issues

To receive any requests to speak on planning applications which the Planning Committee is considering at this meeting.

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The deadline for the submission of requests to speak is 12 noon one day before the meeting. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

Further information about how public speaking is managed at meetings is contained in the Planning Committee Protocol for Public Speaking and Statements, a copy of which is included with this agenda sheet and is also published on the website on the following page:

<https://democracy.bcpccouncil.gov.uk/mgCommitteeDetails.aspx?ID=290>

Part A of the Protocol will apply to this meeting of the Planning Committee, summarised as follows:

Speaking at Planning Committee (in person or virtually*):

- There will be a maximum combined time of five minutes to speak in objection and up to two persons may speak within the five minutes.

- There will be a further maximum combined time of five minutes to speak in support and up to two persons may speak within the five minutes.
- No speaker may speak for more than half this time (two and a half minutes) UNLESS there are no other requests to speak received by the deadline OR it is with the agreement of the other speaker.

*The Chairman has agreed to exercise his discretion to enable speakers to join the meeting remotely on MS Teams if preferred. For further information please contact Democratic Services.

Submitting a statement to Planning Committee as an alternative to speaking:

- Anyone who has registered to speak by the deadline may, as an alternative to attending/speaking in person or virtually, submit a written statement to be read out on their behalf.
- Statements must be provided to Democratic Services by 12noon one day before the meeting.
- A statement must not exceed 450 words (and will be treated as amounting to two and a half minutes of speaking time).

Please refer to the full Protocol document for further guidance.

Note: The public speaking procedure is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Planning Offices during the consultation period.

6. Schedule of Planning Applications

To consider the planning applications as listed below.

See planning application reports circulated at 6a-6e, as updated by the agenda addendum sheet to be published on 23 May 2022.

Councillors are requested where possible to submit any technical questions on planning applications to the Case Officer at least 48 hours before the meeting to ensure this information can be provided at the meeting.

The running order in which planning applications will be considered will be as listed on this agenda sheet.

The Chairman retains discretion to propose an amendment to the running order at the meeting if it is considered expedient to do so.

Members will appreciate that the copy drawings attached to planning application reports are reduced from the applicants' original and detail, in some cases, may be difficult to read. To search for planning applications, the following link will take you to the main webpage where you can click on a tile (area) to search for an application. The link is:

<https://www.bcpCouncil.gov.uk/Planning-and-building-control/Search-and-comment-on-applications/Search-and-comment-on-applications.aspx>

Councillors are advised that if they wish to refer to specific drawings or plans which are not included in these papers, they should contact the Case Officer at least 48 hours before the meeting to ensure that these can be made available.

To view Local Plans, again, the following link will take you to the main webpage where you can click on a tile to view the local plan for that area. The link is:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

a)	Highmoor Farm, Talbot Village, Poole Talbot and Branksome Woods APP/21/00098/F Change of use of agriculture land to provide a 12 hectare Heathland Support Area, in accordance with Policy PP21 of the adopted Poole Local Plan.	19 - 60
b)	215-225 Barrack Road Commons 8/21/0100/FUL Demolition of existing buildings and erect 3 blocks of 38 flats with associated parking and access.	61 - 102
c)	23 Wick Lane, Christchurch Christchurch Town 8/21/0387/HOU The remodel of an exiting bungalow to provide an extension to the side and rear and first floor.	103 - 124
d)	55 Victoria Avenue Wallisdown and Winton West 7-2022-28438 Alterations and single and 2 storey extension to dwelling house	125 - 132
e)	22 Upper Golf Links Road, Broadstone, BH18 8BX Broadstone APP/22/00390/F The installation of solar panels within the rear garden. It is proposed to install two rows of 7 panels separated by 0.7m. Length of each row of panels is approximately 12.6m. Panels will be mounted on consoles at ground level.	133 - 142

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1. The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a meeting of the Planning Committee.
- 1.2. This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.
- 1.3. To reflect on-going uncertainty / possible necessary changes to the format of a Planning Committee meeting at short notice, this protocol it is divided into Part A and Part B. Part B addresses situations where due to health and safety issues there are limitations on arrangements for attendance at meetings.
- 1.4. Subject as provided for below, Part A of the protocol will apply to every meeting of the Planning Committee. However, at the discretion of the Head of Planning in consultation with the Chair, Part B of the protocol will apply in place of Part A to any meeting of the Planning Committee. In considering whether Part B of the protocol should apply, regard will be had to any relevant extant risk assessment of BCP Council as to the need for social distancing / other health and safety measures at Planning Committee meetings.
- 1.5. So far as circumstances reasonably permit, a final decision as to whether Part B of this protocol will apply to a specific meeting of the Planning Committee will normally be made by the Head of Planning in advance of the publication of the agenda and a note of this decision placed on the agenda. In the event that the Head of Planning makes such a decision after an agenda has been published or revises an earlier decision after this date, then so far as reasonably practicable, the Council will seek to provide notice of any such decision. Such notice may take the form of information being placed on the Council's website and/or seeking to contact any parties who via written notice to the Democratic Services Unit have been given the opportunity to speak at or have a statement read out at the meeting.
- 1.6. **Any person who wishes to seek clarification as to which Part of the protocol applies to a meeting of a Planning Committee or generally as to public engagement at the Planning Committee can contact the Democratic Services Unit by email at democraticservices@bcpcouncil.gov.uk**

2. Broadcasting and recording of Planning Committee

- 2.1. Meetings of the Planning Committee may be audio recorded and / or filmed by the Council for live or subsequent broadcast. * Further details regarding access to information and the recording of meetings including by members of the public is available in the Council's Constitution and may be requested from the Democratic Services Unit. The Constitution is available on the Council's website. A useful link in this respect is:

3. Call in by a councillor

- 3.1. So far as practicable, any councillor who has referred an application to the Planning Committee for decision will normally be expected to speak at the meeting to explain their reason(s) for the call in.

4. Order of presentation of an application

- 4.1. The running order in which planning applications are heard will normally follow the order as appears on the agenda unless the Planning Committee otherwise determines.
- 4.2. In considering each application the Committee will usually take contributions in the following order:
- (a) presenting officer(s);
 - (b) objector(s);
 - (c) applicant(s) /supporter(s);
 - (d) councillor who has called in an application / ward councillor(s);
 - (e) questions and discussion by voting members of the Planning Committee, which may include points of clarification from officers, leading to a decision.

5. Guidance on what amounts to a material planning consideration

- 5.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:
- 5.2. “A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.
- 5.3. Material considerations can include (but are not limited to):
- *Overlooking/loss of privacy*
 - *Loss of light or overshadowing*
 - *Parking*
 - *Highway safety*
 - *Traffic*
 - *Noise*
 - *Effect on listed building and conservation area*
 - *Layout and density of building*
 - *Design, appearance and materials*
 - *Government policy*
 - *Disabled persons' access*
 - *Proposals in the Development Plan*
 - *Previous planning decisions (including appeal decisions)*
 - *Nature conservation*

However, issues such as loss of view, or negative effect on the value of properties are not material considerations."

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

6. Chair's General Discretion

- 6.1. The Chair has absolute discretion as to how this protocol shall be applied in respect of any individual application so far as it relates to the conduct of the meeting including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes varying the speaking time allowed and the number of speakers. Where a decision has been taken to adjust any part of this protocol the Chair will normally aim to identify such change at the start the meeting of the Planning Committee. In the event of any uncertainty as to the interpretation or application of any part of this protocol a determination by the Chair will be conclusive.

7. Updates

- 7.1. Any updates on planning applications to be considered by the Committee will be published by Democratic Services as soon as reasonably practicable after 12 noon on the day before the meeting.

Note

For the purpose of this protocol:

- (a) reference to the "Chair" means the Chair of Planning Committee and shall include the Vice Chair of Planning Committee if the Chair is at any time unavailable or absent and the person presiding at the meeting of a Planning Committee at any time that both the Chair and Vice Chair of Planning Committee are unavailable or absent;
 - (b) reference to the Head of Planning includes any officer nominated by them for the purposes of this protocol and if at any time the Head of Planning is unavailable, absent or the post is vacant / ceases to exist, then the Development Management Manager or if also unavailable / absent or that post is vacant/no longer exists then the next most senior officer in the development management team (or any of them if more than one) who is first contactable;
 - (c) reference to 'ward councillor' means a councillor in whose ward the application being considered at a meeting of Planning Committee is situated in whole or part and who is not a voting member of the Planning Committee in respect of that item;
 - (d) a "wholly virtual meeting" is a meeting of the Planning Committee where no one including officers and councillors physically attend the meeting; and
 - (e) a meeting will not be held as a "wholly virtual meeting" unless legislation permits.
- * Any electronic broadcasting and recording of a meeting by the Council is dependent upon it being reasonably practically able to do so at the time of the meeting. A meeting other than a wholly virtual meeting may proceed even if it cannot be electronically broadcast and / or recorded.

PART A

8. Application of Part A

- 8.1. A meeting of the Planning Committee to which Part A of this protocol applies may, so far as capacity allows, be attended in person by any member of the public to the extent as provided for in the Council's adopted Access to Information Procedure Rules as set out in the Constitution.
- 8.2. In circumstances where Part A applies, an opportunity will normally be provided for persons attending a meeting of the Planning Committee to speak at it in relation to an application being considered at that meeting to the extent as provided for in this protocol.

9. Speaking at Planning Committee

- 9.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request in writing with the Democratic Services Unit by 12 noon at least one clear working day prior to the date of the meeting. A person registering such a request should:
 - (a) make clear as to the item(s) on which they wish to speak;
 - (b) provide contact details including a telephone number and/or email address at which they can be reached; and
 - (c) identify whether they support or oppose the application.
- 9.2. There will be a maximum combined time of **five** minutes allowed for any person(s) objecting to an application to speak. A further combined **five** minute maximum will also be allowed for any supporter(s). Up to **two** people may speak during each of these allotted times (the applicant(s) and any agent for the applicant(s) will each count as separate speakers in support). No speaker may speak for more than half this time (i.e. **two and a half minutes**) unless:
 - (a) there is no other speaker who has also been allotted to speak for the remainder of the five minutes allowed; or
 - (b) the other allotted speaker expressly agrees to the speaker being entitled to use more than half of the total speaking time allowed.
- 9.3. If more than two people seek to register a wish to speak for either side, an officer from the Democratic Services Unit may ask those wishing to speak to appoint up to two representatives to address the Planning Committee. In the absence of agreement as to representatives, entitlement to speak will normally be allocated in accordance with the order when a request is received. However, in the event of an applicant(s) and / or the agent of the applicant(s) wishing to speak in support of an application such person(s) will be given the option to elect to speak in preference to any other person registered to speak in support.
- 9.4. A person registered to speak may appoint a different person to speak on their behalf. A person may at any time withdraw their request to speak; however, where such a request is made after the deadline date for receipt of requests then the available slot will not be made available for a different speaker.

- 9.5. The same person may not register to speak both in support and against an application. If such requests are received, the person submitting the request will be invited to elect to speak either in support or against. In the event of a person not making such an election then all the requests by that person will be treated as invalid in relation to that application.
- 9.6. A Parish or Town Council representative who wishes to speak must register as an objector or supporter and will be subject to the same provisions for speaking as any other objector or supporter (as the case may be).
- 9.7. Any ward councillor shall be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who wishes to speak will have up to **five** minutes each.
- 9.8. At the discretion of the Chair, any other councillor not sitting as a voting member of the Planning Committee may also be given the right to speak on an item being considered at Planning Committee. Every such councillor will have up to **five** minutes each.
- 9.9. Any member of the Planning Committee who has referred an application to the Committee for decision but who exercises their discretion not to participate and vote on that item as a member of the Planning Committee (whether because they consider they may have a predetermined view or otherwise), may have or be given the right to speak as a ward councillor or otherwise in accordance with the provisions of the Part, but must not participate in any discussion or vote as a member of the Planning Committee. Such a member will normally be invited to leave the room after speaking until consideration of that application has been concluded.
- 9.10. During consideration of a planning application at a Planning Committee meeting no question should be put or comment made to any councillor sitting on the Planning Committee by any applicant, objector or supporter whether as part of a speech or otherwise.

10. Content of speeches and use of supporting documentation

- 10.1. Speaking must be done in the form of an oral statement, which should only refer to planning related issues as these are the only matters the Planning Committee can consider when making decisions on planning applications. Speakers should direct their points to reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid any statement that might be libellous, slanderous or otherwise abusive to any person or group, including the applicant.
- 10.2. In the interests of fairness, no applicant, objector or supporter will be allowed to produce at a meeting of the Planning Committee information or documentation of any kind (including any photograph or other visual aid), that has not already been submitted as part of a prior representation or submission in relation to the application at a time that pre-dates the publication of the agenda for that Planning Committee meeting. Any person seeking to rely on such information should draw this to the attention of Democratic Services in advance of any reference being made to it.

- 10.3. Anyone who wishes to provide any photograph, illustration or other visual material to be displayed on screen during a representation must submit this to Democratic Services at least **two** clear working days prior to the date of the meeting in a format previously agreed in writing by an officer from the Democratic Services Unit for the purposes of that representation. Electronic information provided after this time or in a format not agreed will not be accepted. The maximum number of items to be displayed must not exceed five. Further, the ability to use any such electronic presentational material is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Every person making a representation should therefore ensure that it is not dependent on such information being displayed.

11. Submission of statement as an alternative to speaking

- 11.1. A councillor or member of the public who has been allocated an opportunity to speak at a meeting of the Planning Committee in relation to an item may as an alternative to attending in person submit a written statement to be read out on their behalf. Any such statement:
- (a) must not exceed 450 words in total;
 - (b) must have been received by the Democratic Services Unit by noon at least **one** clear working day prior to the date of the Planning Committee;
 - (c) when submitted by a member of the public will be treated as amounting to two and a half minutes of the total time allotted for speaking;
 - (d) may so far as circumstances allow be withdrawn at any time prior to the Planning Committee meeting by giving notice to the Democratic Services Unit; however, where such withdrawal occurs after the deadline date for registering a request to speak has passed then an alternative slot will not be made available;
 - (e) may not normally be modified after the deadline date for registering a request to speak has passed unless such modification is requested by an officer from the Democratic Services Unit; and
 - (f) will normally be read out aloud by an officer from the Democratic Services Unit having regard to the order of presentation identified in this protocol.

12. Assessment of information

- 12.1. The Council reserves the right to check any information / documentation provided to it for use at a Planning Committee meeting including any statement and to prevent the use of such information / documentation in whole or part, in particular, if it:
- (a) is considered that it contains information of a kind that might be libellous, slanderous, abusive to any party including an applicant or might result in the disclosure of any personal information for which express consent has not been given; and/or
 - (b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 12.2. The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such information / documentation should

not be used. If circumstances reasonably permit, an officer from the Democratic Services Unit may seek to request a person modify such information / documentation to address any issue identified.

13. Questions to persons speaking

- 13.1. Questions will not normally be asked of any person speaking as a councillor, objector or supporter who is not speaking as a voting member of the Planning Committee in relation to an item. However, the Chair at their absolute discretion may raise points of clarification.

PART B

14. Application of Part B

- 14.1. Where a decision has been taken that Part B of this protocol applies to a meeting of the Planning Committee then subject as provided for in this Part B the provisions below shall apply whether or not the meeting is a wholly virtual meeting.
- 14.2. Unless a meeting of the Planning Committee is a wholly virtual meeting, a meeting of the Planning Committee may, so far as capacity allows, be attended in person by any member of the public to the extent as provided for in the Council's adopted Access to Information Procedure Rules as set out in the Constitution.
- 14.3. A meeting of the Planning Committee will only be held as a wholly virtual meeting during such time as a decision has been taken by BCP Council that committee meetings of the Council may be held in this way. In the event of there being a discretion as to whether a meeting of the Planning Committee shall be held as a wholly virtual meeting, then the Head of Planning in consultation with the Chair shall be able to determine whether such a discretion should be applied.
- 14.4. In circumstances where it is known in advance of the publication of an agenda of a meeting of the Planning Committee that Part B will apply to that meeting then, so far as reasonably practicable, a note will normally be placed on the agenda identifying this to be the case and explaining if that meeting is to take place as a wholly virtual meeting.
- 14.5. Reference to attendance at a meeting in this Part B can, unless the meeting is a wholly virtual meeting, mean attending in person or virtually. However, unless the meeting is a wholly virtual meeting, where reference is made to a councillor attending a meeting this can mean attending virtually only where the Chair at their discretion considers this appropriate. In that event, facilities will be made available for the virtual attendance and speaking at the meeting of the Planning Committee of such councillor(s).

15. Use of statements

- 15.1. The provisions below provide a mechanism for members of the public to submit statements to be read out at a meeting in relation to individual planning applications. Members of the public attending a meeting will not normally be given the opportunity to speak at the meeting on such matters and no facilities will usually be made available to enable this.
- 15.2. Any person who wishes to provide a written statement to be read out on their behalf at a meeting of the Planning Committee must arrange for this to have been received by Democratic Services by 12 noon at least **one** clear working day prior to the date of the meeting. A person submitting such a statement should:
 - (a) make clear as to the item to which the statement relates;
 - (b) provide contact details including a telephone number and/or email address at which they can be reached; and

- (c) identify whether the statement is in support of or opposed to the application.
- 15.3. A maximum of two statements from members of the public objecting to an application will be considered by the Planning Committee and a maximum of two statements from supporter(s) (a statement from the applicant and any agent for the applicant will each count as a separate statement in support). Each statement may consist of up to 450 words.
- 15.4. Statements will be accepted on a first come, first served basis. Statements will not normally be accepted once the limit has been reached. However, in the event of an applicant and / or the agent of an applicant wishing to submit a statement in support of an application such person(s) will be given the option for their statement(s) to be read out in preference to any other statement submitted by a person in support. Applicant(s) / supporter(s) and objectors with similar views are encouraged to co-ordinate in advance in the production of statements.
- 15.5. So far as circumstances allow, a person may at any time prior to the Planning Committee meeting seek to withdraw a statement by giving notice to the Democratic Services Unit; however, where such withdrawal occurs after the deadline date for receipt of statements then the available slot will not be made available for a different statement.
- 15.6. A person shall not normally be able to modify a statement after the deadline date for submission of statements has passed unless such modification is requested by an officer from the Democratic Services Unit.
- 15.7. The same person may not submit more than one statement. If more than one statement is received, the person submitting the statement will be invited to elect which statement should be read out. In the event of a person not making such an election then all the statements by that person will be treated as invalid in relation to that application.
- 15.8. A Parish or Town Council representative who wishes to submit a statement must identify whether their statement is being made as an objector or supporter and will be subject to the same provisions for statements as any other objector or supporter.
- 15.9. Statements relating to a planning application will be read aloud by an officer from the Democratic Services Unit. Statements will be read out having regard to the order of presentation identified in this protocol.
- 15.10. Any ward councillor will also be given the opportunity to attend and speak at the meeting on an application at the Planning Committee meeting at which it is considered.
- 15.11. At the discretion of the Chair any other councillor not sitting as a voting member of the Planning Committee may also be given the right to attend and speak on an item being considered at Planning Committee.
- 15.12. Any councillor who virtually attends to speak on an application at a meeting of the Planning Committee and who is not a voting member of the Planning Committee in relation to that item should also submit a written version of what

they intend to say to Democratic Services at least **one** clear working day prior to the date of the meeting. Statements may consist of up to 900 words. In the event of a councillor not being able to access the meeting at the appropriate time for any reason, this statement will be read out on their behalf to ensure their views can be taken into account. Accordingly, the inability of a councillor to actually speak at the meeting will not prevent an item being determined.

- 15.13. Any member of the Planning Committee who has referred an application to the Committee for decision but who exercises their discretion not to participate and vote on that item as a member of the Planning Committee (whether because they consider they may have a predetermined view or otherwise), may speak as a ward councillor or otherwise in accordance with the provisions of this Part, but must not participate in any discussion or vote as a member of the Committee.

16. Content of statements and use of supporting documentation

- 16.1. Every written statement that is submitted by any person in accordance with this Part of the protocol should refer to planning related issues as these are the only matters the Committee can consider when making decisions on planning applications.
- 16.2. Statements should be directed towards reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included as part of this protocol.
- 16.3. In the interests of fairness, no documentation of any kind will be allowed to be presented at the time that a statement is being read out (including any photograph or other visual aid), that has not already been submitted as part of a prior representation or submission in relation to the application at a time that pre-dates the publication of the agenda for that Planning Committee meeting.
- 16.4. Anyone submitting a written statement who wishes to provide any photograph, illustration or other visual material to be displayed on screen while their statement is being read aloud must submit this to the Democratic Services Unit at least **two** clear working days prior to the date of the meeting in a format previously agreed in writing by an officer from the Democratic Services Unit for the purposes of that statement. Information provided after this time or in a format not agreed will not be accepted. The maximum number of items that may be displayed is five. Further, the ability to have any such presentational material displayed is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Anyone submitting a statement should therefore ensure that their statement is not dependent on such information being shown.
- 16.5. The Council reserves the right to check any information /documentation provided to it for use at a Planning Committee meeting including any statement and to prevent the use of such information / documentation in whole or part, in particular, if it:
- (a) is considered to contain information of a kind that might be libellous, slanderous, abusive to any party (including an applicant) or might result in the disclosure of any personal information for which express consent has not been given; and/or

(b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.

16.6. The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether the whole or any part of any such information / documentation should not be used. If circumstances reasonably permit, an officer from the Democratic Services Unit may seek to request a person modify the information / documentation to address any issue identified.

For use by the Planning Committee as from 11.1.22



Planning Committee Report

Application Address	Highmoor Farm, Talbot Village, Poole BH3 7HE
Proposal	Change of use of agricultural land to provide a 12 hectare Heathland Support Area, in accordance with Policy PP21 of the adopted Poole Local Plan
Application Number	APP/21/00098/F
Applicant	Talbot Village Trust
Agent	Intelligent Land
Ward and Ward Member(s)	Talbot and Branksome Woods
Status	Public Report
Meeting date	February 2022
Summary of Recommendation	Grant in accordance with the details set out below, subject to conditions and S106 Agreement
Reason for Referral to Planning Committee	This application is brought before Planning Committee as 233 objections, contrary to the recommendations, were received.
Case Officer	Monika Kwiatkowska

Executive Summary

1. The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

2. 233 objections and 1 letter of support were received were received objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

Definition of the Heathland Support Area and its intended function

3. The application is to change its use from agricultural land to the Heathland Support Area, an area of land that would provide an informal, natural area to benefit local residents and relieve recreation pressure on the adjacent Talbot Heath itself.

4. Paragraph 4.20 of the Dorset Heathlands Planning Framework SPD 2020 – 2025 defines heathland support areas as sites falling within the broad definition of Heathland Infrastructure Projects (HIPs), which are physical infrastructure projects that provide facilities to attract people away from the protected heathland sites. Other HIPs projects include Suitable Alternative Natural Green Spaces (SANG) sites.
5. Heathland Support Areas (HSAs) are projects which are usually adjacent to the Dorset Heathlands, providing important functional support to the protected site. This may be in spreading public access pressure, enabling better site management or making the designated site more resistant to external effects. Because of the close proximity to the protected heathland, these sites are not intended to attract new visitors in the same way as SANGs.
6. The proposal would fall within the definition of the HSA provided within the Dorset Heathlands Planning Framework SPD 2020 – 2025.

The principle of the proposed development and policy context

7. The application site is located in Talbot Village, where land is allocated with the aim of delivering the vision as set out in the Talbot Village SPD, namely to 'support and strengthen the Universities and deliver a dynamic Digital Village to sustain entrepreneurial businesses, while protecting and enhancing important wildlife habitats, heritage assets and respecting the amenity of the local community'. Proposals for the area fall within three broad character areas: the Talbot Academic Quarter (TV1), the Talbot Innovation Quarter (TV2) and Talbot Heath (TV3), as outlined by Policy PP21 of the Poole Local Plan.
8. The proposed scheme is considered entirely compatible with the land allocation of TV3, as set out in Policy PP21(1b) and it would not prejudice the delivery of the expansion of the development on TV1 and TV2 land (development associated with the expansion of Bournemouth University and Arts University of Bournemouth or the creation of the Innovation Quarter). The compliance of the scheme with the Policy land allocation has been confirmed by the BCP Planning Policy Officer.
9. For further clarification of the policy compliance aspect, please refer to the relevant section of the below report.

Impact on the character and appearance of the area

10. The proposed change of use would not result in creation of any physical structures, material changes to the landscape or provision of additional infrastructure, that would have a significant impact on the visual amenity of the area. The area currently affords unrestricted views over the green spaces and this would be preserved.
11. The proposal has been assessed by the Council's Urban Design Officer who advised that the proposed works, due to their nature, scale and separation distance to any

heritage assets, would not affect the setting of the Talbot Village Conservation Area. As such, the provisions of Policy PP30 of the Poole Local Plan would not be engaged.

12. Overall, it is considered that the proposed change of use would not significantly alter the character and appearance of the area, but it would retain and respect its rural open character, which contributes positively to the character of Talbot Village. As such, the proposal would comply with the provisions of Policy PP27 of the Poole Local Plan.

Impact on the neighbouring amenity

13. The proposal would not result in any physical activities associated with the proposed use of the land that would have a materially harmful impact on the residential amenities of the local residents in terms of the loss of light or privacy.
14. The area is well frequented by the residents, attracting local walkers (including dog walkers), cyclists and some amount of car borne visitors. The proposal would not result in the introduction of the new car park facilities near or on the site and therefore it would not be capable of attracting large numbers of new, out-of-area visitors, beyond those already visiting the heathland.
15. The proposed scheme would formalise some of the recreational activities occurring in the vicinity of the site (by introducing new footpaths and designating dog walking areas), the volume of these activities would not result in any materially harmful impact on the residential amenities of the local residents in terms of noise or traffic generation.
16. The introduction of recreational activities associated with the proposed change of use of the land would offer opportunities for improvement of wellbeing to the local residents, which could only be beneficial amongst the ongoing concerns associated with the Covid-19 restrictions. This, itself, would be a significant community benefit arising from the proposed scheme.
17. Overall, it is considered that the proposal would not result in any materially harmful impact on residential amenities of the adjacent residents, and it would comply with the provisions of Policies PP21(1c) and PP27 of the Poole Local Plan.
18. For further clarification of the policy compliance aspect, please refer to the relevant section of the below report.

Impact on access, parking and highway safety

19. No new vehicular access routes or car parks are proposed to facilitate the proposed development.

20. The proposal is supported by the Council's Senior Transportation Officer and in line with the requirements for the Heathland Support Areas (HSA) outlined by the Dorset Heathlands Planning Framework 2020-2025 SPD (2025).

21. It is considered that the nature and intended use of the proposed scheme would not require to contribute to any highway improvements, such as improved cycleway or pedestrian crossings. The Transportation Officer advised that such improvements have been secured in the past with the AUB and BU proposals and can be further secured with any future development on the TV2 land and any residential development in the area. The Transportation Officer supports the scheme, without any mitigation required by Policy PP21 (3) of the Poole Local Plan and given the intended nature of the proposed scheme, this is considered an acceptable approach.

Biodiversity and ecology considerations

22. The proposed scheme has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 on 28/06/21. The Screening process confirmed that the proposed development does not fall within the definition and applicable thresholds and criteria for the purposes of the definition of Schedule 1 and 2 Development), as confirmed by the relevant statutory consultees (the Council's Biodiversity Officer, Natural England, Historic England and the Environment Agency). It was therefore concluded, in accordance with the abovementioned legislation, that the proposal does not significantly affect the interest features for which they are notified.

23. The application is supported by the Ecological Impact Assessment, as required by Policy PP33(2). This was assessed and supported by the Council's Biodiversity Officer and Natural England.

24. No significant negative impacts arising from the proposed works were identified during the assessment. The proposed enhancements outlined in Section 7.0 of the Report would result in an overall positive impact on the ecology of the area.

25. The submitted information has been assessed by Natural England and the Council's Biodiversity Officer, who both supported the scheme, subject to conditions seeking further details of the Management Plan before any works are undertaken on site. These conditions are reasonable to impose and form part of this report.

26. The proposal would achieve 21.05% biodiversity net gain on site, in accordance with the provisions of the Environment Act 2021. This has been confirmed and accepted by the Council's Biodiversity Officer and Natural England and the compliance of the scheme with this requirement can be secured by condition.

Impact on protected trees nearby

27. The proposal has been assessed by the Council's Arboricultural Officer who supported it advising that having considered the possibilities of potential harm; there are no anticipated implications for the existing tree stock or mixed woodland over the

site and the impact to any trees by the proposed change of use is considered to be negligible.

28. Future wellbeing of the existing trees on site can be reasonably secured by condition, as well as the details of any proposed tree planting specified by the Management Plan.

29. Subject to these conditions, the proposal is considered to comply with the provisions of Policy PP27 of the Poole Local Plan.

Impact on historic/archaeological findings in the area

30. The application has been assessed by the Dorset County Council's Senior Archaeologist, who advised that, in accordance with the Dorset Historic Environment Records, a survey of Talbot Heath was undertaken by Poole Museum in 1978.

31. The Dorset County Council's Senior Archaeologist advised that the proposal would not affect any archaeological findings within the vicinity of the site due to its nature. He supported the scheme, subject to condition requiring submission of further details of the location and content of the interpretation boards, in line with the schedule of works provided within the Management Plan. This condition can be reasonably secured.

Impact on the right of way access

32. There are several permissive paths and right of way footpaths that cross the wider area of Talbot Heath and one that runs through the application site.

33. The scheme proposes improvements to the existing footpaths, details of which can be secured by condition.

34. The Management Plan also refers to the proposed cutting of informal footpaths on site to create circular routes for walkers. This is acceptable in principle, however details of the proposed circular routes and their assessment on the biodiversity of the site should be assessed prior to their implementation. This aspect can be controlled by a condition.

35. The Management Plan has been assessed by the Council's Rights of Way Officer who confirmed that the diversion of Public Rights of Way is not proposed. As such, no recommendations have been made with regards to the proposal.

36. The Council's Right of Way Officer advised that the proposed Management Plan, mentions future potential plans to carry out diversions of some footpaths. This, however, does not form part of this proposal, and in any case, would be subject of separate consent.

Flood risk considerations

37. The application site is not located within the existing Flood Zones 2 and 3 and is not within the area at risk of future flooding. The site is also not at increased risk of surface water flooding.
38. No comments were received from Environment Agency with regards to the proposed scheme, however the proposal has been assessed by the Council's Flood Engineer who raised no objection to it, supporting the proposed provision of wet areas suggested by the Talbot Heathland Support Area Management Plan.
39. Further details of the wet areas can be secured by condition.
40. The proposal complies with the provisions of Policy PP38 of the Poole Local Plan.

Section 106 Agreement

41. As set out in Policy PP21(2e), the Heathland Support Area must be provided and open to the public before the delivery of the Innovation Quarter and any of the other uses set out in the policy, which are yet to be sought through a formal planning application. This can be secured by condition.
42. The proposed scheme is a subject of a S106 Agreement

Summary

43. Having considered the appropriate development plan policies and other material considerations, including the NPPF and the EIA legislation, it is considered that subject to compliance with the conditions listed below, the development would be in accordance with the Development Plan.

Description of Proposal

44. Planning consent is sought for a change of use of agricultural land to provide a 12 hectare Heathland Support Area, in accordance with Policy PP21 of the adopted Poole Local Plan.

Description of Site and Surroundings

45. The application site is surrounded by urban development to the south, north and west and is also adjacent to the Talbot Heath.

46. The application site is made up of four distinct fields and part of a fifth. The application site is an area of 12 hectares of agricultural land that currently forms part of Highmoor Farm.

47. Fields 1 and 2 are used to provide hay, whereas field 3 has been let as a series of pony paddocks. Fields 4 and 5 are actively grazed by the farmers cattle and sheep.

48. The site itself is not designated, however the majority of the adjoining land is afforded ecological protection (SSSI, SPA, SAC, Ramsar and SNCI). As such, the adjoining area has been recognised as being of local wildlife importance.

Relevant Planning History:

49. Land at Highmoor Farm, Purchase Road

2020 – Planning permission was granted for a conversion of agricultural barn to digital exchange building including alterations to form three doorways – Ref: APP/20/00095/F

Constraints

50. The site itself is not designated, however the majority of the adjoining land is afforded ecological protection (SSSI, SPA, SAC, Ramsar and SNCI). As such, the adjoining area has been recognised as being of local wildlife importance.

51. 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.

Public Sector Equalities Duty

52. 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

53. 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.

54. 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.

Consultations

First round of consultation:

55. BCP Planning Policy Officer – supports the proposal stating: *“the principle of creating a heathland support area across the fields identified in the site location plan fully accords with Policy PP21 of the Poole Local Plan which specifically allocates these fields for the provision of a heathland support area”*.
56. BCP Highway Authority – supports the proposal.
57. BCP Biodiversity Officer – requested further information with regards to the presence of protected species on site.
58. Dorset County Senior Archaeologist – requested further information regarding impact of the proposal on any archaeological findings.
59. BCP Flood Risk Authority – supports the proposal.
60. BCP Rights of Way Officer – requested further information regarding the impact of the proposal on rights of way access.
61. Natural England – verbal support received, no comments in writing received.

62. The Poole and Purbeck Group of Dorset CPRE – objected to the proposal, due to the following concerns:
- The proposal fails to respect the practical requirements for dealing with the declared Climate Emergency and the need to protect the flora and fauna of Talbot Heath
 - lack of EIA screening undertaken
 - impact on Green Belt and biodiversity of the area.

Second round of consultation:

63. BCP Urban Design Officer - the development will not affect the setting of the Talbot Village Conservation Area.
64. BCP Highway Authority - There are no new significant traffic impacts raised within the additional details. Support was given to the proposal.
65. BCP Flood Risk Authority – *“We have no objections and would welcome the fact that this project includes (Page 30) ix. Wet Areas There are areas within Fields 1 and 2, near to the Bourne Stream which offer the chance to create wet areas, including small ponds to enhance biodiversity. as this would also help in flood reduction and indeed we would welcome an opportunity to work with The Talbot Village Trust on any such projects”.*
66. BCP Rights of Way Officer - The revised Management Plan claims that the diversion of Public Rights of Way is no longer required so as such I don't have any recommendations to make, however there is still mention of there being some ambition to carry out diversions to achieve their full vision. I will await further details as to what they propose to this end.
67. Natural England – supported the proposal as the principles set out in the Management Plan are acceptable, however further details would need to be submitted prior to commencement of works. These do not represent material matters and therefore do not need to be submitted beforehand. The application is supported subject to conditions requiring submission of the updated Management Plan, Monitoring Strategy and implementation of the biodiversity enhancement set out in Section 10 of the Ecological Impact Assessment. Natural England reverted to the BCP Biodiversity Officer to specify the further details within the Management Plan to be secured by conditions.
68. BCP Biodiversity Officer – *“No objection to this application in principle, however at present the supplied ‘Talbot Heathland Support Area Management Plan’, November 2021, by Intelligent Land lacks detail, this to be addressed by condition. This is also the view of Natural England as expressed in their comment dated 14/1/2022. (...)*

To address this the ecological enhancements as given in 6.24 to 6.32 (inclusive) within 'Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BGH3 7HE', December 2021 by LC Ecological Services Limited, to be detailed, plus objectives as given in 'Talbot Heathland Support Area Management Plan'. (...)

Mitigation as given in section 7 of 'Ecological Impact Assessment' by LC Ecological Services Limited, to be implemented in full. Monitoring strategy to be devised and implemented before area formally open to public, to obtain base line data to compare against future usage. Require clear information on how management of area will be secured "in-perpetuity" beyond five-year work programme as shown in 'Talbot Heathland Support Area Management Plan'. (...)"

Planning conditions were suggested (discussed in detail within the relevant party of the report below) and several amendments proposed to the submitted Management Plan.

69. Senior Dorset County Archaeologist – supported the proposal, subject to conditions providing details of the information boards relating to archaeology (their location and content).

Following the agent's request to screen the proposal against the Environmental Impact Assessment Regulations (2017), the following comments were received with regards to the undertaken EIA screening:

80. Environment Agency – no comments were offered as the proposal does not fall within a category to which EA required a consultation on.
81. Historic England - minimal impact on the historic environment and therefore an EIA is not required in relation to the historic environment.
82. Natural England – the proposal does not fall within a category to which EA required a consultation on.

Representations

83. Overall, 233 letters of representation have been received with regards to the proposal. 1 letter was received in favour of the development and 232 were raising objection.
84. No letters to neighbouring properties were posted. 40 site notices were posted outside the site in a variety of locations on 4 March 2021 with an expiry date for consultation of 31 March 2021, triggering the first round of consultation.

85. Following the first round of consultation, 200 letters of representation have been received, from 199 households. 198 of them raising objection and 1 in favour of the proposal. The issues raised comprise the following:

- It is unclear as to what the proposal intends to offset against.
- The proposal requires an Environmental Impact Assessment, which has not been undertaken.
- Failure to undertake EIA would be illegal, as it was concluded in high court case Cornwall County Council ex parte Hardy & Gwennap Parish Council.
- The results of the EIA screening opinion adopted by the LPA are unacceptable and full scoping should have been undertaken.
- The response to the EIA screening request given by Natural England is unacceptable, inaccurate and needs to be re-examined as the failure to do so would constitute mismanagement of the case.
- The proposal would be a precursor of residential and commercial development in the area, which is not acceptable for the residents.
- The proposal would enable the industrialisation of the area, which should not be supported.
- The description of the proposed development is misleading as its aim is to facilitate industrialisation of the area. The residents are entitled to transparency.
- The proposal cannot demonstrate that it would sufficiently mitigate the effect of commercial activities associated with it.
- The proposed scheme should be submitted only when the proposals for any redevelopment in the area are approved, to allow fair assessment of the impacts and the proposed mitigation. As such, the proposal would be premature and therefore contrary to Policy PP21.
- The proposal involves building a business park employing 1770 workers on site, which is unacceptable and will harm the heathland.
- The development of the universities in the area is detrimental to the wellbeing of the SSSI.
- The land on site should be preserved for the nature.
- The application site should be left as an agricultural land.
- The proposal would result in the loss of the green space.
- The last working farm in the area should be preserved.
- The increased use of the land would be detrimental to the biodiversity of the Talbot Heath.
- The proposal would have an appearance of a parkland, which would not support the biodiversity of the site.
- The proposal would destroy bat habitat within the farm buildings.
- The proposal would result in fencing off the HAS from the heathland which will stop the wildlife to freely move in the area.
- The proposal would put an additional pressure on the Talbot Heath SSSI.

- The proposal would destroy the vitality of the last working farm in the area.
- The farm provides educational opportunities for the local children and it should be preserved.
- The proposal would be harmful to the existing biodiversity of the site.
- The maintenance of the HSA would come from the public money, which is not acceptable.
- Lack of appropriate neighbour notification process.
- The proposal would generate further traffic to the area, affecting the safety of the residents and giving rise to increased noise.
- Talbot Village Trust are not good neighbours and caretakes of the Highmoor Farm and Talbot Heath.
- The applicant should consider alternative sites for this development.
- Talbot Village is predominantly residential and there is no need to commercial development in the area.
- The proposal would only have a financial benefit to the applicant and the agent.
- The proposal would put the wellbeing of the residents at risk.
- Changes in lifestyle caused by Covid-19 pandemic would highlight the need for the farm and the heathland to be left in their current state to benefit the wellbeing of the local community.
- The pandemic also caused the failure of huge amount of businesses in the area, resulting in vacant premises within BCP area and the proposal should utilise these instead.
- No footfall surveys were undertaken by the applicant to substantiate that the proposed HAS would relieve the pressure on the heathland.
- The rights of way map provided by the applicant differs from the map supporting Policy PP21 of the Poole Local Plan.
- The proposed footpaths and diversions of the existing ones are not explained in details and their diversions would be subject of statutory procedures which might not be granted.
- The public consultation undertaken by TVT was misleading and disingenuous as it failed to advise the proposal would enable them to develop other land in the vicinity for the Innovation Quarter.
- The proposal does not offer any clear public benefit.
- The proposal should be rejected by the Planning Committee in the same way as the proposal for SANG at Hicks Farm was.
- The co-author of the Talbot Village SPD is the agent for this application and therefore there is a conflict of interest.

86. The Society for Poole – objected to the proposal, due to the following concerns:

- the proposal fails to respect the practical requirements for dealing with the declared Climate Emergency and the need to protect the flora and fauna of Talbot Heath
- lack of EIA screening undertaken

- impact on Green Belt and biodiversity of the area

87. Talbot and Branksome Woods Residents' Association – objected to the proposal, due to the following concerns:

- the proposal is a precursor of the development on land designed as TV2 (digital village) and therefore it needs assessment under both PP21 and PP17 of the Poole Local Plan
- the results of the public engagement survey reflected the objection to the proposal due to the scheme being a precursor of the employment development on TV2 land
- the proposal would direct more people onto the land, putting pressure on the heathland
- lack of the Environmental Impact Assessment
- lack of sufficient information about the biodiversity net gain proposed
- lack of clarity with regards to the budget/funding allocated for the maintenance of the HSA
- issues associated with securing the land under S106 agreement
- issues with the diversion of the footpaths
- discrepancies regarding the boundary of the proposed HAS and the Policy PP21 map.

88. Talbot Village Residents Association and Neighbourhood Watch – objected to the proposal, due to the following concerns:

- disingenuous nature of the public consultation undertaken by the agent/applicant, which failed to omit the fact that an employment application is being considered
- the proposal is intended to be publicly funded, which is not acceptable

89. The East Dorset Friends of the Earth – objected to the proposal due to the following concerns:

- the proposal will put unacceptable pressure on the adjacent Talbot Heath SSSI Nature Reserve
- lack of the Environmental Impact Assessment
- the site should remain in agricultural use to educate young generation of the origins of the food sources
- the proposal would inevitably lead to the industrialisation of the area.

90. The Poole and Purbeck Group of Dorset CPRE – objected to the proposal due to the following concerns:

- the proposal fails to respect the practical requirements for dealing with the declared Climate Emergency and the need to protect the flora and fauna of Talbot Heath.
- There is no EIA and any data providing evidence of biodiversity gain.
- The area is vulnerable to conversion into 'built environment' whilst underutilised brownfield sites remain underused.
- The Green Belt should stop the development in the area.

- Highmoor Farm contributes to carbon reduction in the area and its loss would be in public benefit.

91. Transition Bournemouth – objected to the proposal as the ultimate goal of the scheme is to allow development on Highmoor Farm. There is a climate emergency which should prioritise the wildlife over development. This should also overrule the adopted plan policies. There are other brownfield sites in BCP area that are more suitable for the redevelopment and provision of Innovation Quarter.

92. Following the receipt of the amended Area Management Plan and the Ecological Impact Assessment on 26/11/21, a second round of consultation has been undertaken. No letters to neighbouring properties were posted. 40 site notices were posted outside the site in a variety of locations on 20 December 2021 with an expiry date for consultation of 13 January 2022.

93. Additional letters were received from the local residents, following the second round of consultations. These were mostly from the residents who commented during the first round of consultations. The issues raised comprise the following:

- The environmental report does not reflect the up-to-date information regarding species in the area.
- The environmental report does not go beyond assessment of the impacts of the proposed development.
- A detailed and independent environmental impact analysis should be undertaken for all development planned by the TVT, not just associated with the proposed development only.
- The proposal would take away the unique semi-rural natural land and replaces it with the urban park area, with little space for the wildlife.
- The Management Plan does not advise how the grass would be maintained. It is presumed to be mowed which would increase carbon emissions.
- The proposal would result in the loss of biodiversity on site.
- The site plan and the Talbot Village Registry plan appear to be at odds and neither is showing the current status of Gillett Road, with its connection to Boundary Road Roundabout. The plans also omit the presence of the BU Gateway Building.
- There is incompatibility between the boundaries of the TV2 and TV3 land within the Management Plan submission.
- The submission is ambiguous and does not allow the identification of all the land around the site correctly.
- The link between Fields 1 and 2 should be removed as it encroaches the heathland. It is not currently used very frequently by the farm.
- The fencing the SSSI off would restrict the movement of the wildlife between the HSA and the SSSI.
- The proposed lack of car parking would put additional strain on the parking in the vicinity of the area.

- There is no explanation of how the HSA will be constructed and how it will be accessed for contractors to undertake the works. This would cause highway and pedestrian safety risks associated with the proposal.
- The Management Plan does not include the climate change and extreme weather events and highlighted by National Trust.
- The proposed diversion of the footpaths would serve no useful purpose. Current footpaths and bridleways should be repaired instead.
- There is no risk assessment regarding the EHV(132kV) overhead power line running between Fields 1 and 2 – this would cause issues with flying kites.
- Field 1 is a very secluded spot.
- The creation of HSA is to facilitate the delivery of the development on TV2 land. The recent works at Boundary Roundabout have reduced traffic capacity and this would cause issues for prospective commuters.
- The proposal does not take the Environment Act 2021 into account.
- TVT owns the land at Talbot Village yet the buildings on their land deteriorate.
- There is a Conservation Area and listed buildings near St Mark's Church and School, with several locally listed buildings.
- No up-to-date records of bat roosts were provided within the Ecological Impact Assessment.
- Comments on the limitations of the recorded ecological data were received (bats, reptiles, birds).
- The Ecological Assessment is a copy and paste document.
- The proposal would exacerbate any flooding issues in the vicinity of the site.
- The Universities should not be allowed further expansion.
- The proposal would result in the loss of residential development on Mansell Close – would the residents be compensated and rehoused?
- Talbot Village is getting increasingly more tarmacked, with no more green fields, apart from those of the farm.
- The TVT, BCP and BU should be ashamed for bringing this development forward.
- The proposal would result in the creation of a hospital on the farmland – this is not acceptable
- The heathland is sacred to the residents.
- The applicant has not undertaken any footfall surveys and not submitted a Design and Access Statement for the proposal.
- The HSA is intended to relieve the pressure from the employment of 1770 Innovation Quarter workers.
- The applicant has not included an Environmental Impact Assessment in their application.
- The applicant would derive income from the Innovation Quarter however the HSA is planned to be funded from the public money.
- There are other, more appropriate places to built on.
- The proposal would include a 4 level multi-storey car park.
- The proposal would give rise to children safety during school times. The students living in the Village have no respect for the children when driving around the Village.

- The applicant has not provided detailed plans for the Innovation Quarter within this application. The proposal should not be looked at, and determined, in a piecemeal fashion.
- The boundaries of the HSA would not align with those designated within the Policy PP21 of the Poole Local Plan.
- TVT destroyed a stand of gorse on the application site and subsequently destroyed biodiversity of the site.
- The proposal for the hospital would generate additional footfall, which would destroy the heathland.
- Fields 1 and 2 should be removed from the proposal due to public safety concerns associated with Field 1 being extremely secluded and Field 2 due to its overhanging power lines and pylons and other underground services which would give rise to public safety concerns.
- The applicants have presumed the grant of planning permission by proceeding to remove gorse from Field 2 recently.
- The submission of the ecological information supporting this proposal has been 'cherry-picked' and surveys have been deliberately stopped to avoid producing complete data.
- There is an existing concrete path around Slades Farm and therefore no new facility for cyclists, buggies, mobility scooters and wheelchairs is not required.
- The proposal would have an impact on the adder population of the heathland.

94. British Horse Society – the proposal does not affect the public rights of way or bridleways.

95. Talbot and Branksome Woods Residents' Association – objected to the proposal due to the below concerns:

- The site plan is not accurate and does not accord with Policy PP21 of the Poole Local Plan.
- The ecological surveys were done late in the bird breeding season and the reptile survey was delayed until September.
- The submission shows outdated DERC records.
- The proposal does not provide 10% net gain in biodiversity, in accordance with the Environment Act 2021.
- There is a badger sett on site, within 30m of the buffer zone, which would be affected by the proposal.
- The proposal and the EIA opinion do not account for the prospective users of the Innovation Quarter.
- The proposal is not aimed at the local residents and it is not there to benefit them.
- The proposal needs to be tested against the whole of Policy PP21.
- Footpath FPA15 Alyth Road to East Avenue has been omitted from the plan.
- The funding for the HSA would be dependent on the provision of the Innovation Quarter.

- The provision of the private hospital is against the Talbot sisters' vision for the Village. Employment and housing should be provided for underprivileged residents in the area, rather than private options for healthcare.

Key Issues

96. The key issues involved with this proposal are:

- Definition of the Heathland Support Area and its intended function
- The principle of the development and policy context
- Impact on the character and appearance of the area
- Impact on the neighbouring amenity
- Impact on access, parking and highway safety
- Biodiversity and ecology considerations
- Impact on protected trees nearby
- Impact on historic/archaeological findings in the area
- Sustainability considerations
- Impact on the right of way access
- Flood risk considerations
- Other considerations
- S106/SAMM/CIL compliance

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

Policy context

98. Local documents:

Poole Local Plan (Adopted 2018)

PP01 Presumption in Favour of Sustainable Development

PP02 Amount and Broad Location of Development

PP21 Talbot Village

PP24 Green Infrastructure

PP25 Open space and allotments

PP26 Sports, recreation and community facilities

PP27 Design

PP30 Heritage assets

PP32 Poole's Nationally, European and Internationally Important Sites

PP33 Biodiversity and Geodiversity

PP34 Transport Strategy

PP35 A Safe, Connected and Accessible Transport Network

PP39 Delivering Poole's Infrastructure

Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)
Talbot Village SPD (2015)
The Dorset Heathlands Planning Framework 2020-2025 SPD (2025)
Nitrogen Reduction in Poole Harbour SPD
Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)

99. National Planning Policy Framework (“NPPF” / “Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For **decision-taking** this means:

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

Section 8 - Promoting healthy and safe communities

Paragraph 93 –

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

Section 12 – Achieving well-designed places

Paragraph 130 –

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 15 – Conserving and enhancing the natural environment

Paragraph 174 –

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.

Paragraph 180 –

“When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.

Paragraph 181 –

“The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 182 –

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

Policy guidance

100. Town and Country Planning (Environmental Impact Assessment) Regulations 2017

101. The Environment Act 2021

Planning Assessment

Definition of the Heathland Support Area and its intended function:

102. The application is to change its use from agricultural land to the Heathland Support Area, an area of land that would provide an informal, natural area to benefit local residents

and relieve recreation pressure on the adjacent Talbot Heath itself. The application site covers an area of approximately 12 hectares (30 acres) of land, which is currently in agricultural use.

103. Talbot Heath forms a part of the wider protected heathland area the south of the Talbot Village. It is statutorily protected under the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations). Ecologically, Talbot Heath is recognised through inclusion in three statutory nature designations:

- Dorset Heathlands Special Protection Area (SPA) – in recognition of the international importance of the heathland for breeding, feeding and wintering of the vulnerable bird species including Dartford warbler and Nightjar;
- Dorset Heathlands Special Area of Conservation (SAC) – designated for wet and dry heath habitats and Annex II species including sand lizard and smooth snake;
- Dorset Heathlands Ramsar Site – designated in recognition of its wetlands of international importance, species richness and ecological diversity of wetland habitat type.

104. These special designations afford great protection for the heathland. Talbot Heath also forms part of the Bourne Valley Site of Special Scientific Interest (SSSI).

105. Paragraph 4.20 of the Dorset Heathlands Planning Framework SPD 2020 – 2025 defines heathland support areas as sites falling within the broad definition of Heathland Infrastructure Projects (HIPs), which are physical infrastructure projects that provide facilities to attract people away from the protected heathland sites. Other HIPs projects include Suitable Alternative Natural Green Spaces (SANG) sites.

106. Strategic SANG projects aim to attract visitors from the wider area (usually within 5km area) and the non-strategic SANGs would focus on being linked to new housing sites and would be designed specifically in mind of the local communities' needs.

107. In contrast, Heathland Support Areas (HSAs) are projects which are usually adjacent to the Dorset Heathlands, providing important functional support to the protected site. This may be in spreading public access pressure, enabling better site management or making the designated site more resistant to external effects. Because of the close proximity to the protected heathland, these sites are not intended to attract new visitors in the same way as SANGs.

108. In recognising the function of the HSA, the Talbot Heathland Support Area Management Plan (submitted to support the proposal) states that: *“the purpose of the*

HSA is to dilute recreational activity on Talbot Heath by providing a large new area of open access space for informal leisure. In particular, it creates space away from the precious heathland habitats for dogs to be taken for walks and let off leads. An HSA is not a location to proactively attract informal recreation, in contrast to a Suitable Alternative Natural Greenspace (SANG). This is because it is located adjacent to the protected heaths and attracting people as a destination for recreation could actually increase the numbers accessing the heath. It is therefore important not to provide facilities such as car parks and cafes. The intention is to simply dilute the amount of existing recreation on the heath by providing a larger area for informal recreation”.

109. The proposal would fall within the definition of the HSA provided within the Dorset Heathlands Planning Framework SPD 2020 – 2025.

The principle of the proposed development and policy context:

110. Objective 5 of the Poole Local Plan aims to enhance the outstanding setting and built form environment of Poole. Amongst others, this Objective seeks to protect and enhance green infrastructure and nature conservation sites of international, European, national and local value; and protect the Dorset heathlands from visitor pressure in a sensitive and respectful way. The proposal, being located close to the important nature conservation sites, would fulfil the expectations of Objective 5 of the Poole Local Plan by protecting the heathland from the visitors’ pressures.

111. The application site is located in Talbot Village, where land is allocated with the aim of delivering the vision as set out in the Talbot Village SPD, namely to 'support and strengthen the Universities and deliver a dynamic Digital Village to sustain entrepreneurial businesses, while protecting and enhancing important wildlife habitats, heritage assets and respecting the amenity of the local community'. Proposals for the area fall within three broad character areas: the Talbot Academic Quarter (TV1), the Talbot Innovation Quarter (TV2) and Talbot Heath (TV3), as outlined by Policy PP21 of the Poole Local Plan.

112. The application site is located within the area of TV3 (the Talbot Heath area), which is allocated for the provision of a heathland support area to deflect recreation pressures from the heath.

113. The Talbot Village SPD acknowledges at paras 6.9.10 and 6.9.11 that 'three fields adjacent to the heath and currently part of the Highmoor Farm are identified as support areas. (...) the heathland support areas are not intended to be strategic (i.e. to attract additional visitors from further afield), but rather to provide an alternative resource for exiting visitors and dog walkers who currently walk across the heath and may choose, as an alternative, to use the new routes”.

114. Policy PP21(1) of the Poole Local Plan clearly states that all development proposals at Talbot Village must:

- a) Contribute towards mitigation measures to ensure no adverse impact upon the European and internationally important site of Talbot Heath;
 - b) Be compatible with surrounding uses within the Talbot Village allocation and not prejudice the delivery of the requirements set out in 2(a) and (b); and
 - c) Be designed to ensure that the residential amenity of the nearby residential properties is respected.
115. The proposed scheme is considered entirely compatible with the land allocation of TV3, as set out in Policy PP21(1b) and it would not prejudice the delivery of the expansion of the development on TV1 and TV2 land (development associated with the expansion of Bournemouth University and Arts University of Bournemouth or the creation of the Innovation Quarter). The compliance of the scheme with the Policy land allocation has been confirmed by the BCP Planning Policy Officer.
116. Policy PP21(2) continues by stating that growth at Talbot Village will be carefully developed to deliver the proposed development within the land allocation, with para (e) stating that 'a heathland support area (TV3) of around 12 hectares should be provided and open to the public before the delivery of development required by paras (b) to (d), namely an Innovation Quarter (TV2) along with any ancillary development demonstrably needed to support the primary function of the Innovation Quarter and new housing development.
117. The submission of the proposed scheme is not assessed in association with any applications for delivery of development identified in Policy PP21(2b-d) at this stage and therefore it is assessed on its own merits. The proposed scheme is however required to be delivered and open to public prior to any residential or commercial development in the area. This can be controlled by conditions and legal agreements and these aspects of the proposed scheme are discussed separately below.
118. The proposal is a standalone application for a change the use of the existing farmland (Fields 1-5) to a heathland support area (HSA) and it is not connected to any other development on TV1 or TV2 land. The merits of this proposal are therefore considered in isolation, as with any other development proposed for planning assessment. It is noted that concerns were raised by the residents with regards to the potential development on TV2 land (which is adjacent to TV3 land) coming forward and the lack of holistic assessment of the potentially forthcoming proposals on TV2 along the current application on TV3 land to ensure the comprehensive understanding of any impacts on the adjacent heathland.
119. It is acknowledged that the preamble to Policy PP21 states that the HSA should be provided to deflect recreation pressures from the heath, to ensure that proposed growth (on land TV1 and TV2) does not cause harm to Talbot Heath. Paragraph 7.40 of the Poole Local Plan however clearly emphasizes that "even with the delivery of the heathland support area, individual proposals across the allocation may need

further Habitats Regulations Assessment to confirm their acceptability before planning permission can be granted”.

120. It is therefore clear that the assessment of the HSA application in isolation from other potential development in the area is in line with the provisions of the Poole Local Plan and is not prejudiced by any lack of information regarding any potentially forthcoming proposals on TV1 or TV2 land. The assessment of any development proposed for TV1 and/or TV2 land would require its own assessment of impacts on the nature conservation. This would be undertaken at the time of any planning applications coming forward for consideration. It is therefore considered that the assessment of the proposal on its own merits is wholly in accordance with the provisions of Policy PP21 of the Poole Local Plan.
121. With respect to other aspects of Policy PP21, the compliance of the proposed scheme with the provisions of Policy PP21 (1a), (1c), (2e) and (3) is discussed separately, in other parts of this report, below.

Impact on the character and appearance of the area:

122. The proposed change of use would not result in creation of any physical structures, material changes to the landscape or provision of additional infrastructure, that would have a significant impact on the visual amenity of the area. The area currently affords unrestricted views over the green spaces and these views would be preserved.
123. The proposal would result in the eventual loss of the Highmoor Farm, which is the last of the several working farms located around Talbot Village. Concerns were raised by the local residents with regards to the loss of the agricultural activities in the area. It is noted that the farm is valued by the residents due to its historic association with the Talbot sisters and their charitable work. The local residents value the rural character of the area, to which the farm, along with its livestock, contributes to.
124. The Management Plan, submitted in support of this proposal, confirms that the area of the application site is presently a working farm, and will remain as such during the early implementation stages of the proposed HSA. It is however acknowledged that Highmoor Farm would cease to operate at some point in the future, with the expiry of the tenancy contract between the tenant farmer and the Talbot Village Trust. This arrangement is outside of the scope of considerations of the planning application and entirely dependent on the civil agreement between the landowner and the farm tenant. It is however noted that whilst the farm would cease its operation on site in the future, some of the farm buildings (which largely consist of storage containers and several barns in poor state of repair) would remain on site, until such time when any proposals for the development of TV2 land would come forward and warrant their removal. As a result, the existing farm buildings would continue to contribute to the rural feel of the area. In any case, notwithstanding the potential for the development of TV2 land coming forward, it is considered that the loss of the existing derelict farm buildings would not materially affect the rural character of the area.

125. The proposal has been assessed by the Council's Urban Design Officer who advised that the proposed development, due to its nature, scale and separation distance to any heritage assets, would not affect the setting of the Talbot Village Conservation Area. As such, the provisions of Policy PP30 of the Poole Local Plan would not be engaged.
126. The proposal would introduce signage, benches, bins and new fencing within some parts of the application site. These would be expected to be insignificant in scale and they would be commensurate with the intended use of the land without impacting on the visual amenity of the area. Details of the location, scale and finishing materials of the proposed paraphernalia associated with the proposed HSA can be reasonably secured by condition, in line with the schedule of works proposed by the Area Management Plan.
127. Overall, it is considered that the proposed change of use would not significantly alter the character and appearance of the area, but it would retain and respect its rural open character, which contributes positively to the character of Talbot Village. As such, the proposal would comply with the provisions of Policy PP27 of the Poole Local Plan.

Impact on the neighbouring amenity:

128. The proposed scheme would be sited away from the residential development of Talbot Village, Dulsie Road, Winston Avenue, Mayford Road and Merrow Avenue. Concerns have been, however, raised with regard to the intensification of the use of the land, the additional number of traffic and visitors, noise disturbance and concerns regarding anti-social behaviour.
129. It is acknowledged that the heathland area, adjacent to the application site, is well frequented by the local residents (including dog walkers), cyclists and some amount of car borne visitors. It is also noted that the existing opportunities for car parking around Talbot Village and roads immediately adjacent to the proposed HSA are very limited (most roads being time restricted or prohibited from parking by double yellow lines). The proposal, however, would not provide the new car park facilities near or on the site (as per the definition, the heathland support areas are not intended to attract visitors from other localities but provide an alternative space to the existing residents only) and therefore it would not be capable of attracting large numbers of new, out-of-area visitors, beyond those already visiting the heathland.
130. Whilst the proposed scheme would formalise some of the recreational activities currently occurring on the adjacent heathland (by introducing new footpaths and designating dog walking areas on site), the volume of these activities would not result

in any materially harmful impact on the residential amenities of the local residents in terms of noise or traffic generation. The proposed provision of footpaths and benches is not expected to give rise to any material impact on the residential amenities of the neighbours in terms of noise or antisocial behaviour.

131. The proposal would also not result in any physical activities associated with the proposed use of the land that would have a materially harmful impact on the residential amenities of the local residents in terms of the loss of light or privacy.
132. Concerns were raised by the residents regarding the proposal negatively impacting their wellbeing and offering no community benefit. Whilst these concerns are acknowledged, there is no evidence to substantiate them. Furthermore, it is considered that the introduction of recreational activities associated with the proposed change of use of the land would offer opportunities for improvement of wellbeing to the local residents, which could only be beneficial amongst the ongoing concerns associated with the Covid-19 restrictions. This, itself, would be a significant community benefit arising from the proposed scheme.
133. Concerns were also raised with regards to public safety when using Fields 1 and 2 due to their secluded nature and/or presence of power lines, underground infrastructure that might restrict recreational activities in these areas (i.e. kite flying etc). These concerns are noted, however the circumstances around the siting and nature of these fields are not considered to be materially different from similar open space locations with public access currently being frequented by local residents for a variety of recreational purposes.
134. Overall, it is considered that the proposal would not result in any materially harmful impact on residential amenities of the adjacent residents, and it would comply with the provisions of Policies PP21(1c) and PP27 of the Poole Local Plan.

Impact on access, parking and highway safety:

135. The application has been assessed by the Council's Transportation Officer.
136. No new vehicular access routes or car parks are proposed to facilitate the proposed development, as outlined in the Area Management Plan, as the intention is not to encourage more visitors to the area. This approach is supported by the Council's Senior Transportation Officer and in line with the requirements for the Heathland Support Areas (HSA) outlined by the Dorset Heathlands Planning Framework 2020-2025 SPD (2025).
137. In accordance with Policy PP21 (3) of the Poole Local Plan, development at Talbot Village is expected to deliver significant improvement of transport and movement to the area by, where appropriate:
 - providing enhancements to the pedestrian and cycle environment, including supporting delivery of a new strategic north-south cycle route;

- supporting the provision of enhanced pedestrian crossings on Wallisdown Road; and
- providing a level of car parking designed to encourage access to the campus by walking, cycling and public transport.”

138. It is considered that the nature and intended use of the proposed scheme would not require to contribute to any highway improvements, such as improved cycleway or pedestrian crossings. The Transportation Officer advised that such improvements have been secured in the past with the AUB and BU proposals and can be further secured with any future development on the TV2 land and any residential development in the area. The Transportation Officer supports the scheme, without any mitigation required by Policy PP21 (3) of the Poole Local Plan and given the intended nature of the proposed scheme, this is considered an acceptable approach.
139. Concerns were raised by local residents regarding children’s safety during school collection times, including comments advising of careless driving associated with the presence of the students in the Village. There is no evidence of the proposal having any direct or indirect impact on pedestrian safety in the vicinity of the site. There is also no evidence of careless driving associated with any particular socioeconomic group in the area of Talbot Village and irrespective of this, the unsubstantiated concern of careless driving is not associated with the proposed development on site and cannot be controlled by planning conditions.

Biodiversity and ecology considerations:

140. Concerns were raised by the local residents with regards to the lack of the EIA screening of the proposed scheme.
141. The proposed scheme has been assessed against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 on 28/06/21.
142. The Screening process confirmed that the proposed development does not fall within the definition and applicable thresholds and criteria for the purposes of the definition of Schedule 1 and 2 Development), as confirmed by the relevant statutory consultees (the Council’s Biodiversity Officer, Natural England, Historic England and the Environment Agency). It was therefore concluded, in accordance with the abovementioned legislation, that the proposal does not significantly affect the interest features for which they are notified. This stance has been subsequently reiterated by Natural England in their consultation response dated 14/01/22.
143. Whilst the proposed scheme is not an EIA development, in accordance with the list of qualifying development provided within the Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, its impact on environment and ecology (amongst others) must be assessed in detail. This is provided below.

144. Turning to the biodiversity aspect of the proposal, the proposed scheme has been assessed by Natural England and the Council's Biodiversity Officer. Additional information in terms of the list of the protected species potentially present on site was sought from Dorset Environmental Records Centre (DERC) by the Local Planning Authority on 10/03/2021. The applicant also worked with DERC to obtain their records on 07/12/2020, which were used to aid the undertaking of the ecology surveys on site.
145. Policies PP33 and PP21(1a) of the Poole Local Plan are relevant to the assessment of biodiversity impacts of the proposed scheme. Furthermore, Objective 7 of the Poole Local Plan (Protecting Poole from the challenges of climate change) sets out that Poole will be prepared for climate change through (among others) enabling the natural environment to be more resilient to climate change such as protecting wildlife corridors that link fragments of urban heaths with the wider countryside.
146. PP21(1a) of the Poole Local Plan, states that the proposed development must contribute towards the mitigation measures to ensure no adverse impact upon the European and internationally important site of Talbot Heath.
147. Policy PP33(1) of the Poole Local Plan states that: "Proposals for development that affects biodiversity, and any sites containing species and habitats of local importance, including Sites of Nature Conservation Interest (SNCI), Local Nature Reserves (LNR), ancient woodland, veteran trees and species and habitats of principal importance must:
- (a) demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact;
 - (b) incorporate measures to avoid, reduce or mitigate disturbance of sensitive wildlife habitats throughout the lifetime of the development; and
 - (c) seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks".
148. Policy PP33(2) continues by stating that a biodiversity appraisal should be submitted where there are protected or important species and habitat features within the site or in close proximity to it. The appraisal will need to demonstrate that the development will not result in any adverse impacts and secures a net gain for biodiversity.
149. The application is supported by the Ecological Impact Assessment Report, as required by Policy PP33(2) of the Poole Local Plan. The Ecological Impact Assessment Report considered potential impacts affecting badgers, bats, breeding and nesting birds, great crested newts, hazel dormouse, nightjar and reptiles, including an assessment of their ecosystem.

150. In summary, Section 6.0 of the Ecological Impact Assessment Report concludes that the proposal would not result in a loss of improved grassland, poor quality semi-improved grassland, wet semi-improved grassland, scrub or woodland on site. As these receptors are of local importance, the magnitude of effects is considered to be negligible, and therefore not significant.
151. The Ecological Impact Assessment Report also concludes that the proposed change of use is considered to not impact on foraging bats, as the proposals would retain, protect and enhance the existing foraging habitat, and there would also be a substantial amount of good quality foraging and commuting habitat created on site, including native planting along boundary features. These measures would support the local bat populations and enhance habitat connectivity both on site and with the surrounding landscape. The receptor is of local value and the magnitude of effect would be high and would result in a minor positive impact for bats in the local area.
152. Similarly, there would be no loss of suitable breeding bird, nightjar and reptile habitats. As these receptors are of local importance and the magnitude of effect is considered to be negligible the impact is therefore not significant.
153. The Ecological Impact Assessment Report reiterates that the purpose of the proposed HSA is to spread the public access pressure on heathland sites, enabling better site management or making the designated site more resistant to external effects. The purpose of the HSA is not to attract new visitors but provide additional space for existing users of these designated sites. The application site is adjacent to the international and national site of importance, such as The Dorset Heaths SAC, Dorset heathlands SPA and Ramsar sites, Bourne Valley SSSI, Turbary and Kinson Common SSSI and Canford Heath SSSI. In accordance with the findings of the submitted Ecological Impact Assessment, the magnitude of the anticipated effect on these sites is considered to result in a major positive impact on them.
154. Section 6.0 of the submitted Ecological Impact Assessment Report provides details of the proposed ecological enhancement that would be required by Policy PP33 of the Poole Local Plan. These include relaxation of the existing grassland management regime, provision for wildflower mixes to increase the quality of the existing grassland, gorse and bramble management, creation of new hedgerows to provide additional habitat for the existing fauna on site, additional tree planting, hibernacula for reptiles and amphibians, bat and bird boxes, log piles, brash piles and bug hotels. These would provide suitable habitat for roosting bats, nesting birds, reptiles, amphibians and invertebrates. To increase the suitability of the site for breeding birds the Ecological Impact Assessment Report proposes cessation of grazing of the fields to allow the growth of secondary woodland and cessation of feeding of livestock on site. It is also considered that the proposed diverting of the dog walking activities off Talbot Heath would likely result in reduction of the existing pressures on the heath.

155. Whilst the impacts identified in Section 6.0 of the Ecological Impact Assessment Report are not significant, Section 7.0 of the Report proposes suitable mitigation to reduce any impact caused by the proposed change of use. This includes mitigation and precautionary approach with regards to badgers, bats, nesting birds, nightjars and reptiles.
156. In conclusion, no significant negative impacts arising from the proposed works were identified during the assessment. The proposed enhancements outlined in Section 7.0 of the Report would result in an overall positive impact on the ecology of the area.
157. The submitted Ecological Impact Assessment Report has been assessed by Natural England and the Council's Biodiversity Officer, who both supported its findings and recommendations, subject to conditions seeking further details of the proposed enhancement measures outlined in the Talbot Heathland Support Area Management Plan, before any works are undertaken on site. These conditions are therefore reasonable to impose and form part of this report.
158. The proposal is also supported by the Visitors Survey Report, prepared by LC Ecological Services, which provides an overview of the visits undertaken to the heathland. The surveys concluded that frequent and regular visits are paid to the heathland by local residents. These visits, in all likelihood, would continue unless an alternative is provided nearby, as the main reason given for visiting the heathland was its proximity to the residential dwellings, which is a convenient location for such activities. The Report therefore concludes that the creation of the alternative green space on site would alleviate existing pressures on the nearby Talbot Heath, in line with the aims of the Dorset Heathlands Planning Framework 2020-2025 SPD (2025) and the provisions of Policy PP21(1) of the Poole Local Plan. The recommendations suggested within the Visitors Survey Report echo the mitigation and enhancement measures outlined in the Heathland Support Area Management Plan.
159. The passing of the Environment Act 2021 in spring 2021 sets out the mandatory biodiversity gain for development (BNG). The Act sets out the following key components to mandatory BNG:
- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
 - Habitat secured for at least 30 years via obligations/ conservation covenant
 - Habitat can be delivered on-site, off-site or via statutory biodiversity credits
 - There will be a national register for net gain delivery sites
 - The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss (...).

160. It is expected that in winter of 2023, it will be a mandatory requirement for all appropriate developments to deliver a minimum 10% net gain in biodiversity. Whilst the proposed development is not currently required to comply with this legislation, the applicant has submitted a Biodiversity Net Gain Report (with the accompanying biodiversity metric spreadsheet), which has been assessed jointly by the Natural England and the Council's Biodiversity Officer. The consultees advised that the proposal is capable of achieving 21.05% net biodiversity gain on site and the implementation of the submitted details can be secured by condition to ensure this is delivered. This can be reasonably secured by condition.
161. To sum up, paragraph 182 of the NPPF states *'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'*. This is not the case in this instance with the proposal is not considered by the statutory consultees to have any significant effect on existing habitat of the site. Paragraph 180d states that *'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'*. In this regard, the proposed Heathland Support Area is intended to relieve pressures on the Dorset Heathlands that are internationally recognised for their ecological value and this carries significant weight. The proposal is also fully compliant with the provisions of section 40 of the Natural Environment and Rural Communities Act 2006 and the provisions of Policies PP21(1a), PP24 and PP33 of the Local Plan in terms of biodiversity and for all of these reasons, subject to suitable conditions as advised by the Biodiversity Officer and Natural England, the proposal is acceptable.

Impact on protected trees nearby:

162. The proposal has been assessed by the Council's Arboricultural Officer who supported it advising that having considered the possibilities of potential harm; there are no anticipated implications for the existing tree stock or mixed woodland on site and the impact to any trees by the proposed change of use is considered to be negligible.
163. Future wellbeing of the existing trees on site can be reasonably secured by condition, as well as the details of any proposed tree planting specified by the Management Plan.
164. Subject to these conditions, the proposal is considered to comply with the provisions of Policy PP27 of the Poole Local Plan.

Impact on historic/archaeological findings in the area:

165. The application has been assessed by the Dorset County Council's Senior Archaeologist, who advised that, in accordance with the Dorset Historic Environment Records, a survey of Talbot Heath was undertaken by Poole Museum in 1978. The survey revealed over forty features corresponding to three periods on site - 19th century enclosures, an undated (potentially post-medieval) earlier period of enclosure, and Bronze Age barrows.
166. Notwithstanding the above, the Dorset County Council's Senior Archaeologist advised that the proposal would not affect any archaeological findings in the vicinity of the site, due to its nature. He supported the scheme, subject to condition requiring submission of further details of the location and content of the interpretation boards, in line with the schedule of works provided within the Management Plan. This condition can be reasonably secured.

Impact on the right of way access:

167. The Talbot Heathland Support Area Mitigation Plan states that the site is connected by a network of footpaths of various designation. A well-used right of way footpath crosses the application site from Alyth Road in Bournemouth heading in a north west direction to Langside Avenue in Poole. This creates the main access spine through the site. The footpath starts as a tarmac path in the west and once past the edge of the built area becomes a more informal dirt and gravel track. The path rises between fields 3 and 4 and is subject to heavy erosion caused by rain wash and pedestrian use. There are several bridleways that cross Talbot Heath, but none on the application site.
168. There are also a series of permissive paths that cross the wider area of Talbot Heath and one that runs through the application site from Isaac's Close in the Talbot Village to join the main right of way footpath.
169. The scheme proposes improvements to the existing footpaths, details of which can be secured by condition.
170. The Management Plan also refers to the proposed cutting of informal footpaths on site to create circular routes for walkers. This is acceptable in principle, however details of the proposed circular routes and their impact on the biodiversity of the site should be assessed prior to their implementation. This aspect can be controlled by a condition.
171. The Management Plan has been assessed by the Council's Rights of Way Officer who confirmed that the diversion of Public Rights of Way is not proposed and also advised that whilst the proposed Management Plan, mentions future potential plans to carry out diversions of some footpaths, this aspect does not form part of this proposal, and in any case, would be subject of separate consent.

Flood risk considerations:

172. The application site is not located within the existing Flood Zones 2 and 3 and is not within the area at risk of future flooding. The site is also not at increased risk of surface water flooding.
173. No comments were received from Environment Agency with regards to the proposed scheme, however the proposal has been assessed by the Council's Flood Engineer who raised no objection to it, supporting the proposed provision of wet areas suggested by the Talbot Heathland Support Area Management Plan.
174. Further details of the wet areas proposed within the Talbot Heathland Support Area Mitigation Plan can be secured by condition.
175. As such, the proposal complies with the provisions of Policy PP38 of the Poole Local Plan.

Other considerations:

176. Concerns were raised with regards to lack of appropriate notification for the local residents. Site notices were posted within the parameter of the application site on 2 occasions, as stated in other parts of this report. There was no requirement for sending individual letters with notifications due to the volume of landowners abutting the site and the Council's notification procedure. As such, it is considered that the process has been undertaken wholly in accordance with the Council's adopted notification procedure.
177. Similarly, comments were received regarding the quality of the public consultation undertaken by the applicant (Talbot Village Trust), which was considered misleading and disingenuous as it failed to advise the proposal would enable them to develop other land in the vicinity for the Innovation Quarter. As stated previously, this application stands on its own merits and therefore cannot take into account any potential future development that might be proposed in the vicinity of the site. For that reason, the public consultation undertaken by the applicant has been focused on the merits of the proposed Heathland Support Area. This is an entirely acceptable and reasonable approach.
178. Concerns were also raised regarding the intended demolition of dwellings in Mansell Close. Mansell Close is located outside of the red line of this application (and therefore outside of any scope for assessment of this application) and no demolition is intended as a result of the proposed development associated with the introduction of the HSA.

179. Additionally, concerns were raised regarding access to the site for construction vehicles and contractors at the development stage of the proposal. Submission of these details can be conditioned and controlled, however there is no expectation the nature of the proposed scheme would generate the requirement for heavy plants entering the site. Similarly, it is not considered that the proposal would generate the need for a high volume of contractors accessing the site to facilitate the development, due to the minor scope of works that are proposed.
180. Concerns were also raised with regards to a perceived conflict of interest due to the planning agents (Intelligent Land) representing the applicant being involved in the drafting of the Talbot Village SPD in 2015. The former involvement of Intelligent Land in drafting the SPD is obviously known to the Council. Whilst the planning agent has been involved in drafting the SPD, which predates the submission of this application, the document has been subsequently checked and approved by the Council's Officers and thereafter adopted by the full Council. It is not unusual for planning officers to move between private and public sectors in terms of their employment and it is also not unusual for the Council to commission drafting of planning documents to private sector consultants. The scrutiny afforded in the process of adopting the Talbot Village SPD excludes any concerns associated with a conflict of interest in this case.
181. Concerns were also raised with regards to the planned expansion of the Universities in Talbot Village and plans to submit an application to erect a hospital on site. As stated before, this application is a standalone proposal and it is not related to any such proposal.

S106 Agreement/SAMM/CIL compliance:

182. As set out in Policy PP21(2e), the Heathland Support Area must be provided and open to the public before the delivery of the Innovation Quarter and any of the other uses set out in the policy, which are yet to be sought through a formal planning application. A condition can be secured to ensure the HSA is open to the public in full within 3 years following commencement of development on site.
183. Due to its nature, the proposed scheme is not currently subject to a CIL charge or SAMMs contributions.
184. The proposed scheme is a subject of a S106 Agreement to secure the following aspects of the development:
0. retention of the use of the land as a heathland support area in perpetuity.
 1. securing and establishing the management company that would take management responsibilities for maintaining the HSA before the land is open to the public.
 2. securing a scheme setting out the management schedule and responsibilities for the management of the heathland support area land.
 3. securing a contingency plan in case of the failure of the established management company to operate on site.

4. establishing the Management Liaison Group (MLG), along with its terms of reference and schedule of responsibilities prior to opening of the HSA land to the public.

185. The above provisions are to ensure that the proposal would be managed appropriately, to ensure that the responsibilities for future management of the HSA lies entirely with the applicant/owner or the appointed management company and not at the Council's expense and that the appropriate overview of its functions is secured.

Planning Balance / Conclusion

186. Having considered the appropriate development plan policies and other material considerations, including the NPPF and the EIA legislation, it is considered that subject to compliance with the conditions listed below and the S106 Agreement, the development would be in accordance with the Development Plan. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

187. **GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and subject to S106 Agreement:

188. Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the submitted details provided within the Talbot Heathlands Support Area Management Plan, the Heathland Support Area hereby permitted (Fields 1-5) shall be provided and open to the public in full within 3 years of the commencement of development on site.

Reason: To deflect the recreational pressures off Talbot Heath and in accordance with Section 15 of the NPPF (July 2021) and Policies PP21(2e), PP24(2b), PP27 and PP33 of the Poole Local Plan (adopted November 2018).

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

Proposed Site Plan, received 21/01/21

Visitor Survey Report, dated April 2022, prepared by LC Ecological Services, received 06/04/22

Biodiversity Net Gain Report, January 2022, updated February 2022, prepared by LC Ecological Services, received 11/02/22

HSA BNG Assessment 25.01.2022, received 01/03/22

Talbot Heathland Support Area Management Plan, prepared by Intelligent land, dated November 2021, received 05/01/22

Ecological Impact Assessment, October 2021, updated November 2021, updated December 2021, prepared by LC Ecological Services, received 08/12/22

Reason -

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

4. Notwithstanding the submitted details provided within the Talbot Heathlands Support Area Management Plan, prior to the commencement of development, a long-term Wildlife Action Plan, shall be submitted to and approved by the Local Planning Authority in partnership with Natural England.

The Wildlife Action Plan should include (but not be limited to) the following elements:

1. measures outlined in Section 5 (Enhancement Measures) of the Talbot Heathlands Support Area Management Plan;
2. the ecological enhancements as outlined in paragraphs 6.24 to 6.32 (inclusive) of the 'Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BGH3 7HE', dated December 2021, prepared by LC Ecological Services Limited;
3. wildflower planting regime;
4. grassland management regime;
5. tree planting regime;
6. location, number, type, height and aspect of bird and bat boxes;
7. location and number of hibernacula;
8. location and number of log/brush piles and bug hotels;
9. wet habitats;
10. management of invasive species (gorse and bramble);
11. details of the proposed new paths and dog walking area;
12. timescales and schedules for proposed works, inspections and future maintenance of the implemented biodiversity enhancement.

The long-term Wildlife Action Plan shall thereafter be carried out and accord with the requirements of the approved Wildlife Action Plan implemented as approved, in accordance with the schedule of works outlined in Section 6 of the Talbot Heathlands Support Area Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the rural character and integrity of the area and the adjacent Talbot Heath, in the interests of the fire safety and appropriate management of the approved development, and in accordance with Section 15 of the NPPF (July 2021)

and Policies PP21, PP24(2b), PP27 and PP33 of the Poole Local Plan (adopted November 2018) and the provisions of The Dorset Heathlands Planning Framework 2020-2025.

5. Biodiversity mitigation, as outlined in Section 7 of the Ecological Impact Assessment Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BGH3 7HE, December 2021 by LC Ecological Services Limited, shall be implemented in full at all times during the works associated with the implementation of the approved scheme on site. The implemented biodiversity mitigation shall be thereafter permanently retained and maintained in good working order, in line with any necessary management/maintenance works associated with the use of the approved Heathland Support Area, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the natural environment and to provide net gains for biodiversity, in accordance with paragraphs 8, 174 and 180 of the NPPF (July 2021), Policies PP24 (2)b and PP33 of the Poole Local Plan (adopted November 2018) and the provisions of The Dorset Heathlands Planning Framework 2020-2025.

6. Prior to granting any public access to the site, a Monitoring Strategy, to obtain base line data of volume of visits to the HSA, to be compared against future usage, shall be submitted to and approved in writing by the Local Planning Authority and Natural England. The approved Monitoring Strategy shall be implemented prior to granting public access to the site in accordance with the approved details.

Reason: To demonstrate that the approved scheme delivers the predicted biodiversity enhancement in accordance with the Dorset Heathlands Planning Framework 2020-2025.

7. Notwithstanding the submitted details, prior to the commencement of development, full specification details of all the fences, gates and further boundary treatments and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials. The approved scheme shall thereafter be implemented in full, in accordance with a timetable provided in Section 6 of the Talbot Heathlands Support Area Management Plan, and be thereafter permanently retained and maintained in good working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory design, to safeguard the rural character of the area and to deflect the recreation pressures from Talbot Heath, in accordance with Section 15 of the NPPF (July 2021) and Policies PP21, PP27 and PP33 of the Poole Local Plan (adopted November 2018).

8. Prior to commencement of development, notwithstanding the submitted details, provided within the Talbot Heathlands Support Area Management Plan, full

specification details (to include size, design, materials, position, and method of attachment to the ground) in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Waymarker and public order signs;
2. Interpretation boards and displays;
3. Benches;
4. Bins.

(collectively referred to as 'support infrastructure')

Details of the proposed interpretation boards, setting out the key sensitive features of the adjacent Talbot Heath (to include, but not limited to, the archaeological and ecological features but also fire safety), shall be submitted to, and approved in writing, by the Local Planning Authority in partnership with Natural England and Dorset County Archaeology Department.

The approved signage, interpretation boards, benches and bins shall accord in full with these approved details unless otherwise agreed in writing with the Local Planning Authority.

The approved details shall be installed in accordance with the schedule of works enclosed in Section 6 of the Talbot Heathlands Support Area Management Plan (points 20-25).

Upon completion of the above works, all the installed signage, bins and benches shall be maintained in good order, repaired or replaced if damaged and retained on site for the duration of the use of the site.

Reason: To ensure a satisfactory design, to safeguard the rural character of the area and the adjacent Talbot Heath, in accordance with Sections 15 and 16 of the NPPF (July 2021) and Policies PP21, PP27 and PP33 of the Poole Local Plan (adopted November 2018).

9. Notwithstanding the submitted details provided within the Talbot Heathlands Support Area Management Plan, prior to the commencement of development, a long-term Fire Prevention Management Plan, shall be submitted to and approved by the Local Planning Authority in partnership with Natural England and Dorset Fire Services. The scheme should include (but not be limited to) measures outlined in Section 5 (Enhancement Measures) of the Talbot Heathlands Support Area Management Plan, improvements of fire access points and gorse clearance, timescales and schedules for proposed works, inspections and future maintenance. The long-term Fire Prevention Management Plan shall thereafter be implemented as approved, in accordance with the schedule of works provided in Section 6 of the Talbot Heathlands Support Area Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the rural character and integrity of the area and the adjacent Talbot Heath, in the interests of the fire safety and appropriate management of the approved development, and in accordance with Sections 15 of the NPPF (July 2021) and Policies PP21, PP27 and PP33 of the Poole Local Plan (adopted November 2018).

10. Within 1 year from granting public access to Fields 1 and 2, details of public art and fitness trail, as outlined in Section 5 of the Talbot Heathlands Support Area Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full in accordance with a timetable provided in Section 6 of the Talbot Heathlands Support Area Management Plan and be thereafter permanently retained and maintained in good working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory design, to enhance the provision of high quality network of open spaces, to safeguard the rural character of the area and to deflect the recreation pressures from Talbot Heath, in accordance with Section 15 of the NPPF (July 2021), Policies PP21, PP25, PP26 PP27 and PP33 of the Poole Local Plan (adopted November 2018) and the provisions of The Dorset Heathlands Planning Framework 2020-2025.

11. Biodiversity net gain, as outlined in the submitted 'Biodiversity Net Gain Report Heathland Support Area Highmoor Farm Talbot Village Poole Dorset BH3 7HE January 2022 updated February 2022' along with the accompanying biodiversity metric spreadsheet, prepared by LC Ecological Services Limited and received on 11/02/2022, shall be implemented in full on site, in accordance with the approved details, to achieve at least 10% of the required biodiversity net gain on site. The Local Planning Authority shall be notified in writing of the full implementation of the approved details to ensure compliance.

The implemented biodiversity net gain shall be therefore retained and maintained on site.

Reason: To protect and enhance the natural environment and to provide net gains for biodiversity, in accordance with paragraphs 8, 174 and 180 of the NPPF (July 2021), Policies PP24 (2)b and PP33 of the Poole Local Plan (adopted November 2018) and the provisions of The Dorset Heathlands Planning Framework 2020-2025.

189. Informative Notes

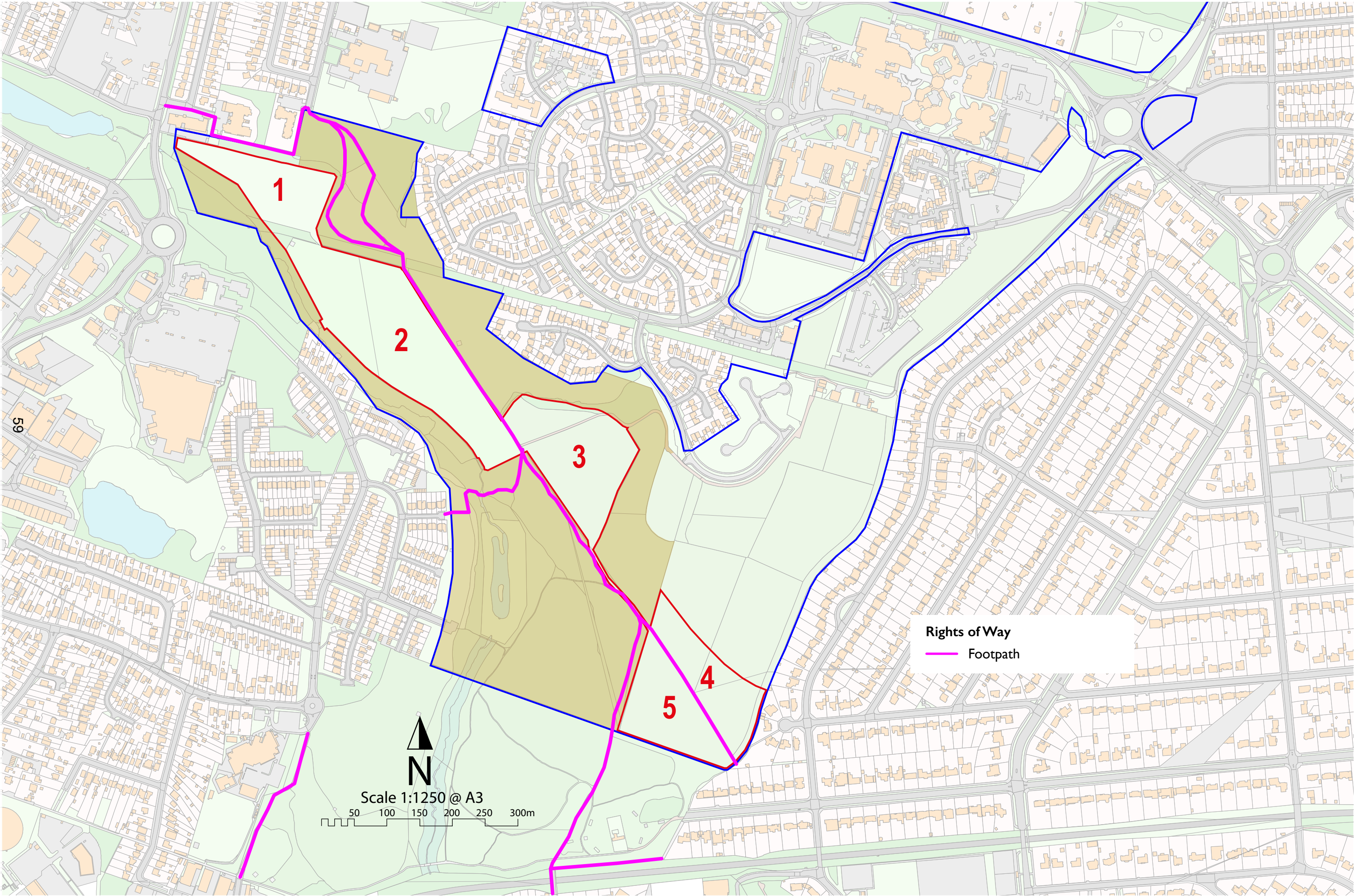
1. In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also:

- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

PLANNING APPLICATION SITE PLAN



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PLANNING COMMITTEE

Application Address	215-225 Barrack Road Christchurch BH23 2AX
Proposal	Demolition of existing buildings and erect 3 blocks of 38 flats with associated parking and access.
Application Number	8/21/0100/FUL
Applicant	Calendula Assets Limited
Agent	Mr Ken Parke
Date Application Valid	19 February 2021
Decision Due Date	21 May 2021
Extension of Time Date (if applicable)	22 November 2021
Ward	Commons
Report status	Public
Meeting date	24 May 2022
Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	The application was resolved to be approved by Planning Committee on 18 November 2022. The application is back before Committee to determine as it came to light following the previous committee that the application site is now within Flood Zone 2. Following the submission of a Flood Risk Assessment the proposals have been reassessed and it is considered that given Members of the Committee were not aware of the full facts of the site, the scheme needs to be brought back to Committee for determination.
Case Officer	Sophie Mawdsley

Description of Development

1. Demolition of existing buildings and erect 3 blocks of 38 flats with associated parking and access. The scheme involves the creation of 20 x 1 bed flats and 18 x 2 bed units with 21 parking spaces to the rear of the building.
2. The three blocks would each be three storeys in height with two vehicular access points to the rear in which the parking spaces, cycle parking and bin storage would be provided. Amenity areas are proposed directly to the rear of the three blocks.

Key Issues

3. Principle of development and housing supply
4. Flood risk and surface water drainage
5. Type and size of dwellings
6. Affordable housing
7. Design, form, scale and layout
8. Residential Amenity
9. Access and parking arrangements
10. Biodiversity
11. Contaminated land

Planning Policies

12. 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 Christchurch and East Dorset Local Plan and saved policies of the Christchurch Local Plan 2001.

Christchurch and East Dorset Core Strategy 2014

KS1: Presumption in favour of sustainable development

KS2: Settlement Hierarchy

KS9: Transport Strategy and Prime Transport Corridors

KS11: Transport and Development

KS12: Parking Provision

HE2: Design of New Development

HE3: Landscape Quality

ME1: Safeguarding Biodiversity and Geodiversity

ME2: Protection of the Dorset Heathlands

ME3: Sustainable development standards

ME4: Renewable Energy

ME6: Flood Management, Mitigation and Defence

LN1: Size and types of dwellings

LN2: Design, Layout and Density of New Housing Development

LN3: Affordable Housing

PC5: Shops and Community Facilities in Local Centres

Saved policies of the Christchurch Local Plan

H12 Residential infill

ENV1 Waste facilities in new development

ENV2 Protection of development from nearby polluting operations

Supplementary Planning Documents and Guidance

- BCP Parking Standards SPD 2021
- Christchurch Character Assessment
- Housing and Affordable Housing SPD
- Strategic Flood Risk Assessment

The National Planning Policy Framework (2021)

13. Paragraph 11 sets out the 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-date⁸, 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 proposed⁷; 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 relevant sections are;

Section 2 Achieving sustainable development

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

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

Section 15 Conserving and enhancing the natural environment

14. Relevant Planning Applications and Appeals

8/09/0885 - Outline application for the erection of 3 blocks of 2½ storey providing 30x1 bed flats & 4x2 bed flats (total 34 flats) with associated parking & access. Matters for consideration as part of outline application are access, layout & scale. Refused June 2009 by LPA and Dismissed at Appeal October 2009 on the lack of affordable housing.

8/10/0059 – Outline permission for ‘The erection of 3 blocks of 2 ½ storey flats, providing 30 x 1 bed flats and 4 x 2bed flats (total 34 flats) with associated parking and access. Granted 24/12/2010.

8/13/0554 – Reserved matters application (to consider landscaping) following grant of 8/10/0059. Granted

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. 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.

17. 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.

Representations

18.35 Objections have been received on the following grounds;

Parking and Highway safety

- Insufficient parking
- Minimal parking lead to parking on surrounding roads causing congestion and restricted access
- Affect emergency services reaching their destination
- Heavy traffic congestion in the area
- Highway safety issues- children walking to school
- Cumulative impact of other developments in Christchurch on traffic issues
- Access onto Barrack Road already difficult
- Noise from traffic on Barrack Road
- Utopian view of everyone cycling and not using cars
- Only one bus on Barrack Road – public transport restricted

Housing and economy

- Shortage of family homes
- No affordable housing
- Loss of existing valued businesses
- Additional pressure on local infrastructure – doctors, schools etc
- Loss of well loved restaurant

Amenity

- Already considerable development in surrounding roads
- Flats likely to be rented resulting in transient occupiers and potential antisocial behaviour
- Low water pressure
- Overlooking into neighbouring properties and gardens
- Loss of privacy from balconies and full height glazing
- Loss of sunlight and daylight into adjacent flats
- Noise and disturbance from 38 flats

- Area of amenity space for future occupiers insufficient
- Loss of existing family housing for current residents
- Light pollution

Design and Scale

- Height of Block C too high and too close to side boundary
- Buildings overbearing and dominant in relation to existing buildings
- Examples of flats blocks in Barrack Road should not mean current scheme should be approved.
- Changes character of area dramatically
- Christchurch is an historic town
- Cramming of properties
- Overdevelopment
- No benefit to environment, current residents and businesses

Other matters

- No agreement that the SAMM Heathland Mitigation will be made
- Contamination risk

1 Letter of Support received;

- Much needed housing supporting local area

19. Consultations

- **Natural England** – No objection subject to mitigation being secured to ensure the identified adverse effects on the protected sites are mitigated.
- **Wessex Water** - None received
- **Dorset & Wilts Fire & Rescue Service** - In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.
- **BCP Highways** (summary of comments)

58 cycle spaces are now proposed which in terms of number now accords with the Parking Standards SPD. The plans now indicate 34 ground level cycle parking opportunities, if we count the lower level of the two tier cycle racks as

ground floor. That leaves 14 of the cycle spaces having to involve lifting a bike. We would not propose refusing the proposal on just 14 of the cycle spaces being at an upper level as the highway safety gains from the closure of the existing accesses and removal of commercial uses in this location outweigh any harm from these 14 upper cycle spaces. It is also noted that in stacking systems of this nature the 14 upper spaces will have a mechanical system to assist with lifting a bike.

- Electrical vehicle charging bays can be secured by condition
- The existing bus stop raised bus boarding kerbs would be located over one of the proposed access points and therefore the bus stop, and associated higher kerbs, will need relocating. These bus stop works should be done as first works prior to the access which is affected by bus stop being created so that appropriate bus facilities are maintained at all times for the general public.
- The right turn lane opposite the site on Barrack Road will also need shortening to avoid vehicle conflicts between vehicles entering this right turn lane and those vehicles approaching the site from Christchurch wishing to turn right into the site.
- Desire for the whole width of each new access to be a footway crossing style access. This can be secured by condition to ensure the eventual access details fit with the Transforming City Fund scheme along Barrack Road.
- Be prudent to ensure 8 redundant accesses are reinstated back to full kerb height so ensure the footway is level of pedestrians use.
- **BCP Lead Flood Authority** (summary) - There is currently a low risk of Surface water flooding to the rear of most of the properties but this seems to be associated with a localised low spot rather than part of a wider flow pattern.

In conclusion so long as the ground levels mean it is still the car parking area to the rear of the proposed properties that is at low risk of surface water flooding then there is no objection on flooding ground and there is enough information to suggest that SuDs should be viable so a suitably worded condition to comply with the Defra guide lines should satisfy the planning requirements.

Additional comments on receipt of FRA

No objections to contents of FRA but limited information on drainage. If groundwater is as high as stated infiltration may be difficult, which is our preferred strategy.

- **BCP Environmental Health**

No objections subject to conditions

- **Christchurch Town Council**

“Objection raised:

- 1) *The Scheme would create harmful amenity concerns especially at the proposed western elevation with the provision of balconies overlooking into the amenity space of 213 Barrack Road which would be detrimental to the amenity of neighbours. The proposed layout of the scheme also provides a lack of purposeful outdoor amenity space especially at proposed block "C". Both matters are contrary to policy HE2 of the Christchurch and East Dorset Local Plan: Core Strategy and saved policy H12 of the Christchurch Local Plan 2001 and paragraph 127 of the NPPF;*
- 2) *The scheme would generate further trips onto an already busy road; the cumulative impact of which contributes to environmental concerns. The proposal promotes car use and fails to identify opportunities to improve and mitigate the air quality impacts along Barrack Road through prioritising pedestrian and cycle movement, or allowing for green design initiatives such as providing charging points for ultra-low emission vehicles contrary to paragraphs 110 and 181 of the NPPF.*

Members raised concerns that the scheme fails to identify any affordable housing and that the District Valuer's report or the applicant's viability assessment has not been disclosed suitably redacted given the overwhelming public interest in sites which fail to provide affordable housing. Members noted that such public interest outweighs the business case exemptions to not disclose. Concerns were also raised relating to flooding and car-parking provision but members felt these did not justify sufficient planning harm to raise objection on these points”.

- **BCP Waste and Recycling**

Original objection now overcome with Waste Management Plan received outlining private collections on a twice weekly basis.

- **BCP Urban Design (summary)**

- Height, footprint and built form - Welcome consistent building line addressing the street; Spacing between Block A and no 227 remains rather tight; and would prefer to see 2.5 storey buildings with windows in gables and dormers.
- Residential amenity – Many of the flats have a balcony, patio or terrace which is welcomed but not all have direct level access to amenity space; more usable space would be provided if Block B was same depth as A and C.
- Appearance – Elevations well-ordered with generous fenestration; no objections to contemporary design, other than flat roof; materials reasonable but question grey bricks.

- Site layout and landscape – Welcome low brick front boundary wall and entrances on front with direct path from street; bike and bin store to rear is positive; and like to see variety of native trees and planting to provide biodiversity net gain.
- Sustainable construction/environmental impact – minimising emissions should be a priority; design adopt a Passivhaus or fabric first approach?; solar PV panels welcome and condition 10% of total regulated energy should be from renewable, decentralised and low carbon sources.
- Movement – welcome location of parking to rear; car park benefits from trees; like to see pavements rather than tarmac and white lines.
- **BCP Biodiversity**
“The Recommendations as given in ‘Report on Biodiversity at 215-225 Barrack Road Christchurch’ by Philip Smith, 10/8/20, should be implemented in full and secured by condition. I would also add that this development should also be providing enhancement for swifts of at least one swift brick built into each block, located in accordance with swift conservation guidance”.

Constraints

- Wildlife - 19.36m
- Flood Zone 2
- Highways Inspected Network - 7.58m
- Heathland 5km Consultation Area - 0.00m
- Airport Safeguarding - 0.00m
- Wessex Water Sewer Flooding - 0.00m
- Contaminated Land - Refuse Disposal - 202.50m
- Contaminated Land - Medium Risk - 24.46m

Planning Assessment

20. As referred to previously, the application was resolved to be approved by Planning Committee on 18 November 2022. The application is back before Committee to determine as it came to light following the Committee that the application site is now within Flood Zone 2 following changes to the Flood Zone data from the Environment Agency. There are no changes to the proposed scheme but the applicant has submitted a Flood Risk Assessment in order to address the flood risk issues on the site. The only other material consideration that has altered since November 2021 is the updated housing supply but this is discussed further in paragraph 25.

Site and Surroundings

21. The application is currently occupied by two pairs of semi-detached properties, a detached dwelling with car sales and servicing business associated with it and a further building (No 215) occupied by a Chinese restaurant at ground floor and a residential flat above. The plot of No 221 has vehicles associated with the business parked within the forecourt and in the rear of the site so this area is largely covered by hard standing. The Chinese restaurant also has a large area of hard standing to the rear in use as a car park for the business. Therefore, overall the application site has minimal soft landscaping with only 'green' rear amenity areas for properties 217, 219 and 225.
22. The locality is characterised by a mix of uses including both residential and commercial. Barrack Road is a prime transport corridor into Christchurch town centre. There is a relatively tight urban grain in the area and along Barrack Road there is a mix of two, three and four storey buildings. There are examples of blocks of flats with a contemporary form along Barrack Road.

Principle of development

23. Objective 6 of the Core Strategy identifies that development will be located in the most accessible locations, focused on prime transport corridors and town centres. Policy KS9 identifies Barrack Road as a Prime Transport Corridor and advises that higher density development will be located in an around town centres and Prime Transport Corridors in order to reduce the need to travel. Policy LN2 advises that proposals for high density developments will be acceptable along the Prime Transport Corridors where they have an acceptable impact on the character of the area. The site is within walking distance to a range of services and facilities and has access to open space. It is therefore considered that residential use on this site is acceptable in terms of its locality.
24. The NPPF sets out a presumption in favour of sustainable development and Para 68 states;
'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes';
25. The Council does not have a 5 year housing land supply and since November 2021 when the application was previously discussed, the supply has decreased and it currently stands at 2.7 years (2021). Having regard to Paragraph 11 of the NPPF and given the above, the tilted balance is potentially engaged (Para 11 d). The site will provide 32 additional units towards the supply of housing but also lies within 5 km of a European Habitat site. The sections below will assess the

proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

26. An additional material consideration in terms of the principle of development is the extant permission for 34 flats under the Outline and Reserved Matters applications granted in 2010 and 2014 at 217 to 225 Barrack Road. (Development commenced in 2016 and this was confirmed by Council). This scheme was on a slightly smaller scale with 3 x 2 ½ storey buildings of a more traditional style but was also on a smaller site. The applicant has since purchased No 215 to provide a larger site with an increase of 4 flats overall.

Flood risk and Surface Water Drainage

27. The Environment Agency updated their flood maps in 2021 and the application site which was in flood zone 1 now site lies within Flood Zone 2 (medium risk) (present day 2021) as defined in the Christchurch level 2 Strategic Flood Risk Assessment (SFRA) 2019. In accordance with the NPPF, core strategy policy ME6 therefore requires application of the sequential test. The NPPF (2021) sets out the approach to planning and flood risk through paragraphs 159 to 169. The application of the sequential test is addressed specifically in paragraphs 161 163, 166 and 168. The Environment Agency does not have to be consulted; however, their Standing Advice is applicable to the proposal.
28. The sequential test for flood risk considers whether there are reasonably available sites to accommodate the development within lower flood risk areas. Whilst the Sequential Test is technically applicable for this site, it is considered that the fall-back position of an extant permission for 34 flats should be taken into account in determining whether the development would result in additional assets being put at risk of flooding. It appears that at the time of the Outline Planning permission 8/10/0059 the site was in flood zone 2 and a FRA was submitted. This supporting document recommended that finished floor levels should be 200mm above existing ground levels. However, there were no conditions on the permission stipulating finished floor levels or any other flood risk mitigation measures within the buildings.
29. Looking at the up to date Five Year Housing supply document (2022) there are sites that could be considered reasonable available to accommodate this development. However, the extant permission enables a significant proportion of the site to be developed and has 14 ground floor flats across the 3 blocks which is the same as the proposed development. There are existing residential dwellings on the site and the additional site, No. 215 (not part of 2014 extant permission) contains a restaurant at ground level and residential flat above). Therefore, the proposal does not involve a change in the vulnerability as it is remaining as residential which is considered to be 'more vulnerable' as set out in Table 3 of the NPPG. In addition, there is no change to the number of ground floor flats compared to the extant permission so the level of flood risk is not considered to be increased.

30. For the above reasons, it has been determined in this particular case that the Sequential Test does not have to be applied. More vulnerable developments within Flood Zone 2 are not subject to the Exception Test and development can be appropriate in these locations. This development is subject to the Environment Agency's Flood Risk Standing Advice (FRSA).
31. The Flood Risk Assessment which has been carried out since the previous resolution by Planning Committee to approve, demonstrates that the proposed development is a betterment to the flood risk on site from the extant scheme given the modern construction and the proposed finished floor levels. The site currently benefits from flood defences, 220 metres away which are designed to provide 1 in 100 year event standard of protection. The FRA states that during a 1 in 100 year plus 47% climate change allowance event the flood level at the site would be 4.01m AOD.
32. In line with the FRSA, the finished floor levels are to be set at 4.31m (at least 0.3m above 1 in 100 year plus 47% allowance of climate change flood level of 4.01m AOD). In addition, the following flood resilient measures are also advised; water, electricity and gas meters and electrical sockets located above the predicted flood level; electrical installations protected by suitable insulation in the distribution ducts; use of hard flooring; use of low permeability building materials up to 0.3m; air brick covers; and passive flood door systems. It is considered reasonable that a condition is imposed to ensure finished floor levels are no lower than 4.31 AOD and to secure details of the precise mitigation measures which are to be installed in the development.
33. The site is susceptible to surface water flooding towards the north west corner and close to the northern rear boundary. The submitted Drainage Options Technical Note states that the surrounding land consists of a layer of loose dark brown sandy-silty gravel followed by a layer of loose medium-dense, yellow-brown sandy gravel which should be ideal for infiltration drainage. It is proposed to install an infiltration crate system under the access drive and parking areas to drain surface water run off across the site along with permeable paving.
34. The latest FRA does indicate that there could be a shallow groundwater table in the area which would make infiltration not possible. If infiltration is not possible other options have been considered including discharging into a nearby surface water sewer which would require a crate or basin and being discharged off site at a limited rate. A condition is proposed to secure a detailed Surface Urban Drainage system (SUDs) and management plan.
35. Given the above, it is considered there is technical breach of policy ME6 of the Local Plan as the Sequential Test has not been applied. However, given the extant permission which has the same level of risk given the number of ground floor sites is the same on both proposals and the betterment to the flood risk on the current scheme, it is considered that this technical departure from policy is acceptable. The FRA has demonstrated that flood risk does not increase as a

result of the development proposed, and that options have been taken to reduce overall flood risk which does accord with policy ME6.

Housing mix and size

36. Policy LN1 states the size and type of new market dwellings should reflect current and projected local housing needs identified in the SHMA. The SHMA (2015) identifies that there is a higher demand for 2- and 3-bed market housing over 1-bed and 4-beds in Christchurch. However, there is a lower need for flats with a 20% requirement for flats compared to 80% for dwelling houses.
37. The proposal does result in the loss of 5 houses and provides accommodation which does not meet the area of greatest need or type of housing within the SHMA. However, this is balanced against the overall need for housing in the area, the location of the site on a Prime Transport Corridor promoting high density development and also the extant permission for 34 flats. It has previously been deemed acceptable to see the loss of the housing on the site on the Outline permission (Appeal decision). On balance it is considered that the mix of one and two bed units is acceptable.
38. Policy LN1 requires that units sizes comply with the Housing Quality Indicators. Whilst these have been overtaken by the National Space Standards, they are still referred to in the adopted Local Plan and therefore are a material consideration. For a 1-bed/2-bedspace unit the HQI standard 40-50m² and for a 2-bed/4-bedspace unit the HQI standard is 67-75m². All the proposed units meet these space requirements and whilst not referred to in any Local Plan policies, they would also meet the Nationally Described Space Standards.
39. Having regard to paragraph 15 of this report, it is considered this scheme is not suitable for self-build/custom housebuilding as it is for a block of flats and is likely to be sold as leasehold units.
40. It is considered there is a technical breach with Policy LN1 in terms of the house types but it is in accordance with the unit sizes as set out in the HQI's.

Affordable Housing

41. Policy LN3 of the Local Plan stipulates that 40% of the units on site should be affordable or a financial contribution made in lieu of on-site provision may be acceptable. However, a viability assessment has been submitted with the application which concludes there is no viability to provide affordable housing. This has been assessed independently by the Valuation Office Agency who have also included there is no viability for affordable housing. This is regrettable; but given current construction and delivery costs it is somewhat unsurprising.
42. However, given these could be short to medium term issues it is considered that a review mechanism should be included within the s106 to ensure the affordable housing viability is revisited within a given timeframe to see if any can be provided and the economic climate has changed. The Housing and Affordable

Housing SPD sets out in paragraph 8.11 that reviews can be used where financial viability concludes it is not possible to meet the relevant affordable housing targets under LN3.

43. With this included in the proposed s106 heads of terms (below), the scheme is considered to comply with Policy LN3.

Loss of businesses

44. The proposed scheme results in the loss of a car sales and garage local business and a Chinese restaurant. The site is not located within the primary or secondary shopping core of Christchurch and there are therefore no policies to restrict the loss of these commercial premises. The extant permission would have seen the loss of the car sales/garage business, but this current proposal sees the additional removal of the restaurant.
45. Paragraph 93 a) of the Section 8 in the NPPF refers to; 'decisions planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'. Policy PC5 refers to commercial uses in Local Centres and seeks to ensure the loss would not result in a substantial decline in the range and quality of services for local people.
46. The concerns from the local community about the loss of the garage business and restaurant are understood. However, there is an extant permission which already sees the loss of the garage business, so this is a material consideration to the decision. The loss of restaurant would reduce the provision along this stretch of Barrack Road; however given the urban location and proximity and distance to the town centre where other restaurants are located, its loss is not considered to undermine the range and quality of services for local people. Therefore, it is not considered that a reason for refusal based on policy PC5 could be substantiated.

Design, form and layout

47. Core Strategy Policy LN2 requires that the design and layout of new housing development should maximise the density of development, but this is to be a level which is acceptable for the locality. Policy HE2 compliments the design requirements in section 7 of the NPPF by requiring development be compatible with or improve its surroundings in relation to 11 criteria including layout, site coverage, visual impact and relationship to nearby properties. Para 130 of the NPPF states;

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;.....

33. The proposed development introduces a more contemporary form of architecture into this part of the street scene with the flat roofs and chosen materials. There is no doubt that the full three storey scale creates blocks which have a greater scale than the surrounding buildings which are generally pitched roof two/two and half storey properties. However, the design of the scheme has taken account of this as the built form adjacent to 1a Gardener Road and 211 Barrack Road has been stepped down to two storeys. It is recognised that without the traditional eaves, the overall height is slightly above the eaves of the adjacent buildings; however it is considered the built relationship is acceptable. There are examples of similar types of architecture along Barrack Road. The splitting up of the buildings into the three blocks, reduces the overall mass and bulk of the scheme, creates a consistent rhythm of buildings along the Barrack Road frontage whilst allowing views between them and into the rear of the site.
34. The front building line respects the building line along the street and in particular the building on the corner of Barrack Road and Gardner Road, No 1a Gardner Road. The depth of built form across the site will no doubt increase; however it is considered that sufficient distances between the proposed buildings and the surrounding buildings will be retained to ensure an acceptable impact on character. The layout is not considered to harm or disrupt the rhythm of development along Barrack Road. There are areas of defensible space to the front of the buildings beyond the public pavement and with the three main pedestrian entrances at the front of the site, an active frontage will be retained. Vehicles within the rear of the site is not an uncharacteristic feature, given the existing situation on the site and the proposal will enable some meaningful soft landscaping and amenity space to be incorporated into the scheme and improve the hard-surfacing materials.
35. The chosen materials include a mix of buff brick, grey brick and white render on the elevations with an aluminium profile grey roof and fascia and stainless steel handrails with glass balustrading on the balconies. The street scene sees a range of materials and as such the proposed mix is considered to be acceptable and would not harm the visual amenities of the area. BCP Urban Design Officer is in overall support of the scheme but does highlight a number of matters that could be improved. For example, they would prefer to see more traditional flat roofs with a 2 ½ storey height. These comments have been carefully considered;

however it is considered that the locality can accommodate the proposed form and scale of the buildings and the scheme does not result in overriding harm to the character of the locality and visual amenities of Barrack Road.

36. As stated above, Barrack Road is a Prime Transport Corridor and higher densities are encouraged in these localities. The provision of 38 flats at a density of 120 dph is considered to be in keeping with the promotion of high density development in this location in Local Plan policies. Overall, the proposal does not appear cramped or contrived and compared to the previous approved scheme provides for an improved layout with the parking area broken up and more opportunities for planting at the boundaries. This proposal will result in a change of character to this section of Barrack Road; however, this is not necessarily a negative change and as stated in the NPPF decisions should not discourage change or innovation (para. 130).
37. The detailed hard and soft landscaping can be secured by way of condition. There are opportunities to provide planting within the amenity areas and along the boundaries. Native species should be incorporated as much as possible and different permeable surfacing materials used to prevent a harsh environment within the parking areas.
38. Overall, the development is considered to comply with the requirements of policies HE2, LN2 and saved policy H12 and the scheme accords with the Local Plan's aim; 'New development will be expected to be attractive, functional, sustainable and of the highest quality, optimising the site potential and respecting the scale of the locality'.
39. Policy ME3 requires energy efficiency measures from fabric performance, scheme layout and building orientation and then the provision of on-site renewable, decentralised and low carbon energy. Policy ME4 encourages the use of renewable energy in major developments. Photovoltaic panels are being incorporated on the roofs of the three blocks which is welcomed and the supporting statement sets out how the layout and design of the buildings aims to maximise light penetration and solar gain.

Residential Amenity

40. Policy HE2 states that; 'development will be permitted if it compatible with or improves its surroundings in; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy H12 states that residential development should not adversely affect residential amenities by noise or disturbance, or loss of light or privacy.
41. There are a number of residential properties surrounding the site in Barrack Road, Gardner Road to the west and Fitzmaurice Road to the north. Block A is positioned adjacent to 1a Gardner Road to the west. This building is occupied by flats with parking to the rear. Concerns have been raised from residents of this building with regard to the proximity of Block A and overlooking. The design of the proposal has taken into account this built relationship as the third storey has

been set in from the side elevation and there are no openings on the ground and first floor level. There are two windows on the side at second storey serving the kitchen and bathroom for Flat 9. The balconies proposed for the front do not extend around the side of the building so would not provide views directly into the adjacent building or the rooflights on No 1a. There are two windows at ground and first floor level with rooflights within the east facing roof slope. There is 3.4 metres between the side of Block A and No 1a with the exception where it decreases to 2 metres in the centre of the proposed building. This increases to 4.5m separation distance at third storey. It is recognised that the outlook from the side windows on No 1a will change from this proposal; however these separation distances are not uncommon in this urban locality. Furthermore, the extant permission allowed Block A to be positioned 2 from the western boundary and there was a greater number of windows at ground and first floor level.

42. There is likely to be a loss of sunlight in the mornings to those windows facing the application site and specifically Block A. It is understood these windows serve bedrooms rather than the main living rooms. The rooflights for the flat at second floor level at 1a will still have sufficient sunlight and daylight given the orientation of the windows and the stepped back nature of the third storey.
43. No 213 lies to the east of Block C. There is a greater separation distance between these two buildings of 6 metres, although the third storey is also stepped in. It is not considered this relationship creates a cramped or tight form of development in the street scene. To the north east No 1 Gardner Road, a semi-detached property is located. Careful consideration has been given to the impact on this property and the plans have been amended to move Block A slightly forward and the rear balconies changed to Juliet balconies to minimise any harmful impact on amenity. There is 9.7 metres from the rear of Block A to the rear boundary of the site (corner of No 1's rear garden) but 14.2 metres from the rear corner of Block A (two storey section) to southern corner of No 1 and 17 metres from the section of three storey height to the same corner of No 1. Regard has been given to the fallback position of the extant permission although it is recognised that the previous approval had a smaller building with a reduced level of glazing on the rear elevation. To the rear of Block A, the amenity space for future residents is proposed and as such there is scope to include some soft landscaping which would help minimise the impact. Views between the flats and house would be at an oblique angle and given the urban location, the proposed relationship is considered to be acceptable.
44. The properties in Fitzmaurice Road are located in excess of 30 metres from the rear of the proposed blocks. The proposal will bring additional built form of much greater scale; however, it will replace areas of hard surfacing, vehicle display and storage and parking close to the rear boundaries with landscaped areas and an area of reduced parking overall. Given the proposed height of the new buildings, there is no doubt that the outlook from the properties along Fitzmaurice Road will be altered but given the distances involved there is not considered to be

detrimental harm to the occupiers of these properties in terms of loss of privacy or an overbearing form of development.

45. The development brings development and activity into the rear of the site; however, given the current use of some part of the application site, the vehicle movement of 21 cars and pedestrian activity associated with the flats is not considered to result in an unacceptable increase in noise and disturbance to neighbouring residents. Whilst the blocks of flats do have considerably more glazing than the existing properties and extant permitted buildings, the light levels from the residential units are unlikely to cause a nuisance given this urban area.
46. With regards to the future occupiers, the majority of the flats have small balcony areas and also a communal amenity space at the rear of the buildings. The site is within walking distance to open spaces and the overall the provision of amenity space is considered to be sufficient. The position of the three buildings and location of windows in relation to each other have been considered. Block A has minimal openings on its eastern elevation to as not to result in a loss of privacy to the occupants of Block B which has a number of windows on its western façade. Block C has also minimal openings facing the central block. The proposed access drives maintain adequate separation distances between the three buildings.
47. It is considered overall that the development complies with Policy HE2 in that the scheme has minimised general disturbance to amenity and the proposal complies with policy H12 as the residential amenities of existing and future occupiers of dwellings are not adversely affected by noise or disturbance or by the loss of light or privacy.

Parking, Access and Highway matters

48. Under the BCP Parking Standards SPD, the site is located within Zone B and this equates to zero parking requirement for 1 and 2 bed flats. However, this proposal sets out 19 unallocated parking spaces for future residents or visitors. The supporting information sets out that the extant permission provided parking and the proposal would be at a reduced level compared to the existing permission and the Chinese restaurant parking. BCP highways accept this reasoning and are satisfied with the level of parking provision. Two disabled parking spaces have been provided and spaces with electrical vehicle charge points have been identified.
49. With regards to cycle parking provision, one cycle parking space should be provided for each bedroom. The plans indicate a total of 58 cycle spaces with combination of Sheffield Cycle racks and two-tier cycle stands within the rear of the site along with visitor bike racks to the front and side of the three blocks. The level of provision meets the requirements of the Parking SPD; however two-tier cycle racks are not usually encouraged in this type of development. However, given that only 14 spaces are two-tier and they would use a mechanical system

to assist with the lifting of bikes and the safety gains from the removal of the number of existing access points, BCP Highways is satisfied with the proposal.

50. It is considered that the proposal represents a highway gain given the existing activities and vehicle movements associated with the buildings and business on site. BCP Highways have stated;

'The existing site has 8 vehicle accesses, the majority of which have no vehicle turning areas. There are businesses operating from the site which will have an existing traffic generation including parking demands, service vehicles arriving to load and unload and which will have turning movements into and out of the existing accesses, including vehicle reverse movements back out onto the busy main road. The removal of these numerous accesses to have just 2 accesses, which will be of sufficient width to allow two-way vehicle passing represents a highway safety gain in the proposal, particularly with regard to the existing potential reverse movements, turning movements and delivery activities.'

51. It is appreciated from the representations received there is concern surrounding the level of parking and the impact of the development on Barrack Road and the surrounding residential roads. However, the parking provision is beyond what we would expect to see and the traffic generated from the proposal is considered to be compatible with capacity on the wider highway network. The existing uses on the site will have an existing parking and traffic demand.
52. In order to reduce any potential conflict from the new access points into the site and the existing right turn lane into Somerset Road, this lane needs to be shortened and has the potential to be altered without impacting on the capacity of the junction. The existing bus stop outside of No 221 will also need relocating and BCP Highways originally requested a new bus stop with Real Time Information and a wider circulation space to the rear. The applicant had concerns over the viability of providing this new improved bus stop and given the size of the proposed development and the existing situation; it is not considered that a refusal on this basis alone would be reasonable. The Transforming Cities Fund scheme is currently designing a cycle route along Barrack Road and whilst these plans are not finalised yet, the proposed condition to secure amendments to the existing bus stop and right turn lane enables flexibility for the applicant and the Council to ensure the most appropriate highway improvements are carried out.
53. An objection was raised by BCP Waste and Recycling team given the size and location of the bins. However, a Waste Management Plan has been submitted by the applicant setting out that a private company will undertake two collections a week and as such the capacity of bins is not as great as required with BCP due to their alternate weekly collections. This Plan can be secured through condition.
54. It is considered that the scheme complies with policies KS11 and KS12 of the Local Plan and the Parking Standards SPD.

Biodiversity

55. Core Strategy Policy ME1 sets out that it aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks.
56. The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
57. The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
58. The current application is not yet accompanied by a completed unilateral undertaking; however the applicant has agreed to enter into such an undertaking and therefore there will be a mechanism to secure the necessary contribution (£8,664.00) towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This contribution does not relate to the provision of infrastructure, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With this mitigation secured the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.
59. A biodiversity report has been submitted as part of the application and it concludes that no protected or notable species were noted on site. Biodiversity is considered to be low due to the hard surfacing and level of ornamental maintained garden on the site and minimal hedgerows. The properties were also considered to hold negligible value for bats. However, the following measures as set out in the report must be incorporated into the scheme to mitigate any potential harm to biodiversity;
- Removal of shrubs/area for nesting birds outside of bird nesting or if cannot take place ecologist must be on site during shrub clearance;

- Planks laid in foundations and drains kept covered overnight to prevent animals becoming trapped;
 - Stag beetle larvae if dug up should be reburied in a safe shady place
60. The NPPF requires a net biodiversity net gain on site and as such the following enhancements are proposed;
- 1 bat access shelters built into the bin store
 - Two house sparrow terraces
 - Hedgehog gaps in fencing
 - Four concrete bee bricks added to bike and bin store
61. The mitigation and enhancement measures outlined in the report can be secured by condition along with an additional enhancement of providing swift terraces. The soft and hard landscaping will be secured by condition and this will be a further opportunity to secure native species and provide additional habitats for wildlife. It is considered the scheme complies with policies HE2, ME1, ME2 of the Local Plan.

Contaminated land

62. A Contaminated Land Desk Study report has been submitted with the application give the existing car garage use on site. It identifies that potential sources of contamination include; made ground; leaks and spills from cars; fire pit; use of plots as car garage, car body workshop and forecourt for washing cars. The report concludes that given the moderate/low risk to human health, groundwater and surface water intrusive investigations are carried out. This should include drilling and the installation of boreholes to enable ground gas and groundwater monitoring. BCP Environmental Health are satisfied with this report but have suggested a specific condition which is set out below under No 6. The development is considered to comply with saved policy ENV2.

Planning Balance

63. Having regard to Paragraph 11 d) of the NPPF, given the lack of housing land supply, it is considered that the housing policies of the Development Plan are out of date. However, given the site lies within 5k of a protected European wildlife site and the potential cumulative impact of residential development, mitigation is required to address the harm to the protected site and this can be secured via a planning obligation and CIL as outlined above. The site also lies within an area at risk of flooding and as such the proposal must be in accordance with section 14 of the NPPF. As set out in paragraphs 27-35 it is considered that the Sequential Test does not need to be applied in this particular case and the proposed finished floor areas and mitigation measures will ensure the development is safe for its lifetime. On this basis it is not considered that any

policies listed in footnote 7 of the NPPF provide a clear reason for refusal and the tilted balance applies to this proposal.

64. It is considered that notwithstanding the provision of flats rather than houses which does not technically meet the requirements of the SHMA and the technical breach with policy ME6 on the application of the Sequential Test, the development complies with the Development Plan as a whole and the NPPF. As stated above, the extant permission for flats and the location of the site outweighs the provision of flats over houses. The proposed layout and scale of the scheme did raise questions regarding the impact on residential amenity as is discussed earlier in the report and the provision of flats is technically contrary to the housing requirements in the SHMA. In addition, there are some negative economic impacts from the loss of the existing businesses although there is already a commitment to the loss of most of these from the extant permission.
65. There are, however, positive economic and social impacts from the provision of housing and any environmental impacts do not significantly and demonstrably outweigh the benefits of the proposals. The proposal is considered to provide a sustainable form of development and provides a net increase of 32 units of residential accommodation and as such the balance is tilted in favour of approving the application.

RECOMMENDATION

GRANT permission subject to:

- (a) The following conditions; together with
- (b) a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the following terms with power delegated to the Head of Planning (or 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 nominated officer) does not result in a reduction in the terms identified as required:
 - Strategic Access Management and Monitoring (SAMM) - £8,664.00
 - Review mechanism to cover affordable housing

and the following conditions;

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P001 A Location And Block Plan
P10 C Site Plan

P011 A Block A - floor plans
P020 B Block A – Elevations
P021 Block B Proposed Elevations
P012 Block B Proposed Floor Plans (1 of 2)
P013 Block B Proposed Floor Plans (2 of 2)
P022 A Block C - Elevations
P014 Block C Proposed Floor Plans
P040 Street Scene And Site Section
P051 Rev C – Cycle and Bin Store Plans
P051 Rev C – Cycle and Bin Store Elevations

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

3. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority; such details to include a timetable for implementation. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version) and the results of the assessment provided to the local planning authority.

Where a sustainable drainage scheme is to be provided:

- (a) the submitted details shall also provide:
 - (i) 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; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include any arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- (b) once implemented the works shall thereafter at all times be managed and maintained in accordance with the approved details.

Reason: In order to ensure adequate drainage from the site.

4. Prior to the commencement of development, details of the finished floor levels (to be set at minimum of 4.31 AOD)) and flood risk mitigation measures to be incorporated into the building must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details.

Reason: In order to protect the development from flood risk.

6. Prior to the commencement of development, other than in respect of demolition works, a scheme shall be submitted to and approved in writing by the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):

(a) A Site History Report, which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information). This will be completed in accordance with the Environment Agency's Land Contamination Risk Assessment (LCRM) guidance and provide a Conceptual Site Model and Preliminary Risk Assessment.

(b) If development of the site over several phases is intended the developer will submit in writing for the approval of the Local Planning Authority a Phasing Plan. No alteration of the area covered by each Phase will occur unless approved in writing by the Local Planning Authority. Following approval of the Phasing Plan the conditions below will need to be addressed with respect to each Phase of the development before occupation of each Phase.

(c) Before any works commence on site, consultants must be appointed to carry out an intrusive site investigation which is conducted in accordance with BS 10175:2011 + A2:2017 and BS 5930:2015. The sampling strategy must be submitted to the Local Planning Authority for approval. The intrusive site investigation should include for:

- * A gas risk assessment in accordance with CIRIA C665:2007 and BS 8485:2015 + A1:2019;

- * Groundwater elevation monitoring and chemical analysis to enable an appropriate assessment of the hydraulic gradient and impact to controlled waters. The groundwater assessment should be designed to establish the level of risk to the proposed development from off-Site sources of contamination identified in the Phase I report;

- * Establish if legislated and non-legislated invasive plant species are present and assess the potential impact to ecology;

- * Establish the presence and likelihood of risk of contamination sourced from the demolition activities; and

- * Establish the presence and likelihood of risk of relevant contaminants outlined in the Phase I report and the Department of Environment (DoE) Industry Profiles for on-Site activities (Note: The DoE Industry Profiles are not

considered a definitive study for land contamination but introduce technical considerations which are useful in the development of initial Conceptual Site Models and should be considered in future environmental risk assessments and intrusive investigations for this development).

(d) A Site Investigation Report (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.

(e) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Statement, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to and approved in writing by the Local Planning Authority.

(f) Development shall only take place in accordance with the approved Remediation Statement.

(g) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(h) On completion of all the works detailed in the agreed Remediation Statement, a Remediation Completion Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report is to be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Planning Authority is in receipt of said Remediation Completion Report and is satisfied with the contents of the statement and the standard of work completed, it will be viewed that the remediation of the site is incomplete.

Reason: To protect controlled waters, ecological receptors, human health and property.

7. Notwithstanding the approved plans, no development above DPC (damp proof course) shall take place until additional details of all three cycle stores have been submitted to and agreed in writing by the Local Planning Authority. The approved cycle parking shall be carried out in accordance with the approved details and implemented prior to the occupation of the residential

units to which that parking is associated and shall thereafter be maintained available for that parking use at all times thereafter.

Reason: In the interests of promoting sustainable forms of transport.

8. No development above DPC (damp proof course) shall take place until details of the construction and layout of the first 5m of the proposed car park vehicle accesses to Barrack Road have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to either of the approved car parks coming into operation for car parking associated with any residential unit.

Reason: To ensure safe access to the highway.

9. No development above DPC (damp proof course) shall take place until details of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: To ensure a satisfactory visual relationship of the new development to the existing.

10. No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works and a landscape management plan (management responsibilities and maintenance schedules for all landscape areas) have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: The long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality.

11. No development above DCP (damp proof course) shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority;

- i. Works to relocate the existing Barrack Road bus stop and associated signage, road markings and raised kerbs; and
- ii. Works to shorten the right turn lane road markings into Burnett Avenue on Barrack Road.

The approved bus stop relocation works must be completed prior to the opening up of the approved vehicle access which affects the bus stop. Approved works to the right hand turn must be carried out prior to first occupation of any residential unit.

Reason: In the interests of highway safety and the continuation of the provision of sustainable transport facilities.

12. No development above DCP (damp proof course) shall take place until details of the provision of Electric Vehicle Charging Points and associated infrastructure shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the BCP Council Parking Standards (2021) and implemented and brought into operation prior to any residential unit hereby approved being occupied. Thereafter the EVC Points shall be retained and kept available for use at all times.

Reason: In the interests of promoting sustainable forms of transport.

13. The development hereby approved shall be carried out in accordance with the recommendations as specified in 'Report on Biodiversity at 215-225 Barrack Road Christchurch' by Philip Smith, 10/8/20. In addition, at least one swift brick built into each block, located in accordance with swift conservation guidance and away from man-made lighting, see <http://www.swift-conservation.org/OurLeaflets.htm>. shall be implemented and thereafter retained.

Reason: To ensure the biodiversity mitigation measures are secured and to provide net gains for biodiversity.

14. The development hereby approved shall be carried out and used in accordance with the Waste Management Plan received 18/10/21 detailing private collections.

Reason: To ensure adequate provision if made for waste and recycling storage and collection.

Informatives

1. The applicant has provided a s106 dated (to be confirmed) to pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2020-2025 - Supplementary Planning

Document (SPD) Background Papers and to include a review mechanism to cover affordable housing.

2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
3. The applicant's attention is drawn to the need to enter into the appropriate procedures with, and obtain the appropriate licences from, the Highway Authority regarding any works on the Highway prior to those works taking place.

Background Documents

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

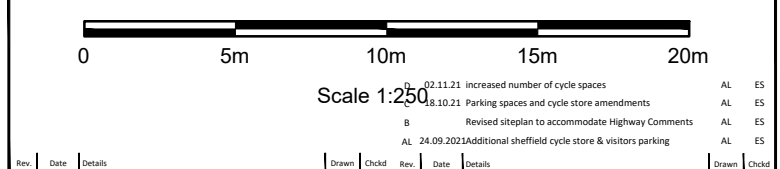
Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included



BARRACK ROAD

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AL
Date:
06.05.20
Checked By:
AL
Date:
06.05.20

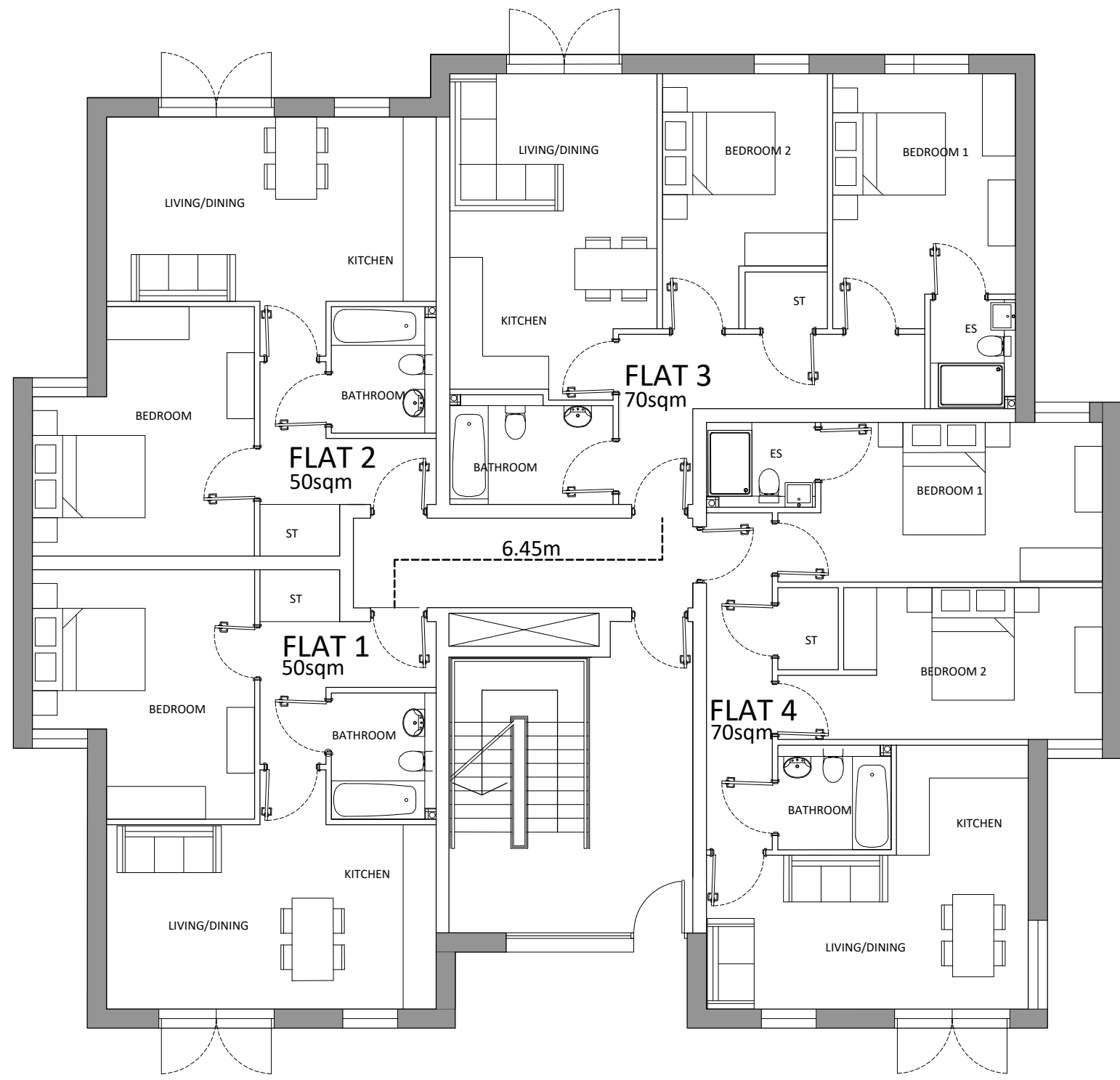
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Scale:
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Dwg No:
P010
Rev: D

Issued for:

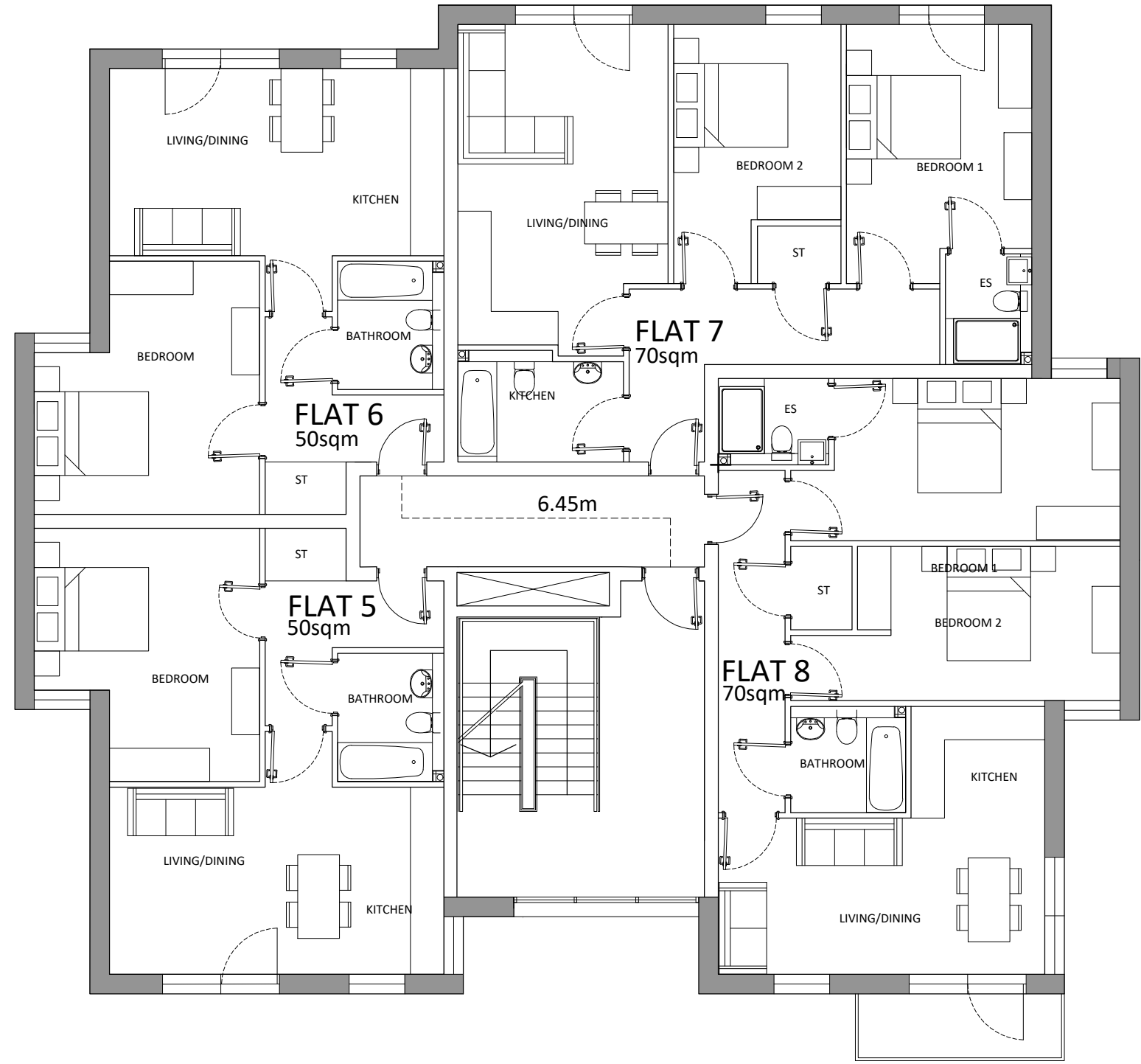
PLANNING
Project/Client:
215-225 Barrack Rd
Christchurch
Drawing:
Site Plan

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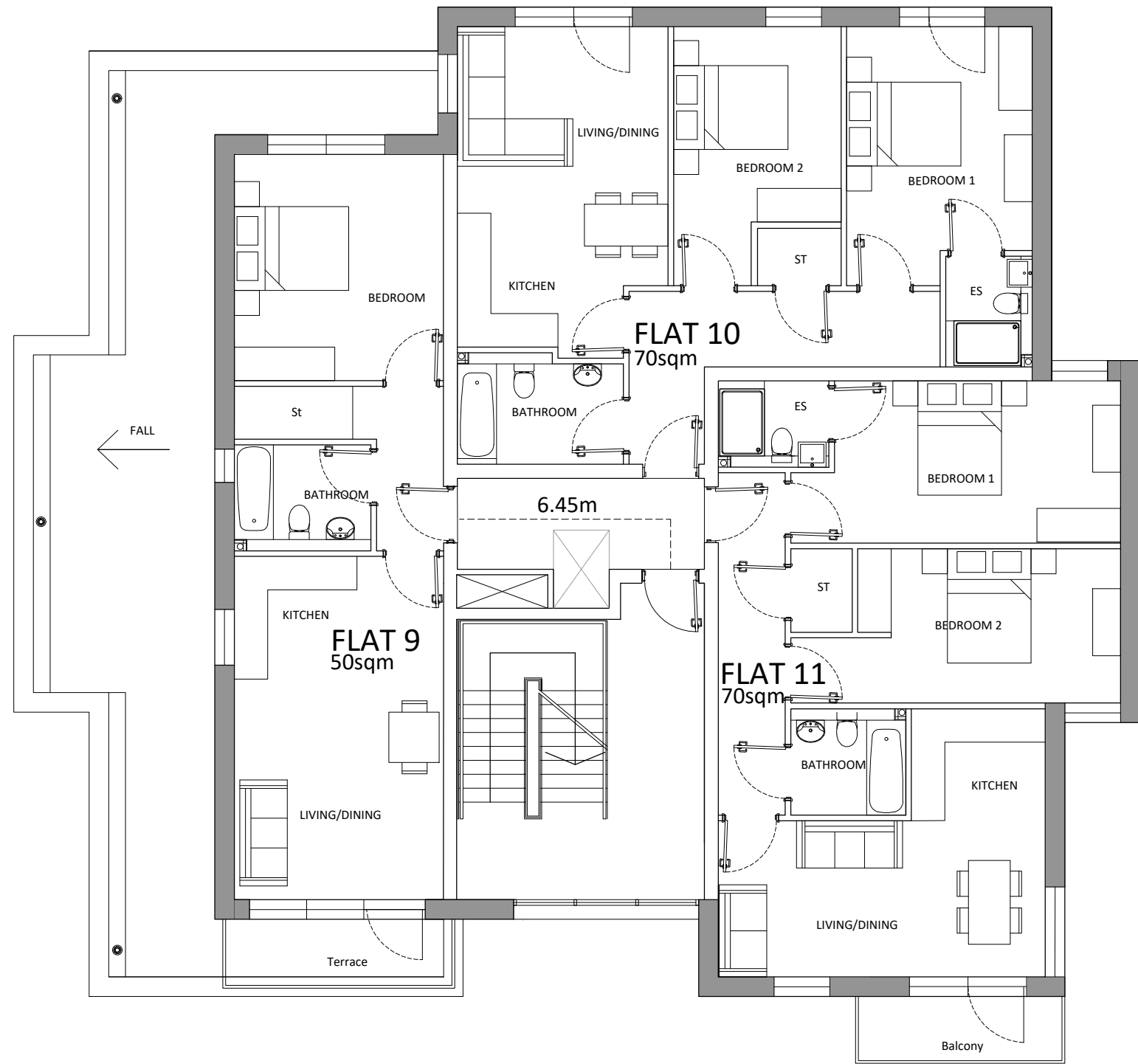
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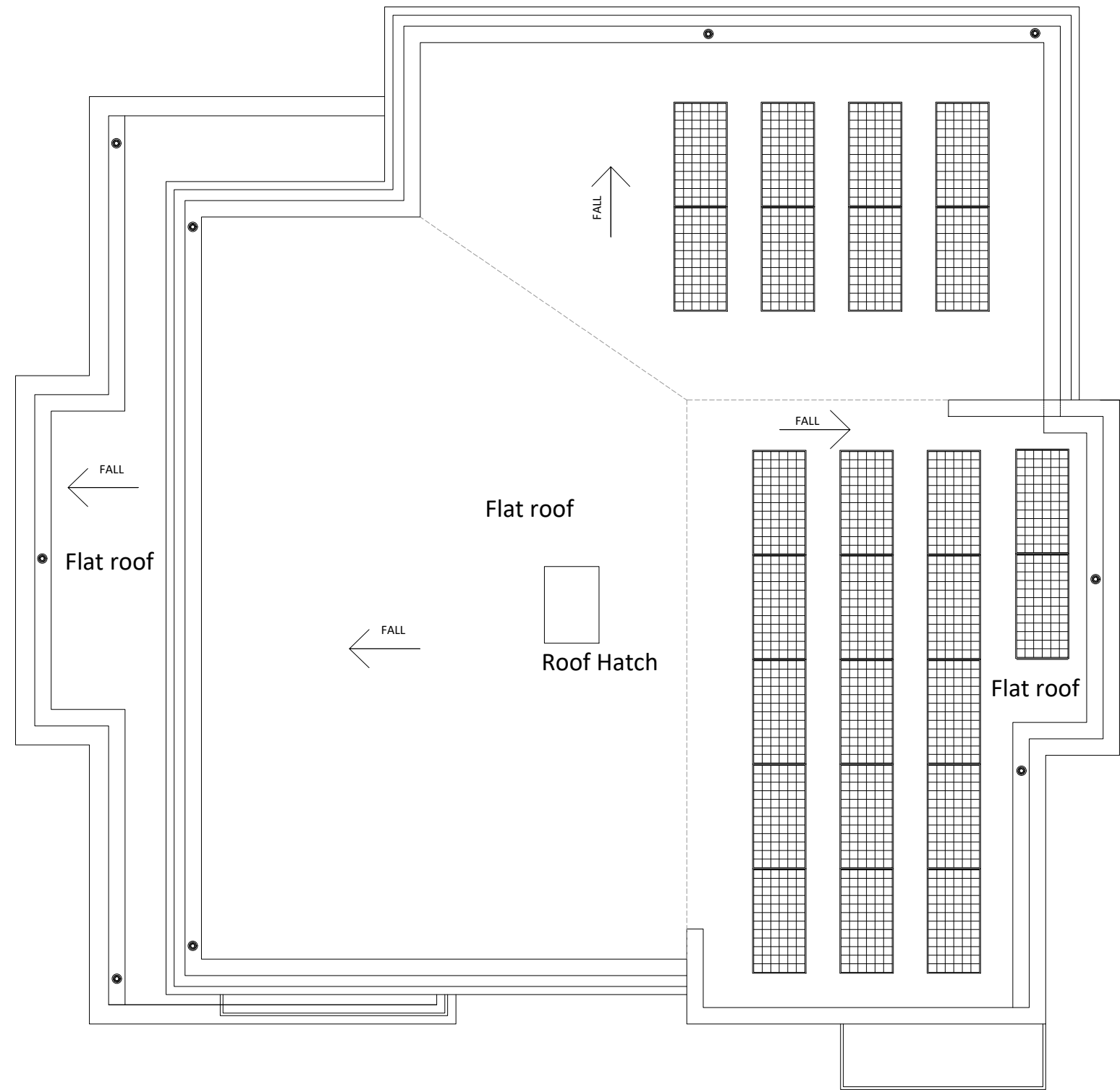
GROUND FLOOR PLAN



FIRST FLOOR PLAN

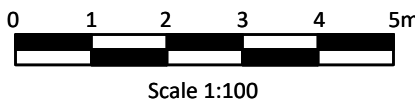


SECOND FLOOR PLAN



ROOF PLAN

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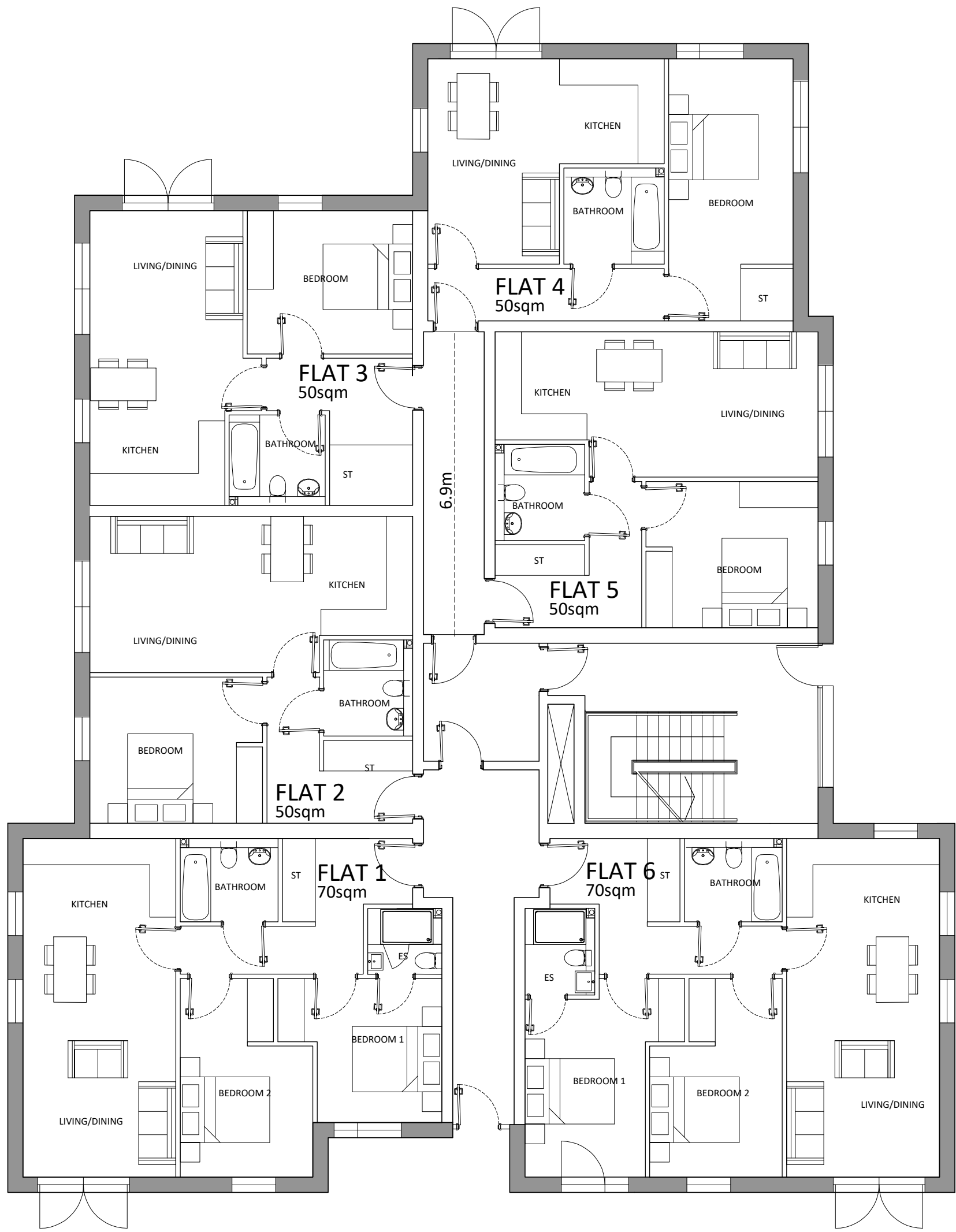
A 19.10.21 removed balconies to rear of building		AL
Rev.	Date	Details
Drawn By:	Date:	Checked By: Date:
AL	01/07/20	

Issued for:		PLANNING	
Drawing:		Project No:	
BLOCK A		19062	
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215-225 Barrack Road		P011	
Christchurch		Rev: A	

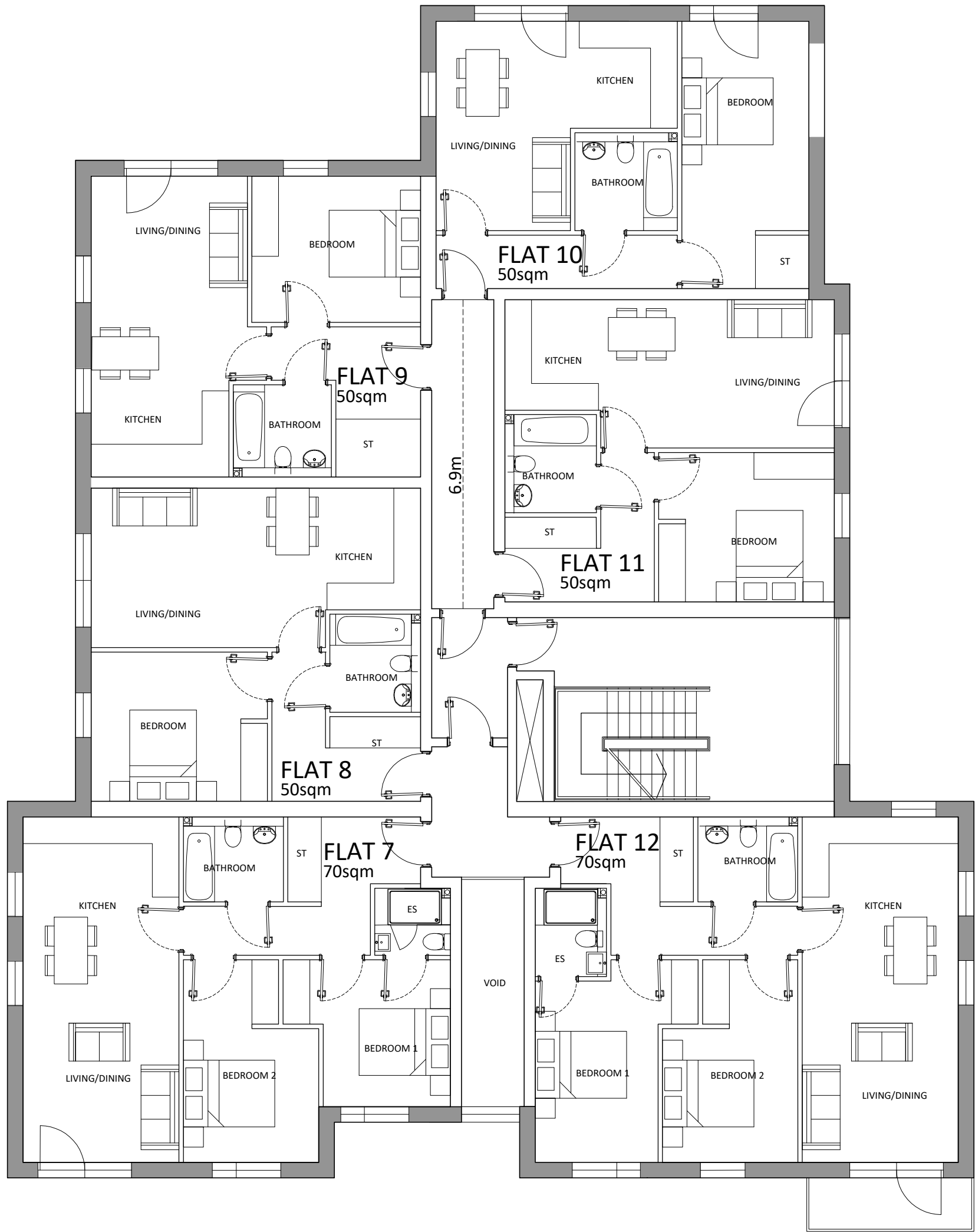
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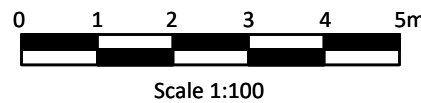


GROUND FLOOR PLAN



FIRST FLOOR PLAN

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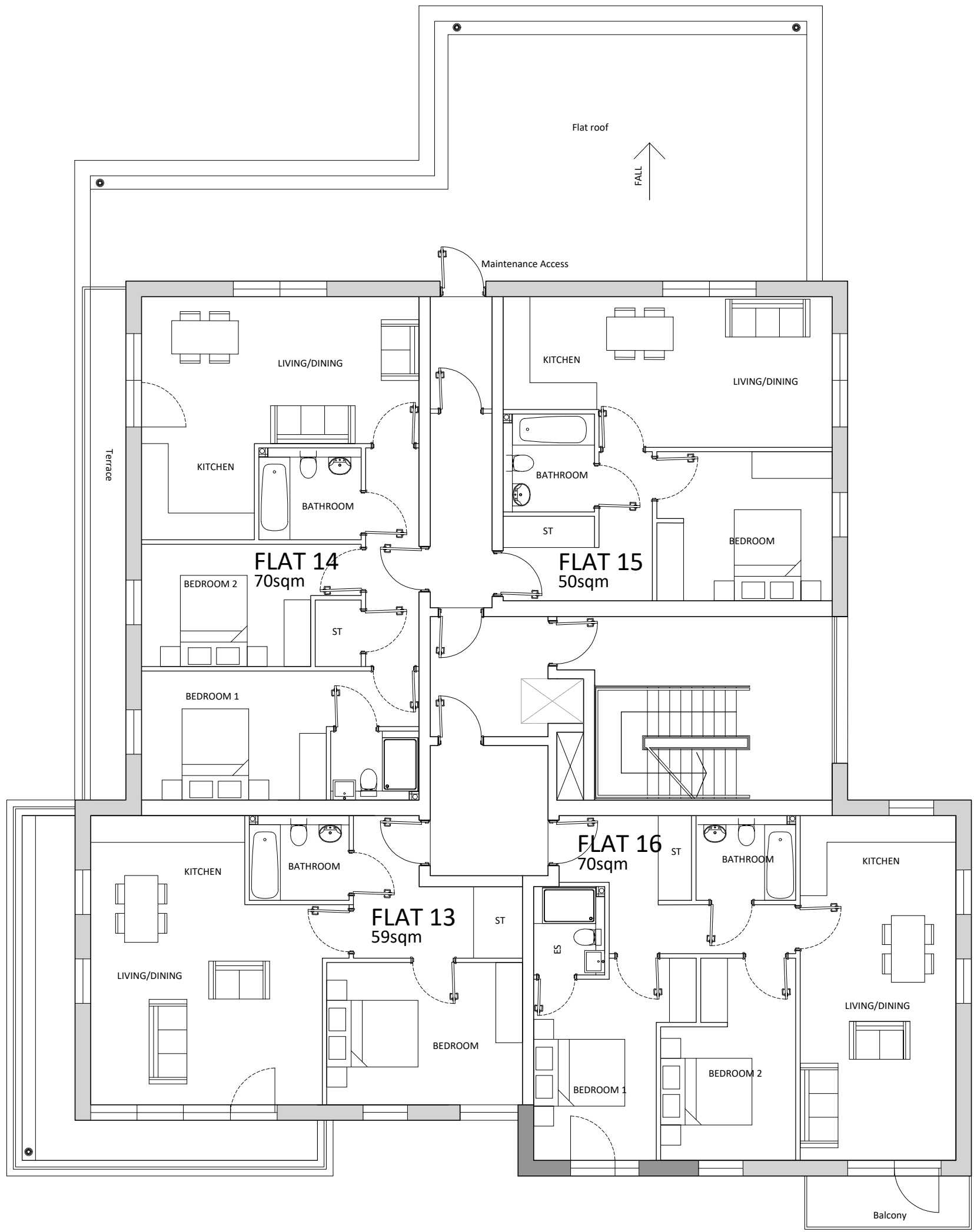
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AL	01/07/20	

Rev.	Date	Details	Drawn	Checkd
AL	01/07/20			

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FLOOR PLANS (1 OF 2)		Scale:	
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Project/Client:		Dwg No:	
215-225 Barrack Road		P012	
Christchurch		Rev:	

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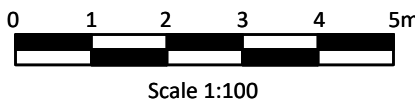


SECOND FLOOR PLAN



ROOF PLAN

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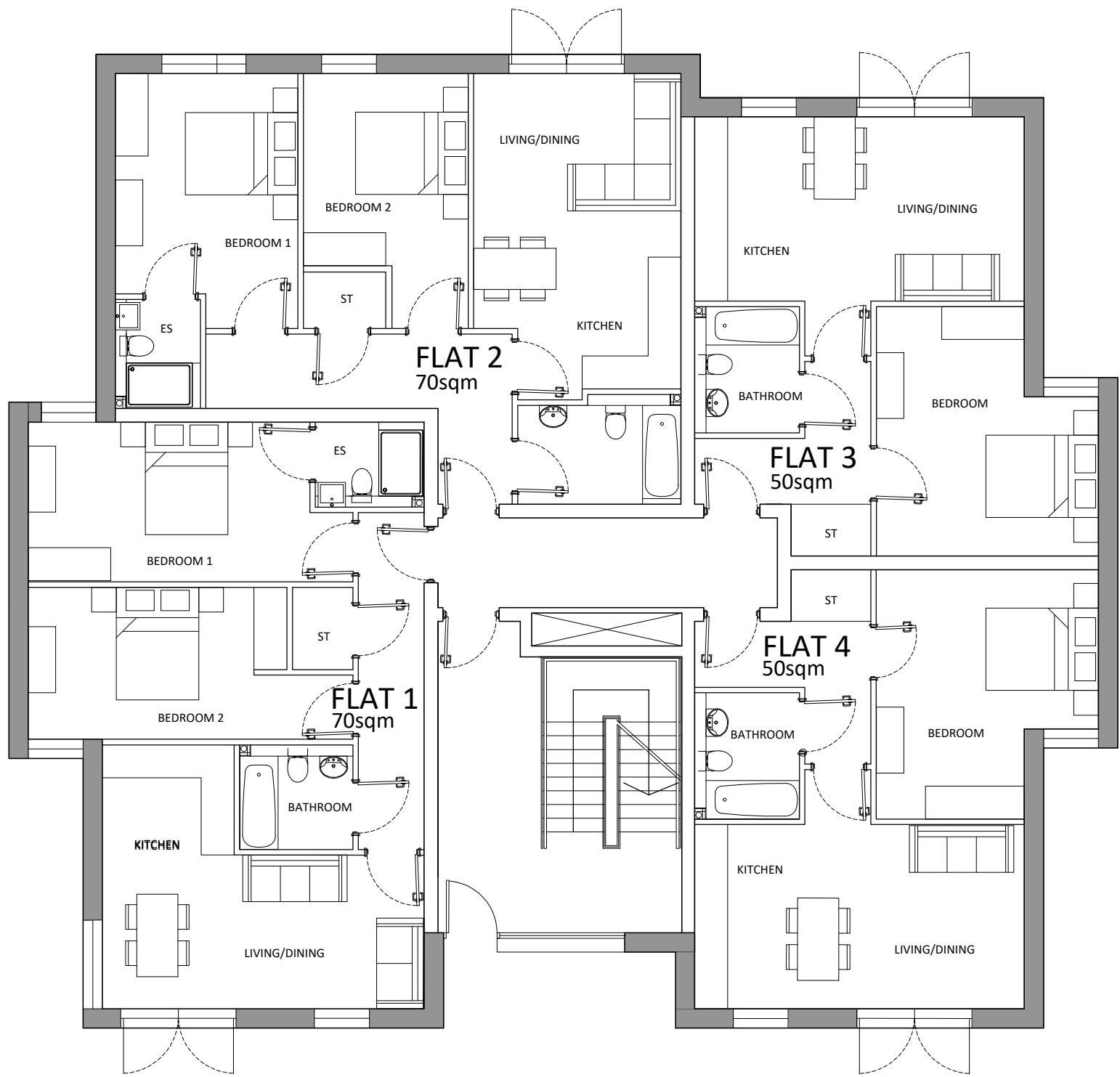
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AL	01/07/20			

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Project/Client: 215-225 Barrack Road Christchurch	
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Rev:	

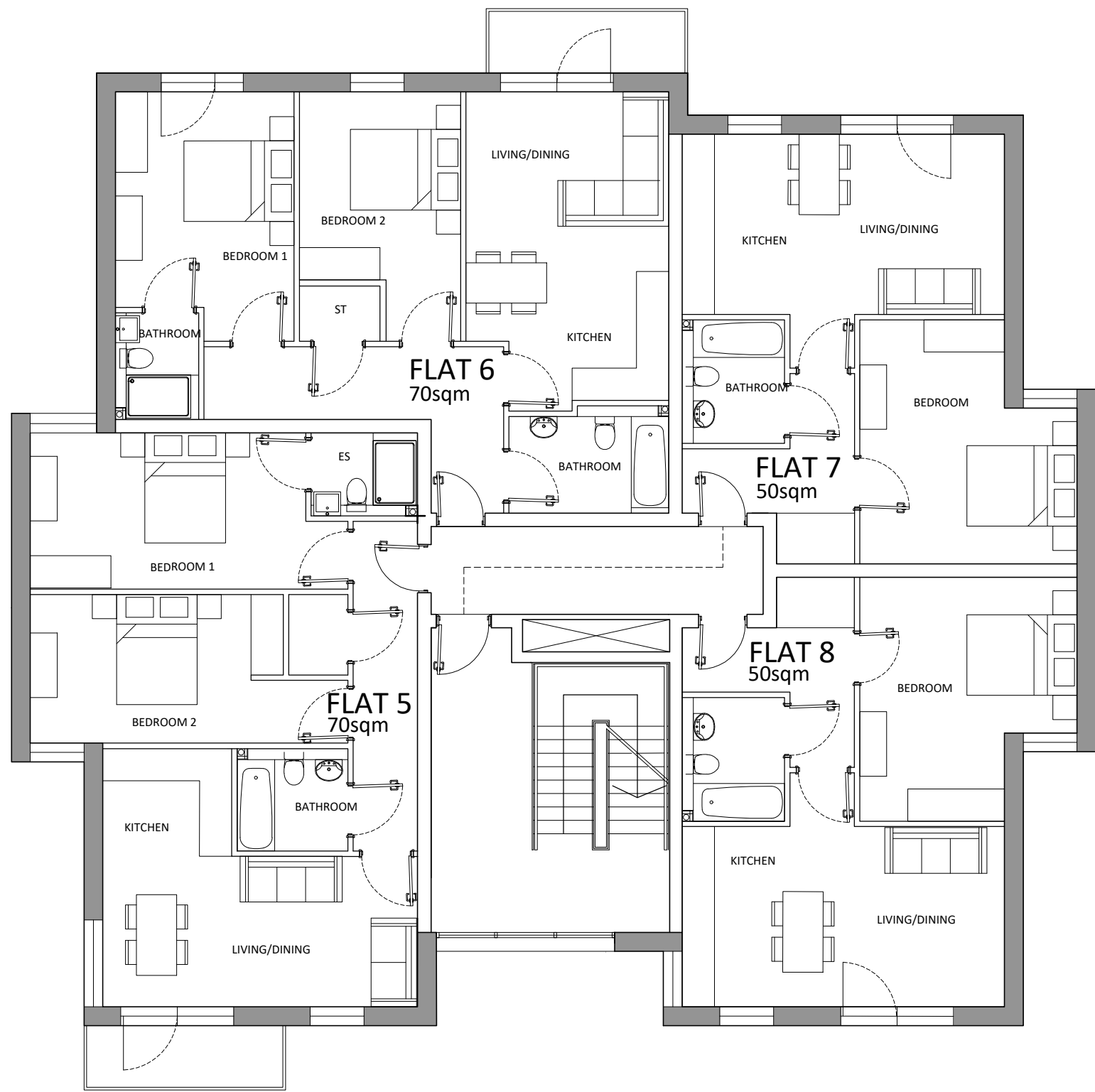
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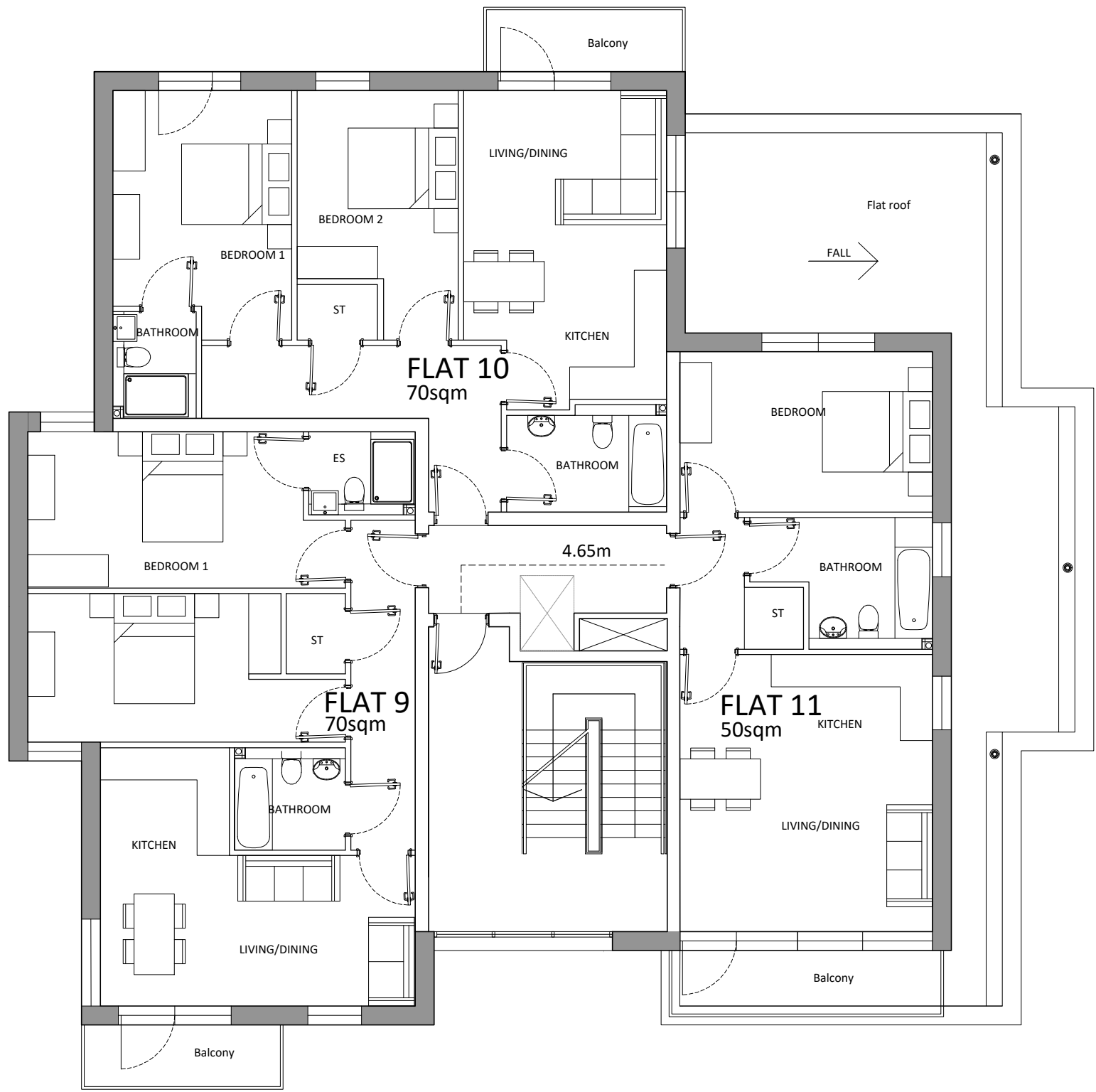
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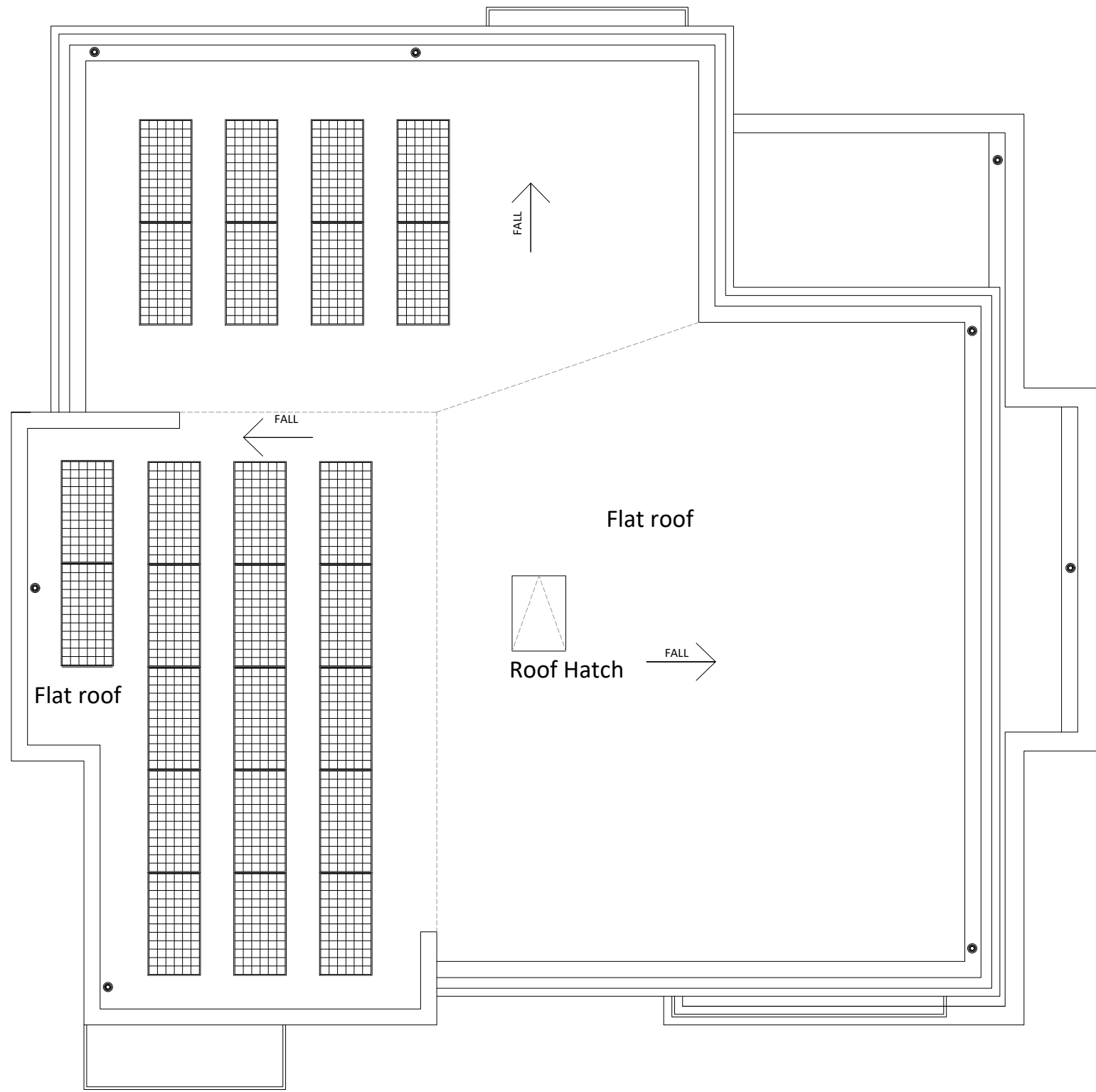
GROUND FLOOR PLAN



FIRST FLOOR PLAN

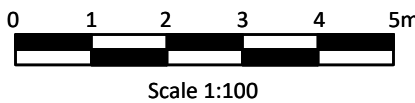


SECOND FLOOR PLAN



ROOF PLAN

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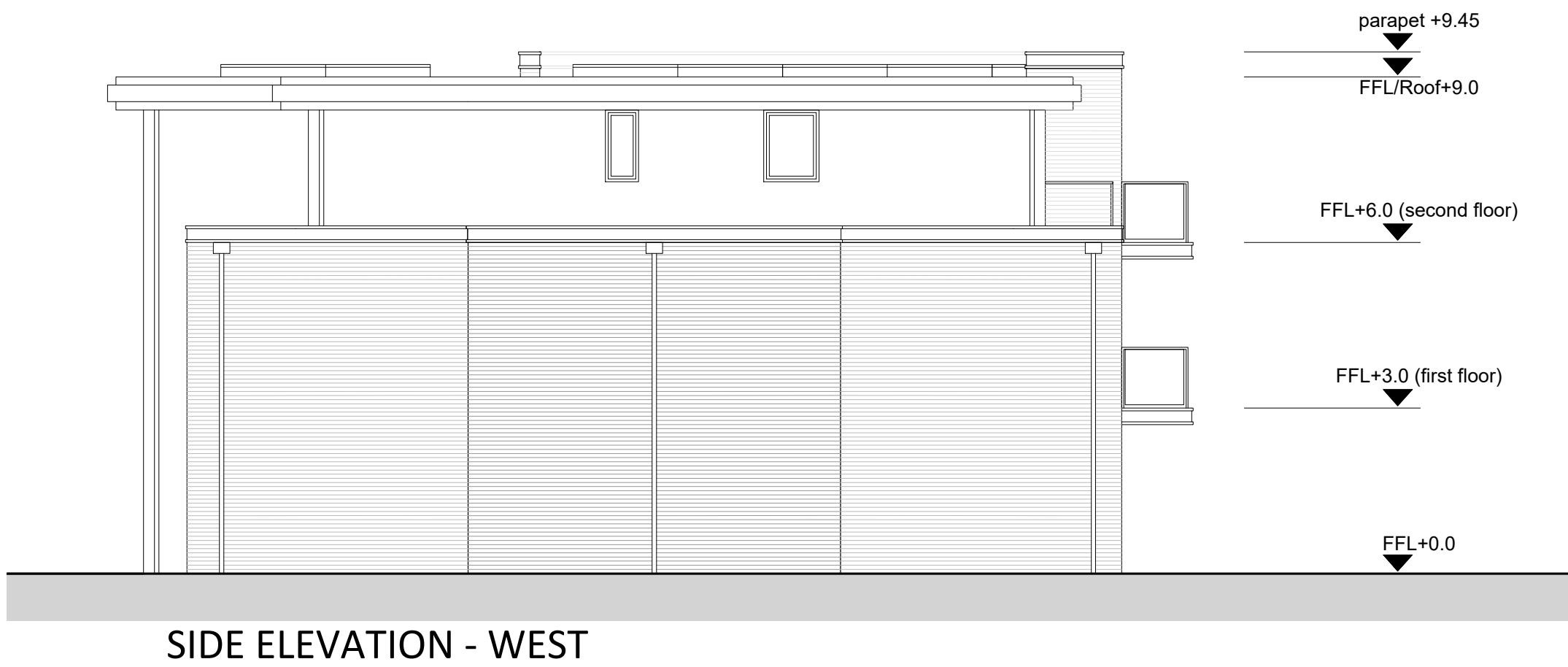
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AL	01/07/20			

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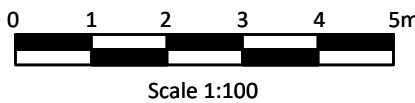
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Drawing:	Project No:
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PLANS	Scale:
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Project/Client:	Dwg No:
215-225 Barrack Road	P014
Christchurch	Rev:

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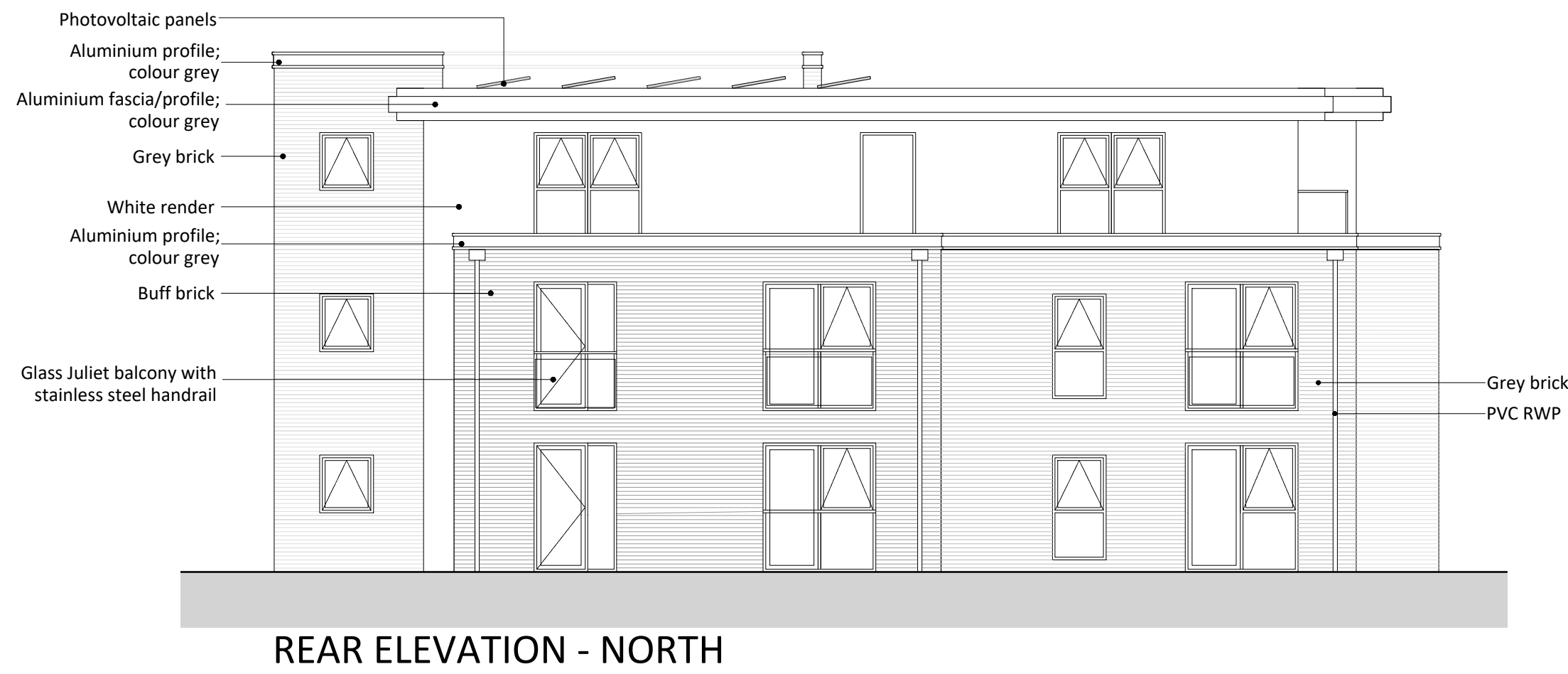
B	19.10.21	removd balconies to rear elevation	AL	
A	24.03.21	Amendments to side elevations annotation	AL	
Rev.	Date	Details	Drawn	Checkd
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AL		01/07/20		

Issued for:		PLANNING	
Drawing:		Project No:	
BLOCK A		19062	
ELEVATIONS		Scale:	
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Project/Client:		Dwg No:	
215-225 Barrack Road		P020	
Christchurch		Rev: B	

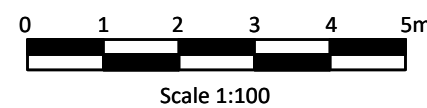
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Rev.	Date	Details	Drawn	Check
AL	01/07/20			

Rev.	Date	Details	Drawn	Check
AL	01/07/20			

Issued for:

PLANNING

Drawing: BLOCK B ELEVATIONS

Project No: 19062

Scale: 1:100 @A1

Dwg No: P021

Rev:

Project/Client: 215-225 Barrack Road Christchurch

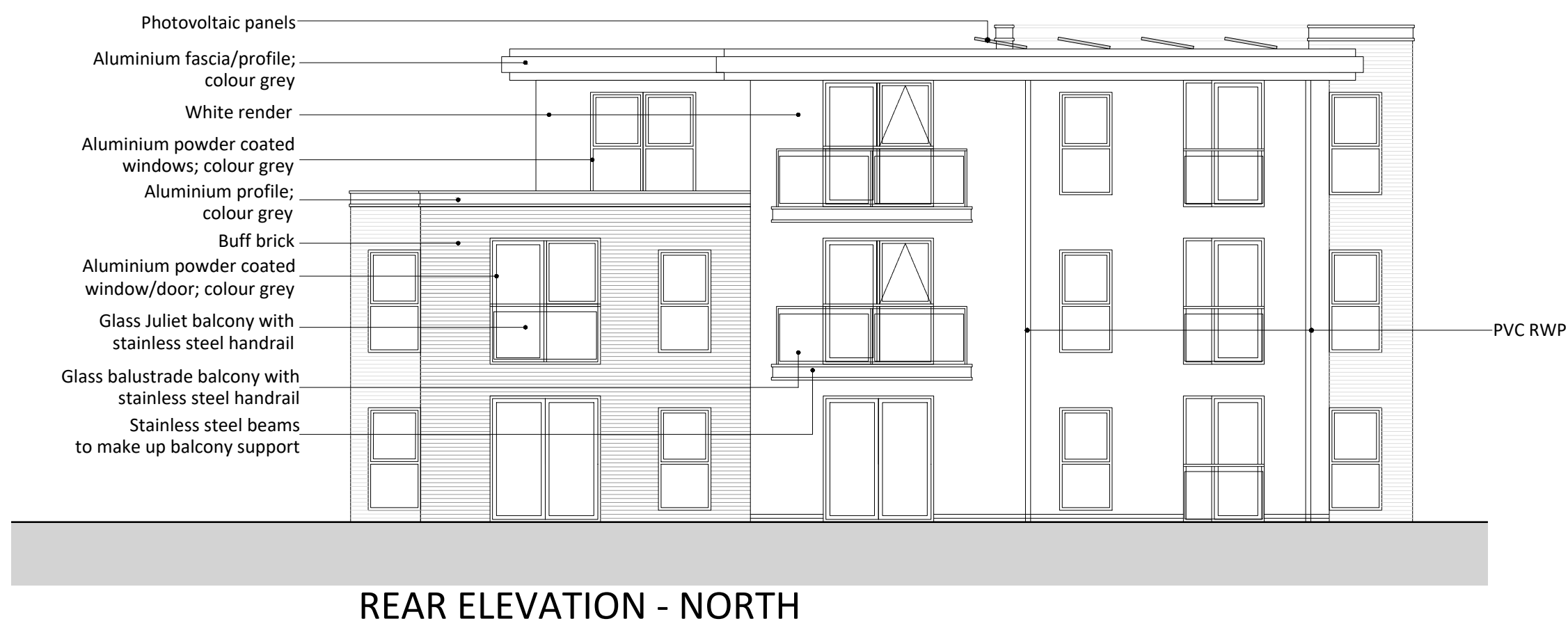
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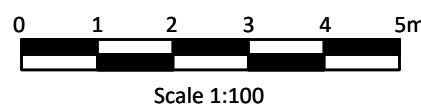
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A 15.03.21 amendments to side elevations annotation		AL	
Rev.	Date	Details	
Drawn By:	Date:	Checked By:	Date:
AL	01/07/20		

Issued for:	
PLANNING	
Drawing: BLOCK C ELEVATIONS	
Project No: 19062	
Scale: 1:100 @A1	
Project/Client: 215-225 Barrack Road Christchurch	
Dwg No: P022	
Rev: A	

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1 01_Street Elevation



2 02_Site Section

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Rev.	Date	Details	Drawn	Chkd

Rev.	Date	Details	Drawn	Chkd
Drawn By:	Date:	Checked By:	Date:	
RW	08.07.20	AL	08.07.20	

Issued for:

PLANNING

Project/Client:

215-225 Barrack Road

Project No:

19062

Scale:

Drawing:

Street Scene

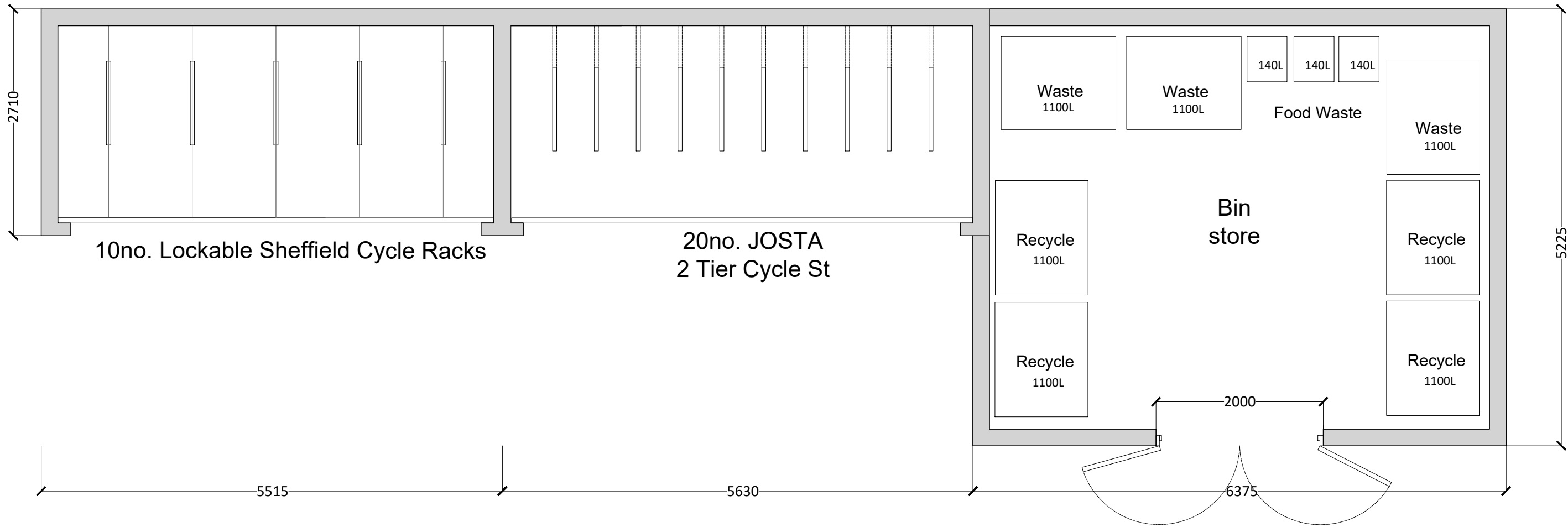
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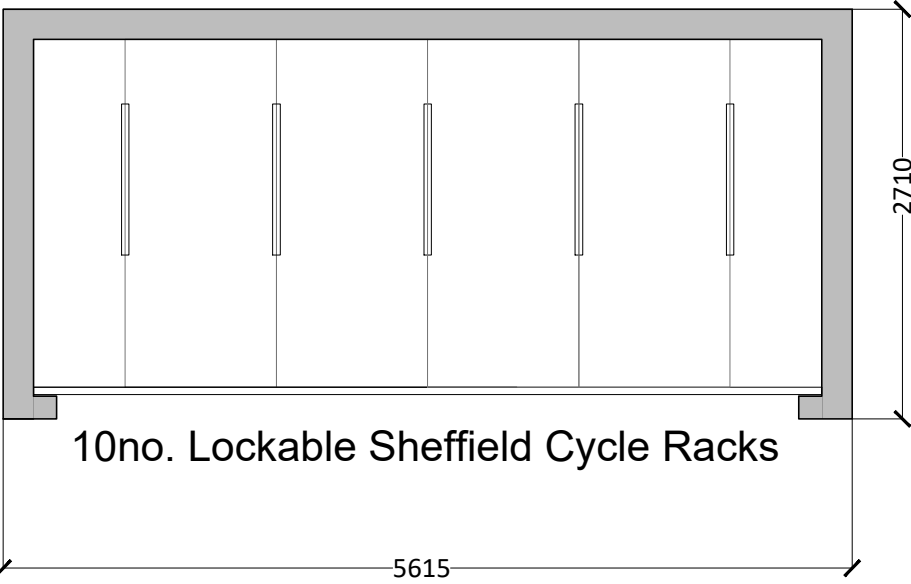
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CYCLE STORE AND BIN STORE

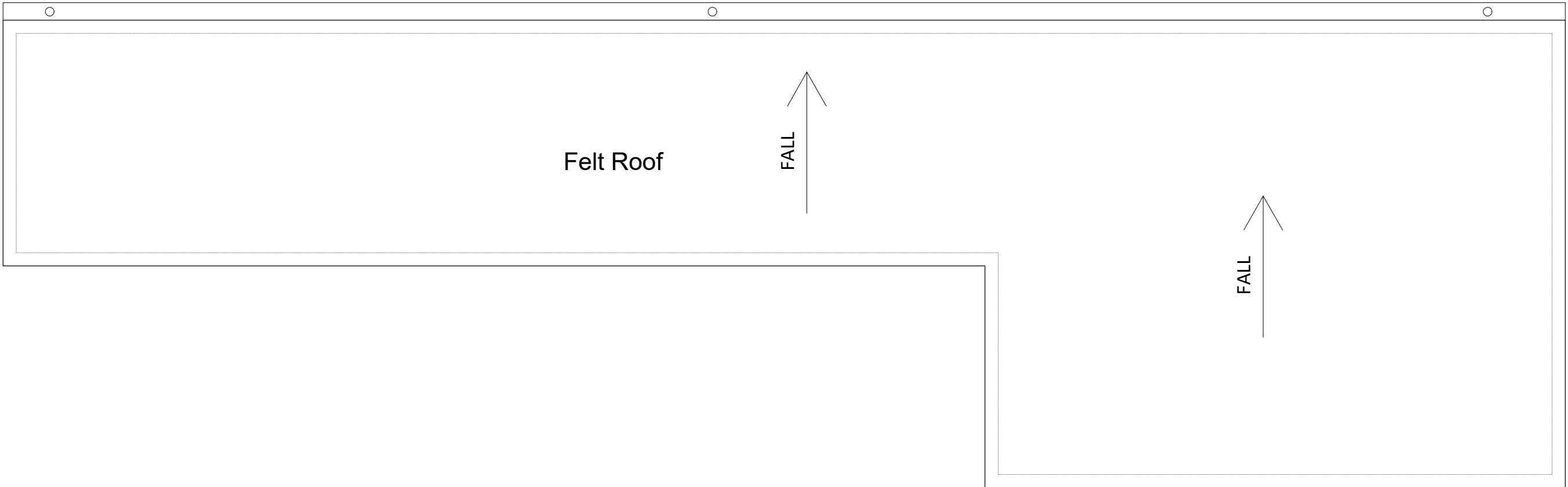


GROUND FLOOR PLAN

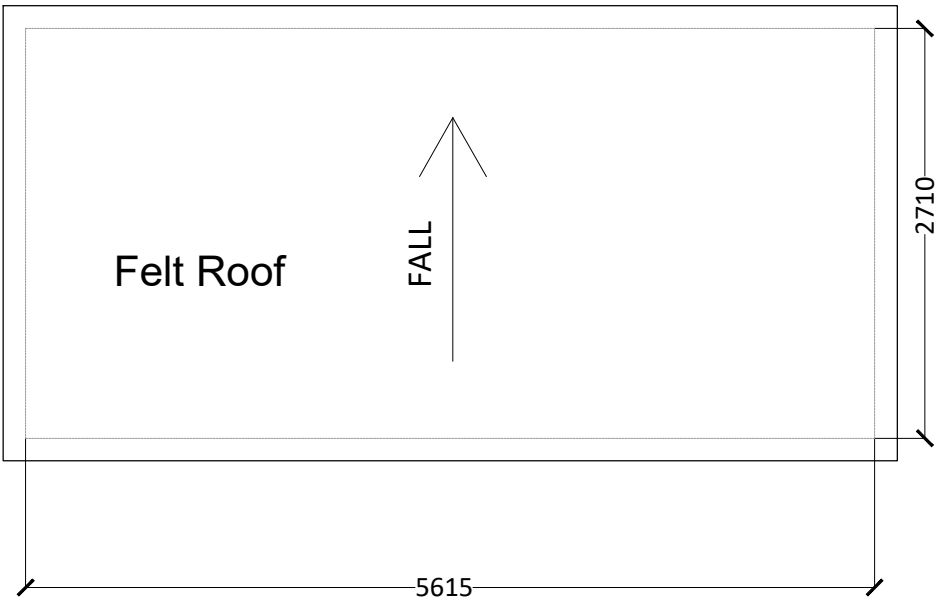
BIKE STORE



GROUND FLOOR PLAN

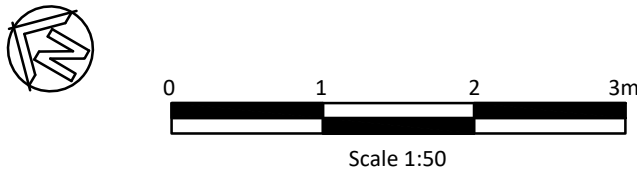


ROOF PLAN



ROOF PLAN

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Rev.	Date	Details	Drawn	Checked
AL	26.01.21			

C	22.10.21	Revised Cycle Stores	AL	
B	26/01/2021	Additional sheffield cycle store	AL	
A	19.11.20	Addition of Bat shelters, Sparrow houses and Bee bricks	AL	
Rev.	Date	Details	Drawn	Checked
Drawn By:	Date:	Checked By:	Date:	
AL	26.01.21	AL		

Issued for:

PLANNING

Drawing: Cycle / Bin Store Plans

Project No: 19062

Scale: 1:50 @A1

Project/Client: 215-225 Barrack Road Christchurch

Dwg No: P051

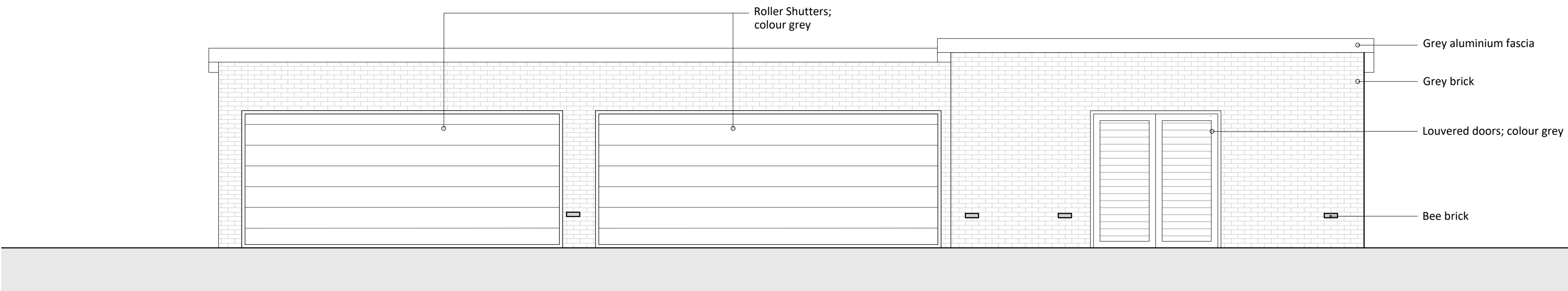
Rev: C

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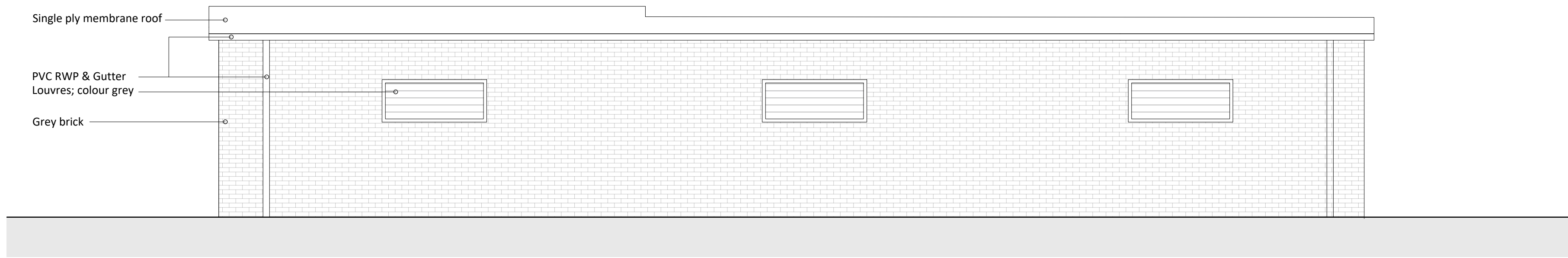
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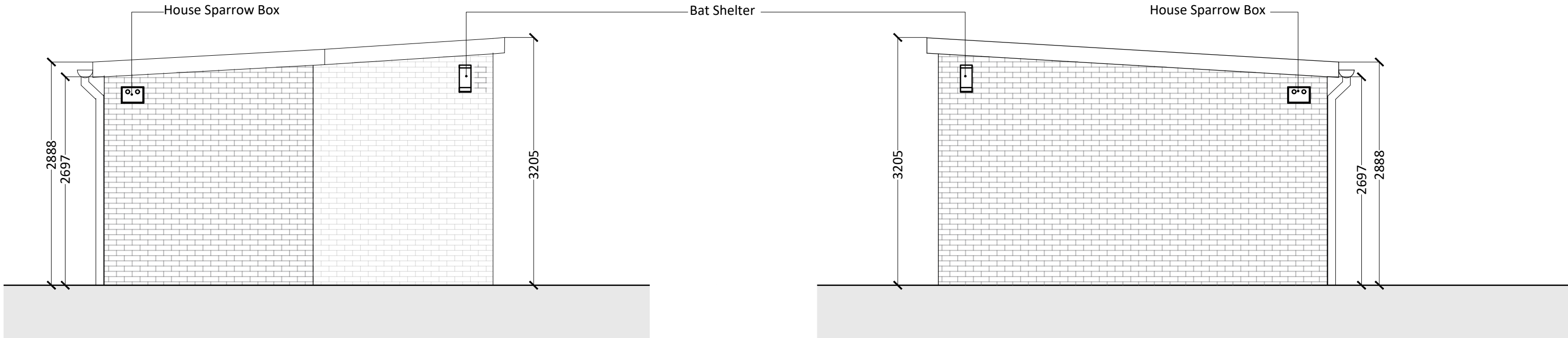
CYCLE STORE AND BIN STORE



SOUTH ELEVATION



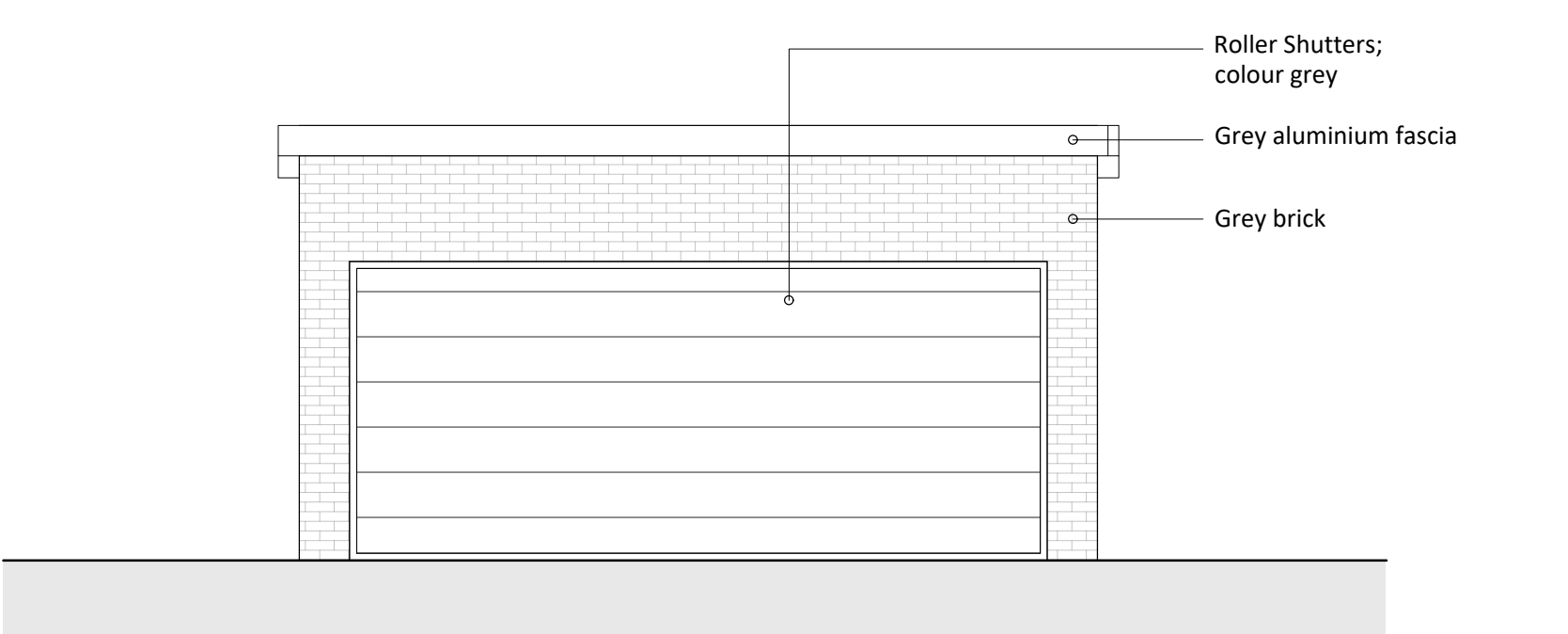
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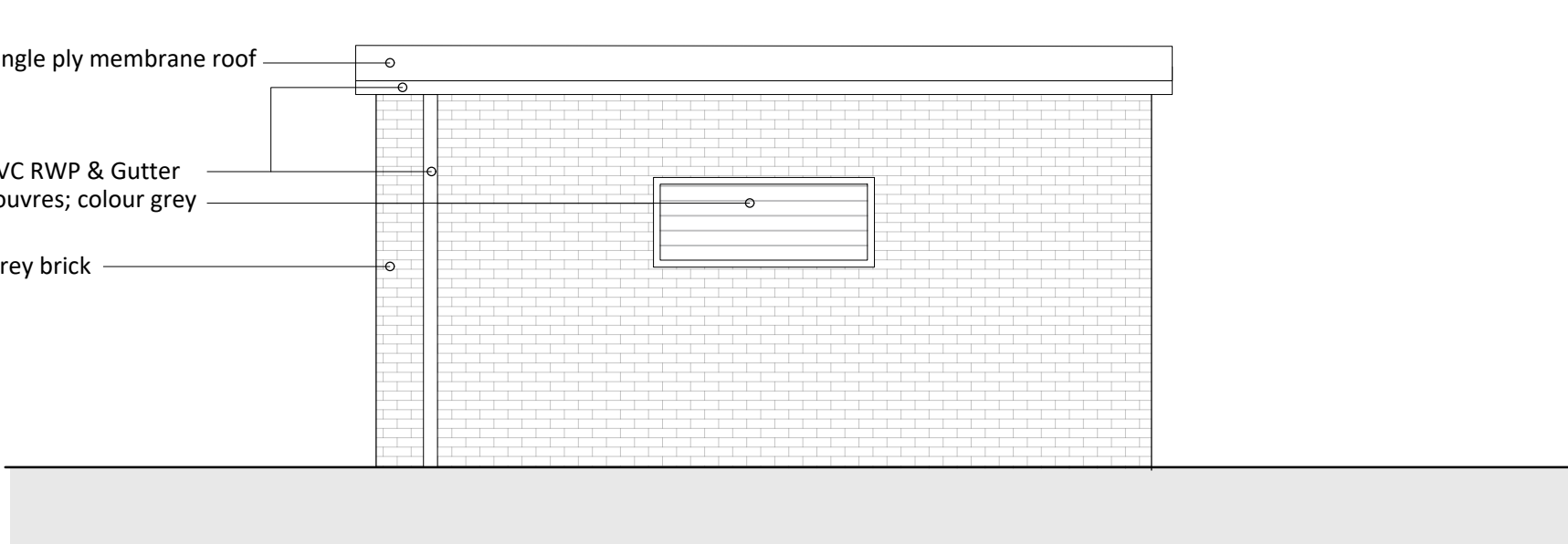
EAST ELEVATION

WEST ELEVATION

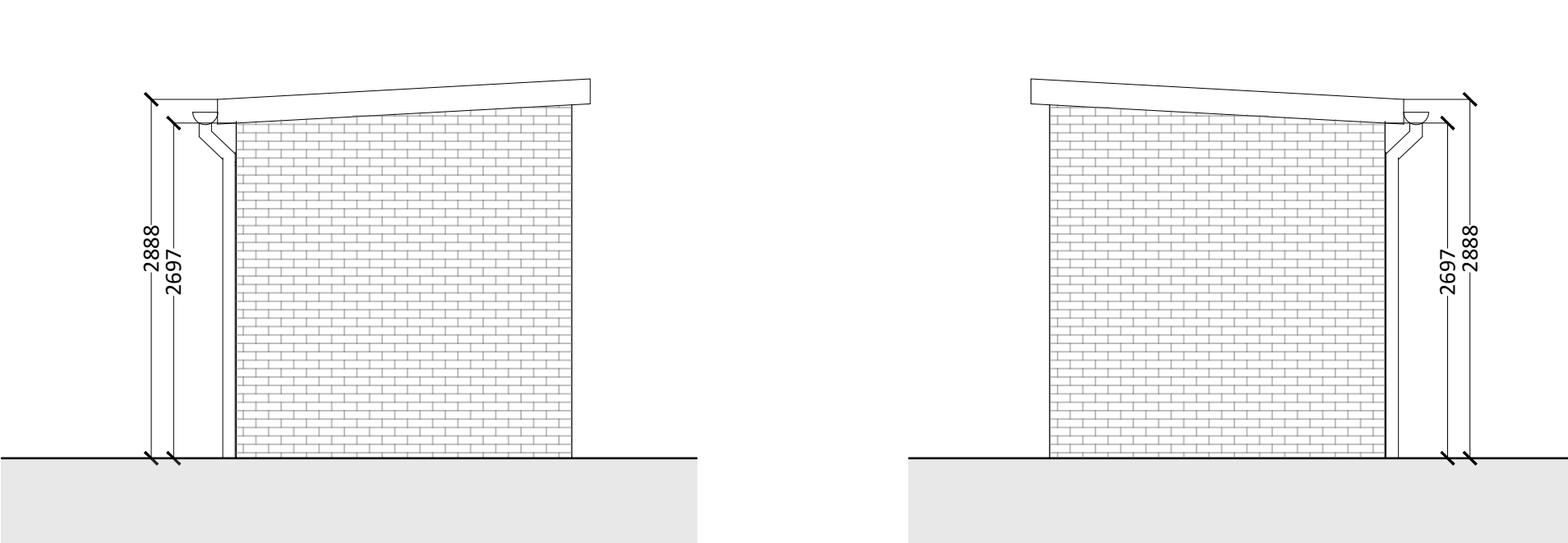
BIKE STORE



SOUTH ELEVATION



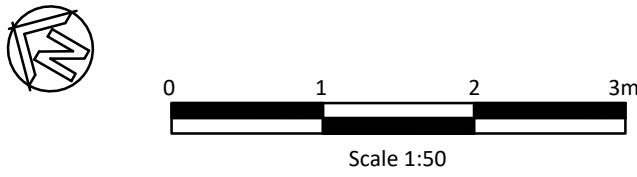
NORTH ELEVATION



EAST ELEVATION

WEST ELEVATION

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Rev.	Date	Details	Drawn	Checked
AL	26.01.21			

C	22.10.21	Revised Cycle Stores	AL	
B	26/01/2022	Additional sheffield cycle store	AL	
A	19.11.20	Addition of Bat shelters, Sparrow houses and Bee bricks	AL	
Rev.	Date	Details	Drawn	Checked
Drawn By:		Date:	Checked By:	Date:
AL		26.01.21	AL	

Issued for:	
PLANNING	
Drawing:	Project No:
Cycle / Bin Store Elevations	19062
Scale:	@A1
1:50	
Dwg No:	
P051	
Rev:	C

Project/Client:
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Christchurch

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Planning Committee

Application Address	23 Wick Lane Christchurch BH23 1HT
Proposal	The remodel of an existing bungalow to provide an extension to the side and rear and first floor accommodation.
Application Number	8/21/0387/HOU
Applicant	UAN
Agent	Mr Matthew Greavey
Ward and Ward Member(s)	Christchurch Town Councillor Peter Hall Councillor Mike Cox
Report status	Public
Meeting date	19 May 2022
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	<p>Call in requests from Councillor Peter Hall and Councillor Mike Cox. 20+ letters of objection also received. The following reasons for call-in have been provided:</p> <ul style="list-style-type: none"> • The proposal may be contrary to Policies HE2, HE3 and H12 criterion 1 and 2. • The design, bulk, and height of the proposal and the loss of amenities to neighbours, contrary to policies HE2 of Christchurch and East Dorset Local Plan: Core Strategy and saved policy H12 of the Christchurch Local Plan 2001.
Case Officer	Greg Lester

EXECUTIVE SUMMARY

Summary of Key Issues

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

34 responses have been received objecting to the proposal. 32 letters of support have been received. A summary of the objections and support letters have been provided within the consultation section of the report.

Principle of Development

The proposal is for a householder development to allow for the extension of the existing dwelling, along with raising the ridge height to allow for habitable accommodation within the roof space. The property is located within an urban area and is not located within any designated areas. Overall, there is no in principle objection to the development.

Design, Scale and Appearance

The proposal would see the ridge height of the existing property raised by 800mm and a slightly raised eaves, and would result in a similar style of property to others on Wick Lane which have extended the roof and provided habitable accommodation. It is notable that no. 23 is a wider property than the majority of properties on Wick Lane, resulting in a differing design to those which have previously had a loft conversion. Single Storey extensions to the rear would include one with a depth of 1.2 metres, along with a garden room, with a depth of 9.2 metres and width of 3.6 metres

It is not considered the proposals would adversely impact on the character and appearance of the area.

Impact on adjoining Conservation Area

The property is located in close proximity to the Christchurch Central Conservation Area, with the site's front boundary bordering the Conservation Area. It is notable that there is a distinct change at the boundary of the Conservation Area from the more modest terraced properties that fall within the Conservation Area, to the more modern bungalows located on the edge of the Conservation Area. Whilst the proposals will add bulk to the existing property by increasing the eaves line, ridge height and through the addition of two dormer windows to the front elevation, such alterations already prevail within the street scene.

There is not an adverse impact on the setting of the Conservation Area.

Impact on Residential Amenity

The single storey extensions would allow for sufficient separation distances with neighbouring properties surrounding the rear of the application site. The loft conversion, whilst situating windows within approximately 8 metres of the rear boundary, would consist of a box dormer window incorporating a mix of both clear glazed and obscure glazed window serving a bedroom, bathroom, dressing area and en-suite. Whilst this would alter the relationship between the host dwelling and the property to the rear, and result in overlooking of the property to the rear, the previously granted LDC scheme represents a material consideration as a lawful fall-back position with a realistic possibility of implementation. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed.

The scheme has acceptable impacts on the living conditions of neighbouring properties.

Transport Considerations

No impact is anticipated as adequate parking provision is retained, and the site is in close proximity to the Town Centre.

Flood Risk and Drainage

The site is located in Flood Zones 2 and 3. The submitted Householder Flood Risk Assessment states that floor levels will be no lower than existing and that flood resilience measures will be utilised where appropriate. This is considered acceptable.

Description of Proposal

1. Full planning permission is sought for the remodel of an existing bungalow to provide an extension to the side and rear along with raising of the roof to provide additional habitable accommodation. Two no. dormer windows are proposed to the front elevation and one dormer window to the rear elevation.

Description of Site and Surroundings

2. No. 23 Wick Lane is located to the south west of the town centre on the north side of Wick Lane, just outside the Christchurch Central Conservation Area which is located to the south of the site, ending at the front boundary of the property
3. Wick Lane comprises a variety of built form, including bungalows, chalets, two storey dwellings and the Priory C of E School. Generally properties to the north side of Wick Lane, outside the conservation area, are detached and have a variety of styles, with a number being remodelled to include accommodation within the roof.
4. The host dwelling occupies a relatively compact plot which is smaller than the majority of those to the southwest. The property at no.2 Wickfield Avenue has a rear garden which extends across the rear boundary of no. 23 Wick Lane,

with the garden depth of the latter measuring 9.5 metres from the rear wall of the original dwelling.

5. The rear garden of the host dwelling is predominantly laid to patio with a conservatory located to the rear elevation and shed located in the west corner of the boundary of the site.

Relevant Planning History

6. 8/21/1039/CLP – Rear and side extensions and a rear dormer extension – Lawful – 23/12/2021

Public Sector Equalities Duty

7. 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

8. 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.

Consultations

9. **Christchurch Town Council** - Object due to the design, bulk, and height of the proposal and the loss of amenities to neighbours, contrary to policies HE2 of Christchurch and East Dorset Local Plan: Core Strategy and saved policy H12 of the Christchurch Local Plan 2001.
10. **BCP Conservation/Heritage** – With the lack of heritage statement, it appears that little consideration has been given to the context of the property in drawing up the proposed scheme. If however the works can be amended/scaled back to ensure the property remains in keeping with the street scene, then the impact upon the adjacent heritage asset should be negligible.
11. **Wessex Water** – Wessex Water has no objections to this application.

Representations

12. 34 objections have been received in relation to the proposals, raising the following points:
- Overbearing and out of keeping with immediate area
 - Loss of light/overshadowing
 - Overlooking
 - Conservation Area should have its characteristics preserved (Officer note: The property is not located within a Conservation Area)
 - Taller than adjacent dwellings
 - Overdevelopment of the site
 - Existing alterations to neighbouring properties retain a sense of space
 - Increased noise and disturbance
 - Access required to side wall of property for maintenance
13. In addition 32 letters of support have also been received making the following points:
- In keeping with other properties on Wick Lane
 - Encouraging to see properties being improved and modernised
 - Area will benefit from additional family housing
 - Improve visual appearance
 - Provides interest within the street scene
 - Lower carbon footprint
 - Will continue the enhancement of the area
14. Comments also received:
- Party wall agreement should be entered into before works commence due to proximity to neighbouring properties wall

Key Issue(s)

15. The key issue(s) involved with this proposal are:
- Principle of Development
 - Impact on the character and appearance of the site and wider area
 - Impact on adjoining Conservation Area
 - Impact on neighbouring living conditions
 - Parking provision and Highway Safety
 - Impact on Flood Risk
16. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

17. **Christchurch and East Dorset Local Plan – Part 1 Core Strategy (2014)**

KS1 – Presumption in Favour of Sustainable Development

KS11 – Transport and Development
KS12 – Parking Provision
HE1 –Valuing and Conserving our Historic Environment
HE2 – Design of New Development
ME6 – Flood Management, Mitigation and Defence

Christchurch Borough Council Local Plan (2001) – saved policies

H12 – Residential Infill
BE5 - Setting of conservation areas

18. Supplementary Planning Documents:

BCP Parking Standards – SPD (2021)
Christchurch Conservation Area Appraisal (2005)
Christchurch Borough-wide Character Assessment (2003)

19. The National Planning Policy Framework (2021)

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.

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

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Planning Assessment

Principle of development

21. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must

be granted unless policies in the Framework provide a clear reason for refusing the development proposals.

22. Section 38 of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications *'must be made in accordance with the development plan unless other material considerations indicate otherwise'*.
23. In this case, the applicant benefits from a Lawful Development Certificate, granted under reference 8/21/1039/CLP which amongst other matters includes the provision of a box dormer on the rear roof slope with a pair of clear glazed windows to either end. It has been indicated by the applicant that in the event the current planning application fails, the LDC scheme will be implemented as an alternative.
24. The site is located within an urban area in a predominantly residential setting and therefore the principle of the development is considered acceptable.

Impact on the character and appearance of the site and wider area

25. The proposal would see the height of the property increased by approximately 800mm over the existing ridge height to accommodate a loft conversion. A single storey side extension is proposed with a width of 1.9 metres, and including the proposed garden room, will have a maximum depth of 15 metres, although the projection beyond the original rear wall of the host dwelling will be approximately 9.2 metres, with the garden room having a width of 3.6 metres. In addition a rear extension is also proposed to a depth of 1.2 metres.
26. The proposal would replace the existing rear conservatory with a single storey rear extension, which would also result in the removal of the existing shed to facilitate the construction of the proposed garden room extension. It is noted that a number of properties along Wick Lane have undergone redevelopment to provide additional accommodation within the roofspace, resulting in design similarities between the properties.
27. However, the host dwelling is a wider property than those which have previously been altered, resulting in a differing design approach, with a pair of triangular dormer windows proposed to the front elevation above two bay windows at ground floor level with a centrally located doorway, creating a symmetry to the front elevation.
28. In addition, the proposal features a slightly increased eaves height when compared to the neighbouring properties, and whilst this increases the bulk of the property, given the limited height increase, this is not considered to be incongruous or out of keeping with the character of the area.

29. Whilst the proposal results in a slightly higher eaves height, it is similar in design and appearance to the immediate neighbour at no. 25 and also other properties within the vicinity. As such, it is not considered the proposed developments would diminish the character of the dwellinghouse and the surrounding area, by virtue of its scale and design. Details of materials have not been provided, although it is considered these could reasonably be agreed by planning condition given the mixed material palette in the vicinity.
30. The host dwelling notably occupies a relatively small plot, and whilst the garden room extension extends to within close proximity of the rear boundary, the rearward extension to the remainder of the property is much more limited at 1.2 metres, leaving what is considered to be acceptable private amenity space for future occupiers of the property. The proposed developments would not be considered overdevelopment to the site, due to its acceptable scale, mass and bulk.
31. The proposal would respect the character and appearance of the dwellinghouse and the street scene of Wick Lane, therefore it is considered to be acceptable and in accordance with Policy HE2 of the Core Strategy.

Impact on adjoining Conservation Area

32. The property is located in close proximity to the Christchurch Central Conservation Area, with the site's front boundary bordering the Conservation Area. The applicant has subsequently submitted a Heritage Statement to assess the impact of the proposals on the adjoining Conservation Area.
33. Paragraph 199 of the NPPF requires that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
34. Paragraph 200 of the NPPF also requires that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
35. The proposed alterations to the existing bungalow will result in a design of more contemporary appearance, and also increased height. This would, however, give the proposal a similar appearance to properties which have already been extended/redeveloped on Wick Lane, which share a boundary with the Conservation Area.
36. In this context, it is notable that there is a distinct change at the boundary of the Conservation Area. Here it changes from the more modest historic terraced properties that fall within the Conservation Area, many of which are identified as contributing positively to the Conservation Area in the adopted

Conservation Area Appraisal – such as 40 – 48 Wick Lane opposite the site - to the more modern bungalows located on the edge of the Conservation Area. Whilst the proposals will add bulk to the existing property by increasing the eaves line, ridge height and through the addition of two dormer windows to the front elevation, such alterations already prevail within the street scene.

37. As such, taking into consideration the similarities of the present scheme with those which have been completed in the immediate vicinity outside of the Conservation Area, it is not considered the proposals would result in any significant impacts on the character and appearance of the adjoining Conservation Area and whilst the Council's Conservation Officer expressed concerns regarding the scale of the proposals, the nature of the property is such that the proposals are considered to be in keeping with those which have previously been completed to neighbouring properties and as a result would not be harmful to the setting of the Conservation Area and would comply with the provisions of Policy HE1 of the Core Strategy.

Impact on neighbouring amenities and privacy

38. During the course of the application, significant concerns were raised in received representations regarding the impacts the proposed development could have on neighbouring occupier's living conditions through both overbearing impact, and also loss of privacy from the proposed rear facing windows.
39. In response to these concerns, amended plans were submitted and an additional round of publicity undertaken. However, concerns continued to be expressed that although the number of windows directly facing the rear had been reduced, rooflights had been introduced to replace those casement windows which had been received.
40. The applicant also submitted a lawful development certificate application (LDC), noted above, to establish whether a dormer window extension to the roof, a single storey side and a single storey rear extension would be lawful development.
41. This application was subsequently granted and forms a material consideration within the current determination process as there is a reasonable prospect of the lawful scheme being carried out. Whilst this has not been confirmed by the applicant to date, in the event planning permission is refused, this remains open to the applicant as an option to construct. Following the granting of the LDC, a further set of amended plans have been submitted and additional publicity undertaken, with the revised plans reflecting design similarities with the LDC scheme, with previously proposed rooflights being removed and replaced with a rear dormer.
42. The lawful works in the LDC scheme includes a box dormer which would be sited on the rear roof slope. This dormer window would feature two pairs of

clear glazed casement windows serving bedrooms either side of an obscure glazed window to serve a bathroom.

43. The scheme before members would also see a box dormer on the rear roof slope, and whilst the proportions would be larger than that under the LDC scheme, the proposal would feature clear glazed windows to either end (one with a pane of obscure glazed glass serving a bathroom) with an obscure glazed bathroom window located in the centre. The floor plans show that only one of these windows would be serving a bedroom with the other clear glazed window serving a dressing area. Whilst marginal, this is considered to be an improvement over the LDC scheme.
44. The proposed increase to the ridge height has the potential to create an overbearing impact on the neighbouring occupiers to either side, and also the rear, of the site. It should be noted that whilst the LDC scheme forms a material consideration, that scheme does not make provision for raising the roof. The proposal under consideration would raise the roof by a maximum of approximately 800mm and have half hips. Whilst this would increase the bulk of the roof, this is mitigated through the half hips and limited height increase.
45. Given the proximity of the property to the immediate neighbour and orientation, the increase in height will be visible to the properties to the north-east of the site. Any impacts experienced however are not considered to be of such a substantial nature that the proposals could be deemed unacceptable on this ground alone.
46. It is not considered that the properties to either side would experience significant adverse effects from the additional height by way of an overbearing impact.
47. The property to the rear would also have the additional bulk of box dormer on the rear roof slope, approximately 8 metres from the boundary. The dormer is centrally located within the roof, and whilst it is considered this would alter the outlook from the rear garden and windows of the property located to the rear, the scheme under consideration is similar to that granted under the LDC application. Whilst the revised plans include a larger dormer window, it is of a lesser height than the previously proposed centrally located dormer window. On balance, it is therefore considered the proposed dormer would have an acceptable impact on outlook, similar to that deemed lawful under the LDC application.
48. It is noted the proposals would also bring a single storey extension in close proximity of the side elevation/garden of no.25 Wick Lane, and also the rear boundary of No. 2 Wick Avenue.
49. Due to the location of the proposal in relation to no. 25 Wick Lane and its flat roof, it is considered the proposal would result in acceptable impacts on the

living conditions of the adjacent occupiers as the proposed extension for the most part runs alongside the side elevation of no.25, and the element which would project beyond the rear of no.25 currently has a single storey garage which would be removed to facilitate the proposals.

50. Similarly, whilst the proposed new structure is wider than the garage it would replace, it is not considered there would be a significant increase in overbearing impact over the existing situation on the occupiers of no.2 Wick Avenue due to the flat roof.
51. The proposed garden room extension is therefore not considered to cause detrimental shading, loss of daylight or overbearing impact to the by virtue of its height, scale and design.
52. The proposed fenestration layout to the rear at first floor level, due to the proximity, to the boundary has the potential to overlook the properties to the rear of the site, most notably no. 2 Wick Avenue.
53. Whilst oblique overlooking of properties to either side of a property in either an urban or suburban location is generally accepted, direct overlooking of properties to the rear has the potential to cause harm to privacy.
54. In this case, the amendments proposed would bring the rear dormer window to within approximately 8.5 metres of the boundary, which it is considered could give rise to significant overlooking, which would be materially harmful.
55. As noted above, following the granting of the LDC application, the current scheme has been revised and now incorporates a number of clear glazed windows facing the rear of the property, which it is considered would materially impact the residential amenities of the neighbouring occupiers. Ordinarily this could potentially warrant refusal, if the loss of privacy would be significant.
56. However, given the granting of the LDC application, it is considered that weight must be given to the fallback position on account of its similarity to the proposed scheme. The details approved within the LDC application show at first floor level a dormer roof extension with three casement windows facing to the rear. Two of the three windows are shown as clear glazed windows, and the clear glazed windows would overlook the garden to the rear at No. 2 Wick Lane.
57. Whilst the LDC scheme does not make provision for raising the roof given that its grant was on the basis of Permitted Development, the impacts from the increase in roof height alone are not considered to be of such a severe nature that these alone would attract a recommendation for refusal. However, the key matter which does result in harm are the clear glazed windows on the box dormer to the rear roof slope.

58. As has been discussed above, the relationship between the clear glazed windows facing the property to the rear is similar between the LDC scheme and the scheme under consideration. The remaining clear glazed window to the rear is shown to serve a dressing area, with the bedroom served by this area benefitting from a clear glazed window to the front elevation.
59. In this regard, it is considered that the proposed dressing area window could reasonably be required to be obscure glazed, as this would not impact on the bedroom which this serves, to provide an improvement on the situation which would otherwise result from the implementation of the LDC scheme.
60. In the event the application is approved with a condition requiring the obscure glazing of the dressing room window, the scheme is considered unlikely to result in any further overlooking than would occur under the LDC scheme. Whilst it is accepted the proposed clear glazed windows serving bedroom 3 would result in overlooking, there would be no requirement under the LDC scheme for the rear facing windows to be obscure glazed, and indeed they are shown as clear glazed on the plans which accompanied that application. Therefore, considering the fall-back position and the likelihood of its implementation, whilst it is found there would be impacts on this neighbour, a legitimate fall-back position is available with the same or greater impacts.
61. Whilst the option to require the windows serving bedroom 3 to be obscure glazed could be considered, as the rear facing window is the only source of natural light and outlook to that room, the obscure glazing of this window would be regarded as poor design, resulting in unacceptable living conditions for the occupier. Furthermore, such intervisibility between properties at 1st floor is a common feature of the surrounding central urban area. Given the already discussed fallback position, and the improvement offered by the scheme under consideration, with appropriate conditions, it is not considered the window to serve bedroom 3 could reasonably be required to be obscure glazed.
62. Therefore, whilst Policy HE2 of the Core Strategy indicates planning permission should be refused for the proposal due to the level of harm which would occur, Section 38 of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications *'must be made in accordance with the development plan unless other material considerations indicate otherwise'*. In this case, despite the level of harm identified, the LDC scheme granted (being the material consideration), indicates that a decision to grant, contrary to the requirements of Policy HE2, should be made.

Parking Provisions and Highway Safety

63. The proposal would maintain off road parking currently on site. The Highway Authority support the proposal, stating the parking arrangement will not differ from the existing. The house alterations are not considered likely to lead to a change in parking demands. The proposal is therefore in accordance with Policy KS11 and KS12 of the Core Strategy.

Impact on Flood Risk

64. The site is located within flood zones 2 and 3, and as such the proposal is accompanied by a Householder Flood Risk Assessment (FRA).
65. Paragraph 167 of the NPPF requires that: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
d) any residual risk can be safely managed; and
e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
66. Paragraph 168 excludes some minor applications, including householder applications, from the requirement to complete the sequential and exception tests, although a site specific FRA is required.
67. The submitted FRA states that the floor levels of the proposed additions will be set no lower than the existing and that flood resilience measures will be incorporated where appropriate.
68. The proposal is considered to comply with Policy ME6 of the Core Strategy.

Planning Balance/Conclusion

69. The proposed development is considered to have an acceptable impact on the character and appearance of the surrounding area. The proposal is considered to impact on residential living conditions and impacts on the privacy of neighbouring properties, but due to the material consideration of the previously granted LDC scheme, a refusal of planning permission is considered unreasonable. It is considered the proposed extensions would lead to an element of shading and loss of daylight to nearby properties,

although insufficient harm has been identified to warrant refusal of the proposal on these grounds.

70. Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development, whilst failing to accord with the Development Plan, would be decided based on the principles set out at Section 38 of the Planning and Compulsory Purchase Act given that material considerations indicate a decision should be made that does not accord with the Development Plan. The Development Plan Policies considered in reaching this decision are set out above.
71. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

Recommendation

Grant, subject to the following:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21-112-01, 21-112-02B.

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

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. Both in the first instance and upon all subsequent occasions the window(s) on the northwest (garden) elevation (such expression to include the roof) shown to serve the following rooms: Bathroom, Dressing and Ensuite, shall be glazed with obscure glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the

effect of obscure glazing being negated by reason of overlooking. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment, no further fenestration shall be installed in the said elevation without express planning permission.

Reason: To preserve the amenity and privacy of the adjoining property.

Informatives

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. This planning permission does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without your neighbour's consent. This is, however, a civil matter and this planning consent is granted without prejudice to this.

Background Documents:

Case files: 8/21/0387/HOU and 8/21/1039/CLP.

Case Officer Report Completed:

Officer: Greg Lester

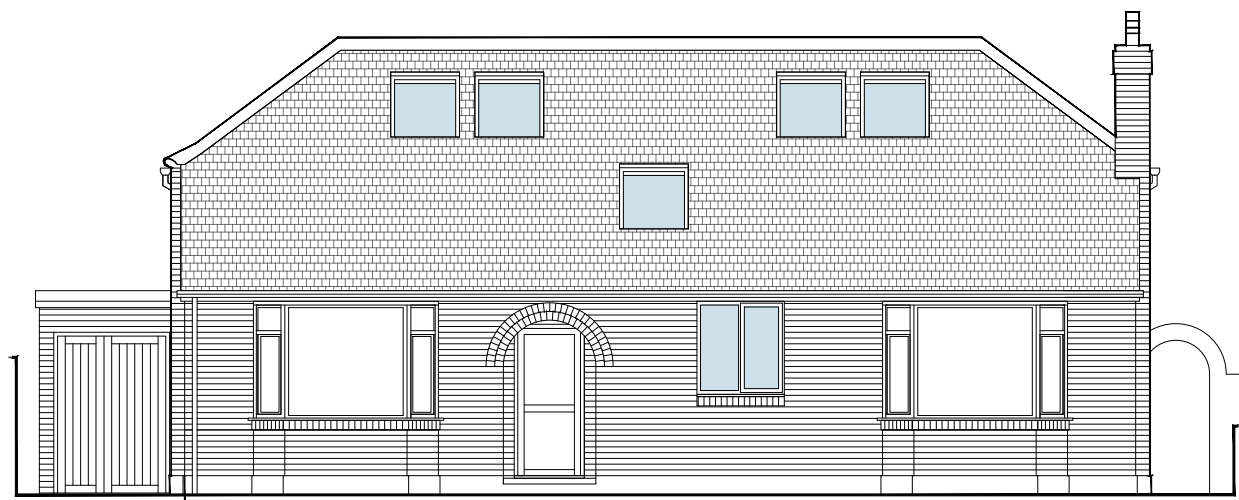
Date:

Agreed by: DH

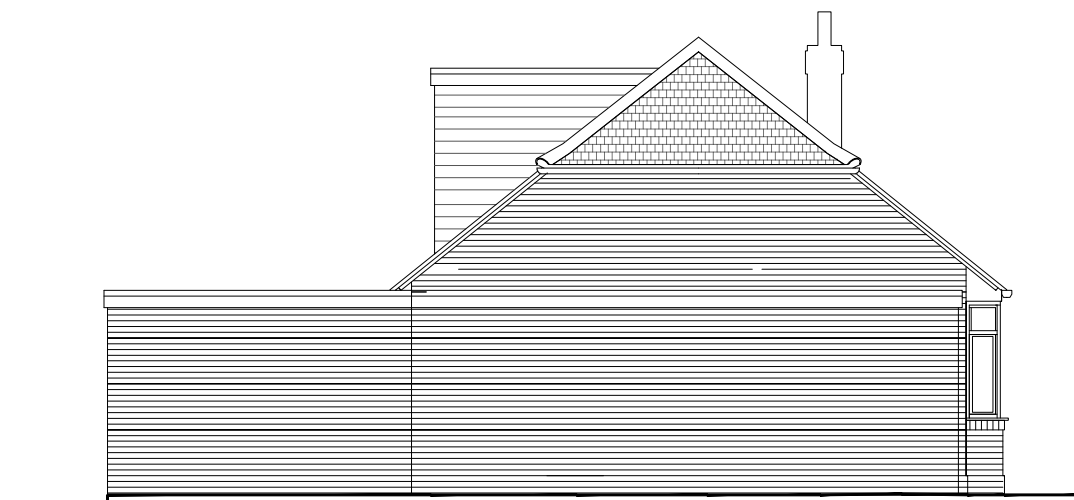
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Comment:

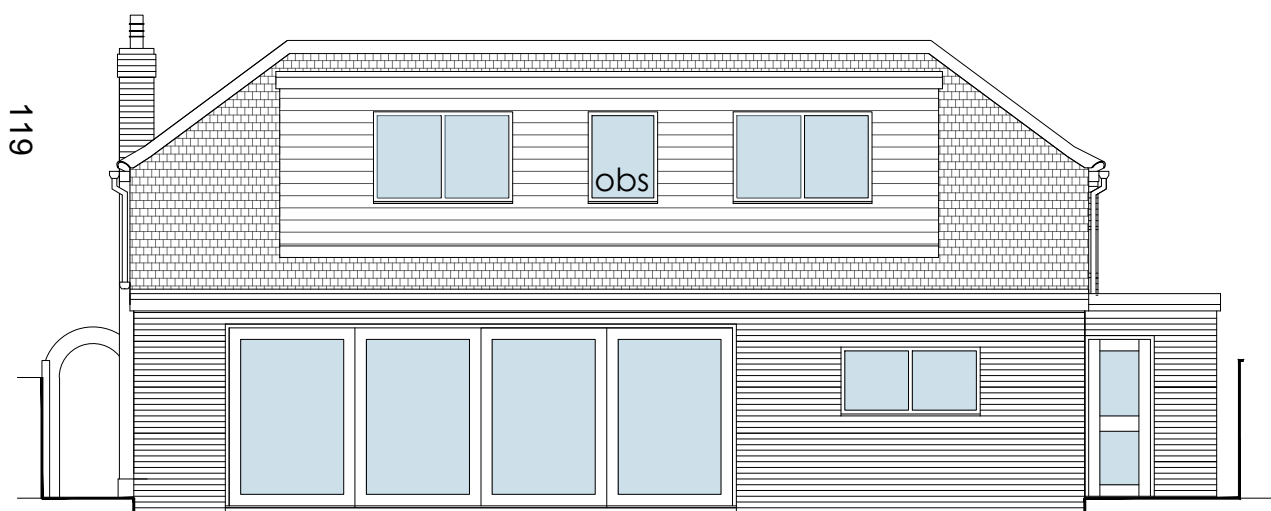
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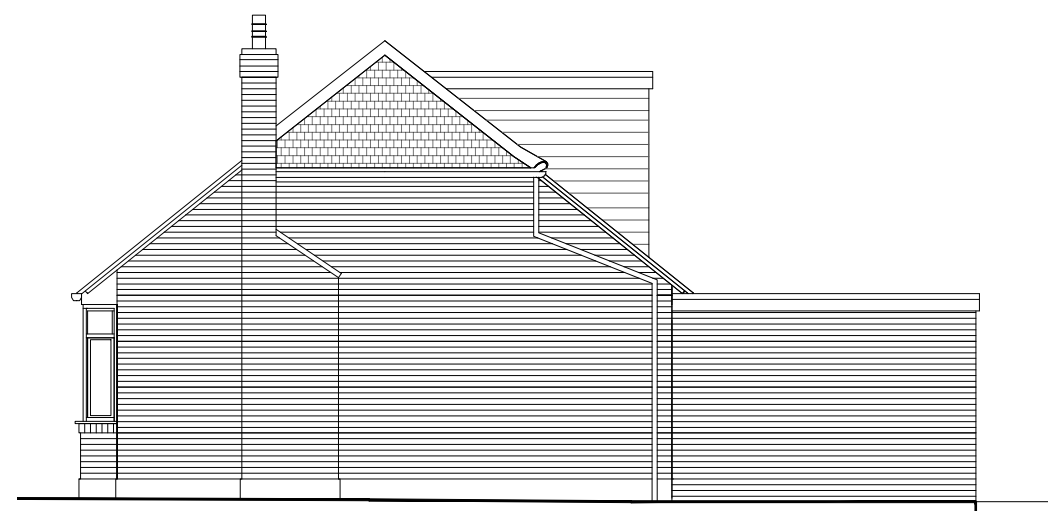
Proposed
South East Elevation (Street) 1:100



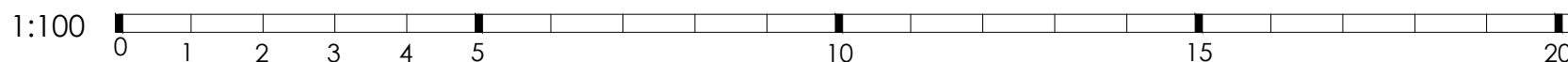
Proposed
South West Elevation 1:100



Proposed
North West Elevation (garden) 1:100

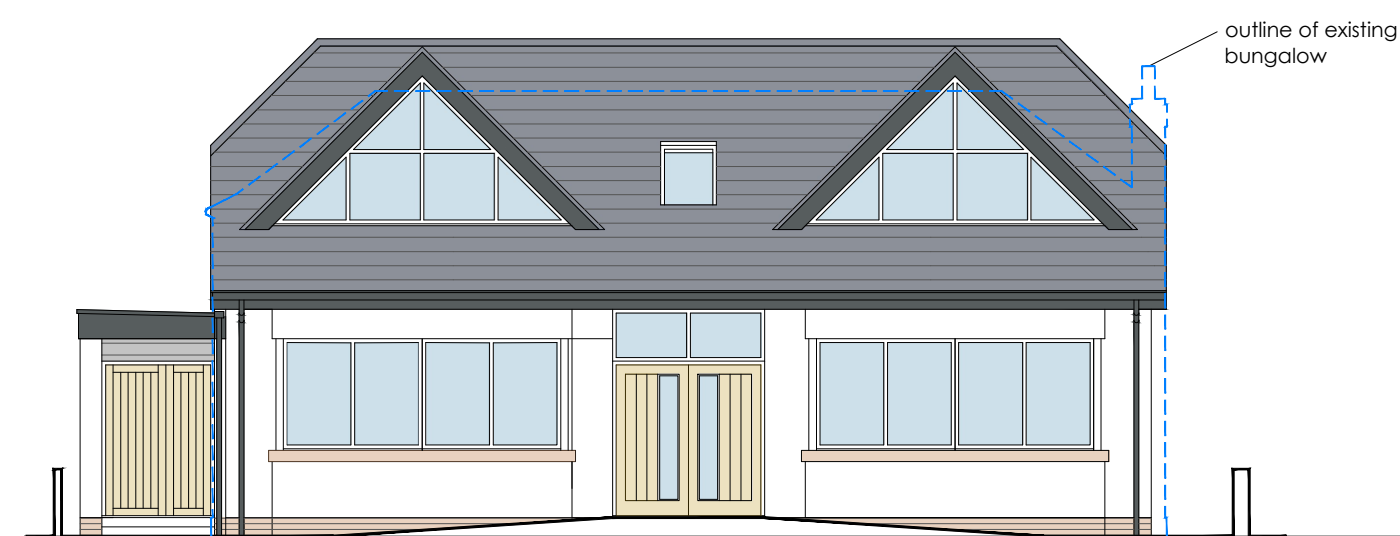


Proposed
North East Elevation 1:100

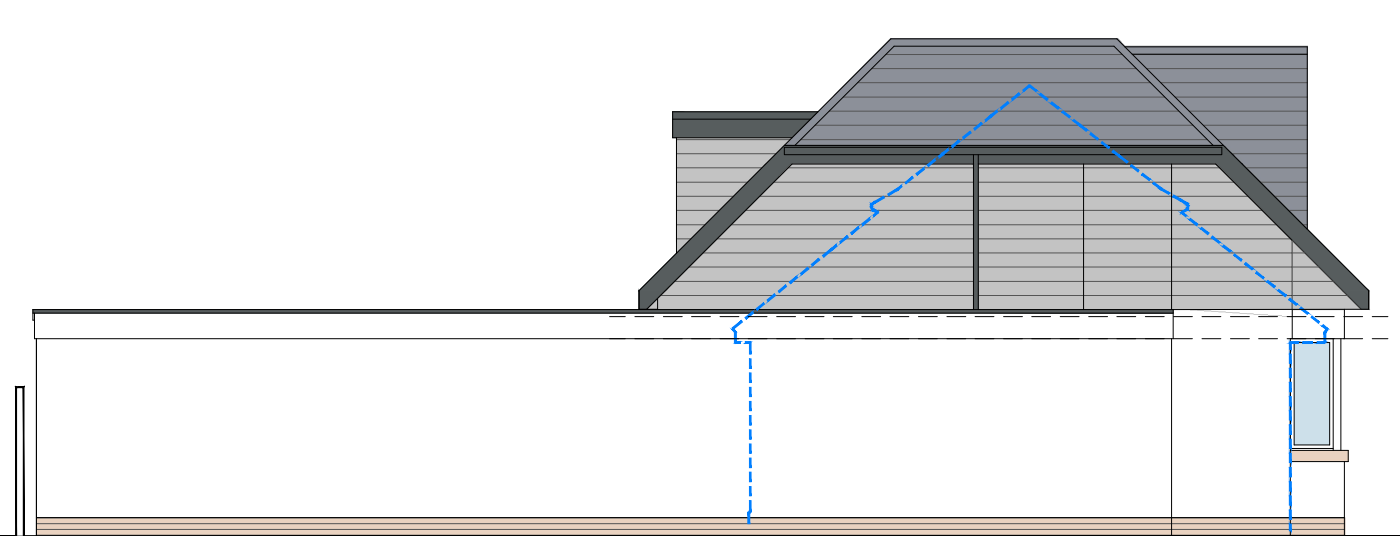


					client Ms Katy Tizzard	drawn MG	scale 1:100	size A3
					address 23 Wick Lane, Christchurch, BH23 1HT Extension to existing dwelling	checked -	Proposed Elevations	
					proj no. 21-112	date 28.10.2021		
	A revision	Scale bar added description	JEK drawn	03.11.21 date		status Planning	dwg no. 21-112-PD-05	revision A

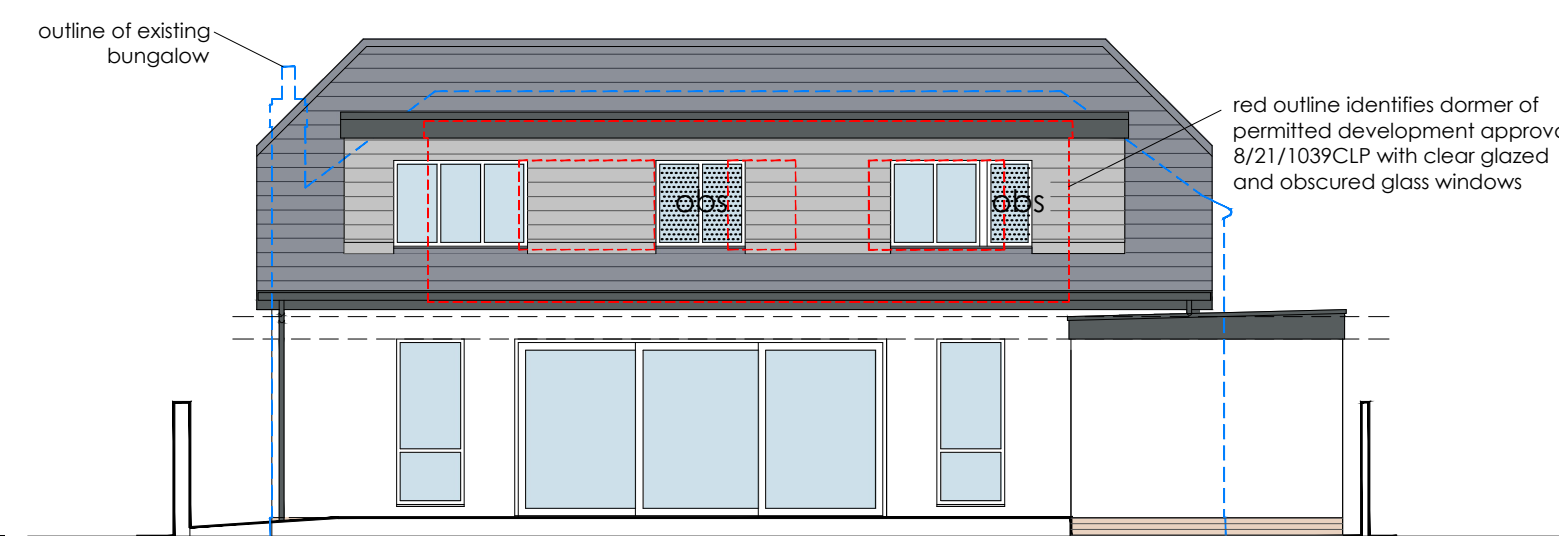
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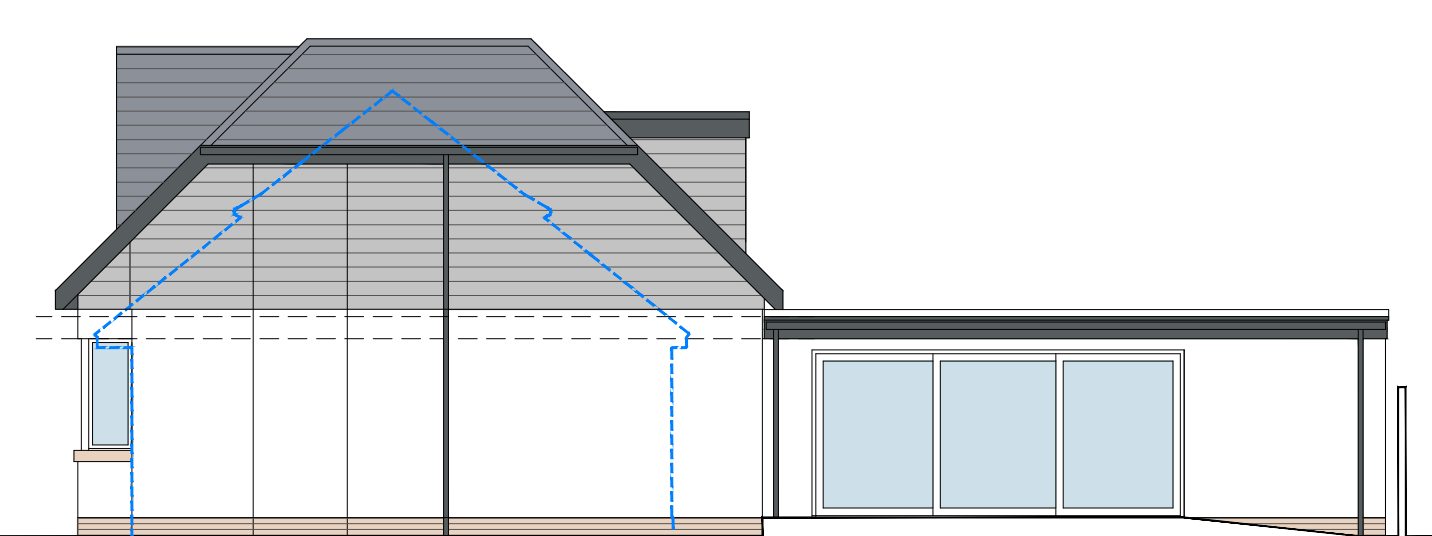
Proposed
South East Elevation (Street) 1:100



Proposed
South West Elevation 1:100



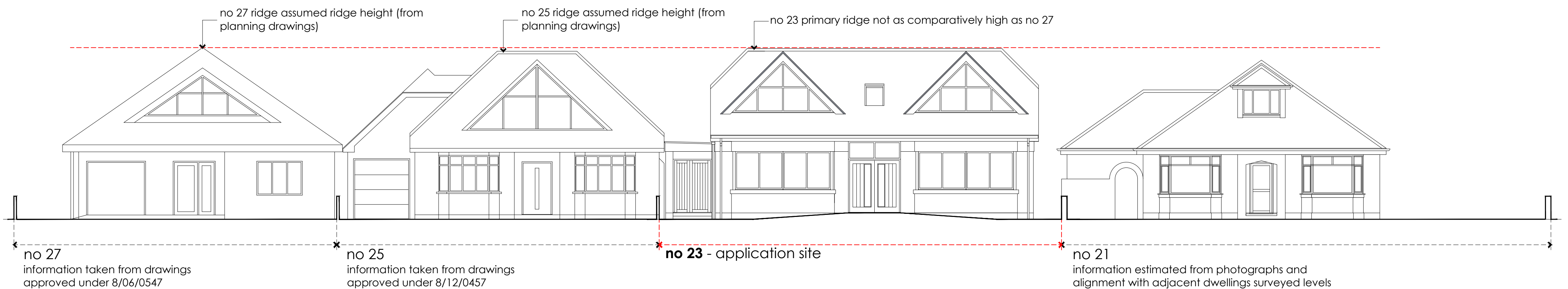
Proposed
North West Elevation (garden) 1:100



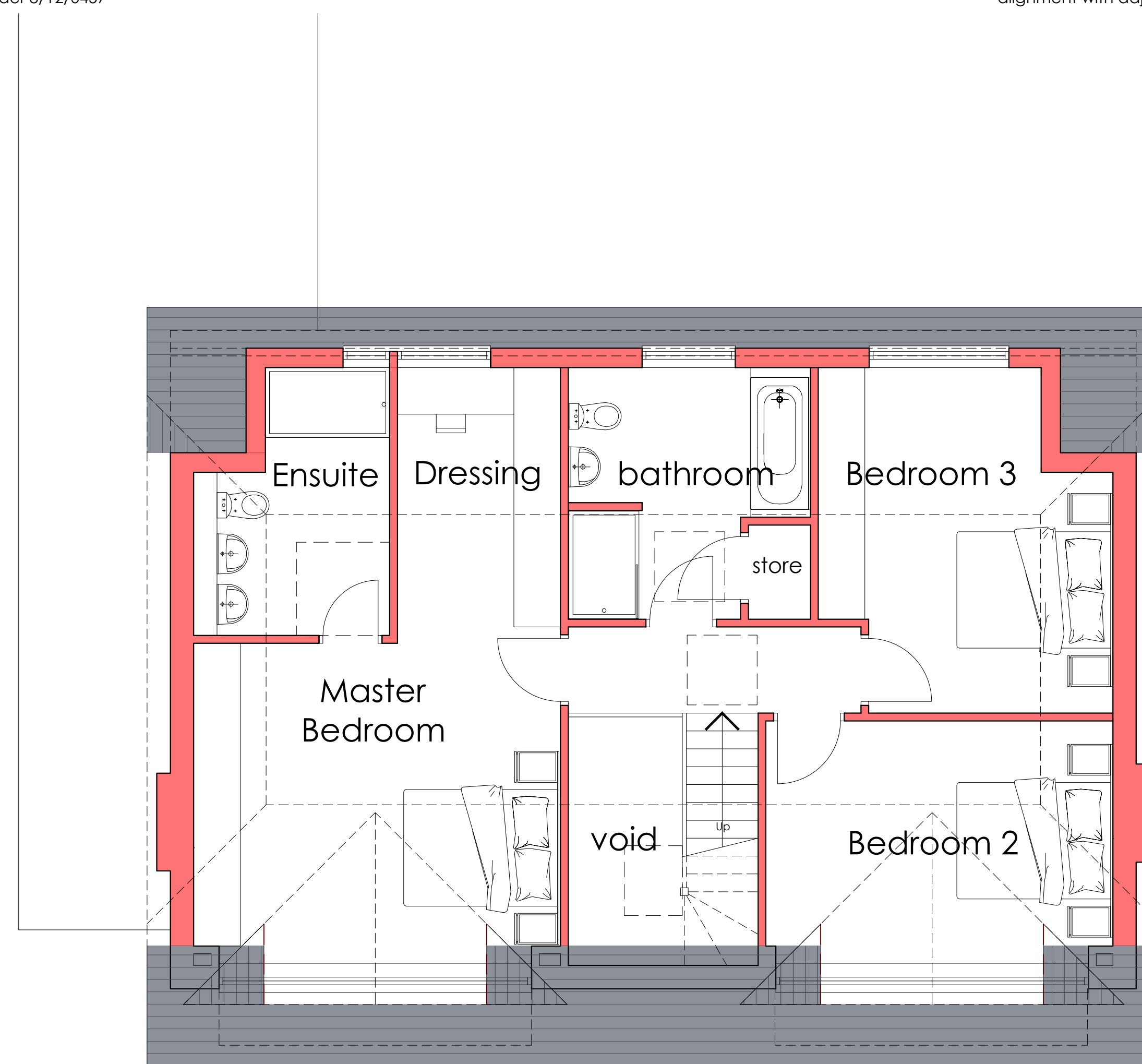
Proposed
North East Elevation 1:100



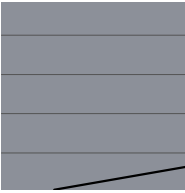
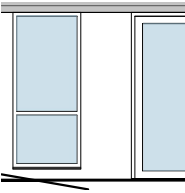
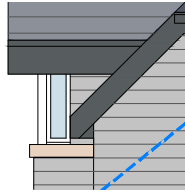
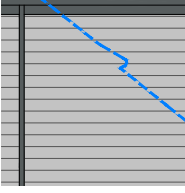
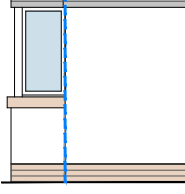
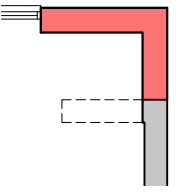
Proposed Ground Floor Plan 1:50



Proposed
Wick Lane Street Scene 1:100

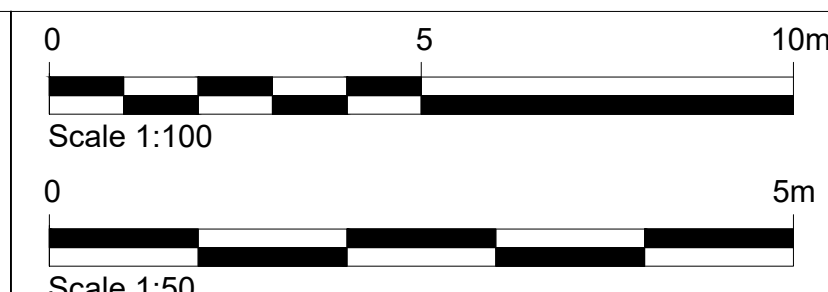


Proposed First Floor Plan 1:50

-  **pre-cast concrete roof tiles** - colour and type to be confirmed by condition
-  **Windows and Doors** - upvc system with double glazing - colour to be confirmed by condition
-  **fascia, soffits, verge, rws and downpipes** - grey upvc pre finished products
-  **Cladding** - Cedral Cladding panels or similar - colour and product to be confirmed by condition
-  **Render** - external finish to be render coating K-render or similar through finish render product. Brickwork below dpc
-  **Walls** - New cavity wall construction identified in red and existing walls in grey. Demolished internal walls shown dashed

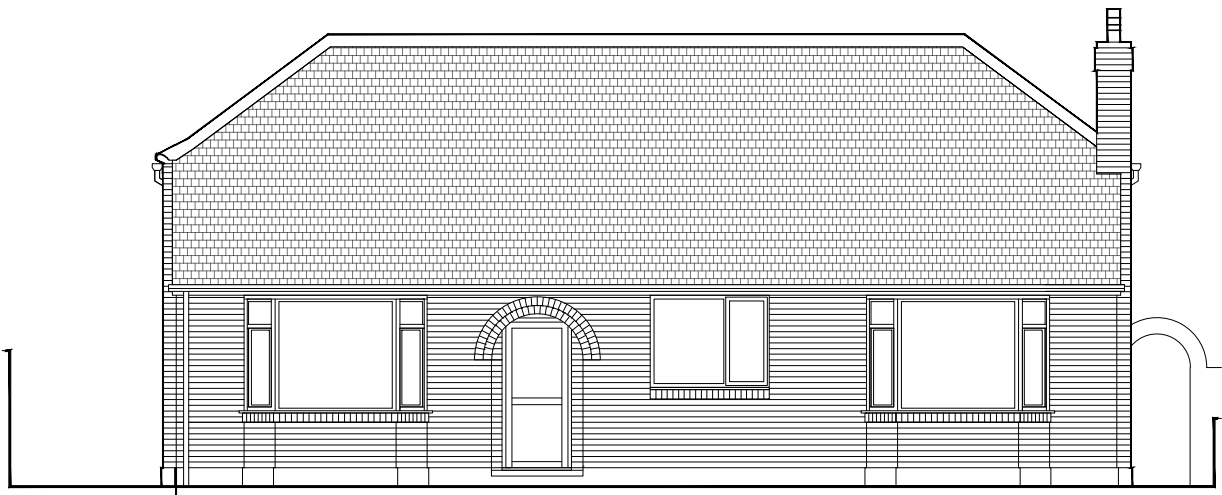


NOTES
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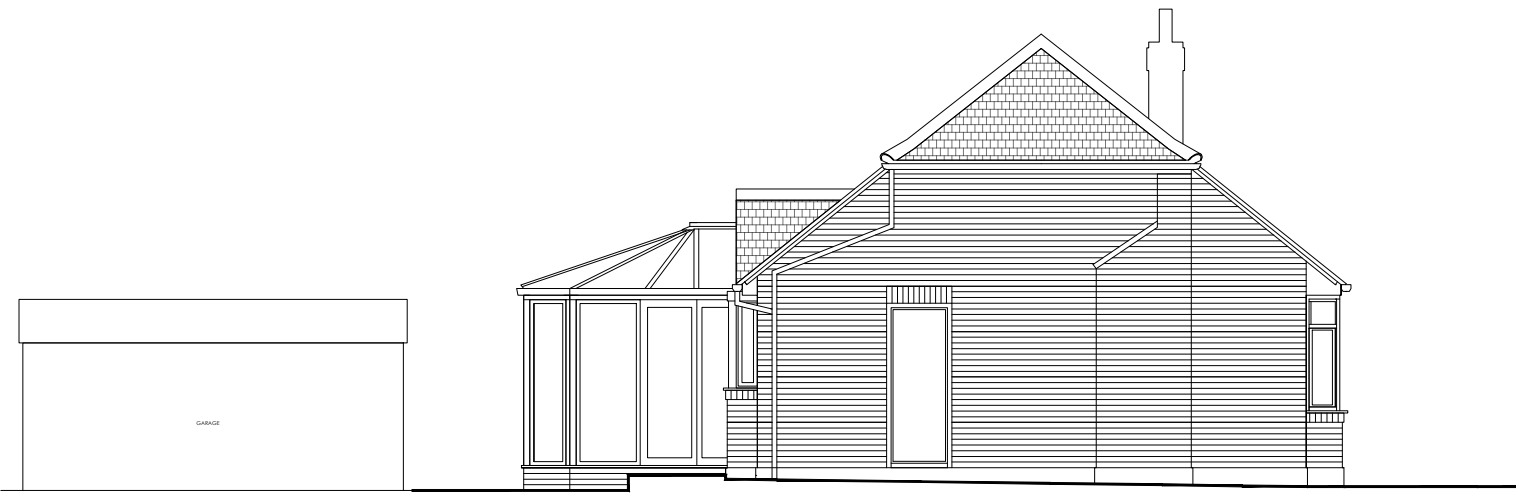


client Ms Katy Tizzard		drawn MG	scale As shown	size A1
address 23 Wick Lane, Christchurch, BH23 1HT		checked -	title Proposed Plans and Elevations Proposed Street Scene Elevation	
Extension to existing dwelling		date 09.04.2021		
proj no. 21-112	drawn JEK	date 27.06.2021	status Planning	revision B
revision B		description Design Amended after discussions client		
revision A		description Design Amended after discussions with planning officer		

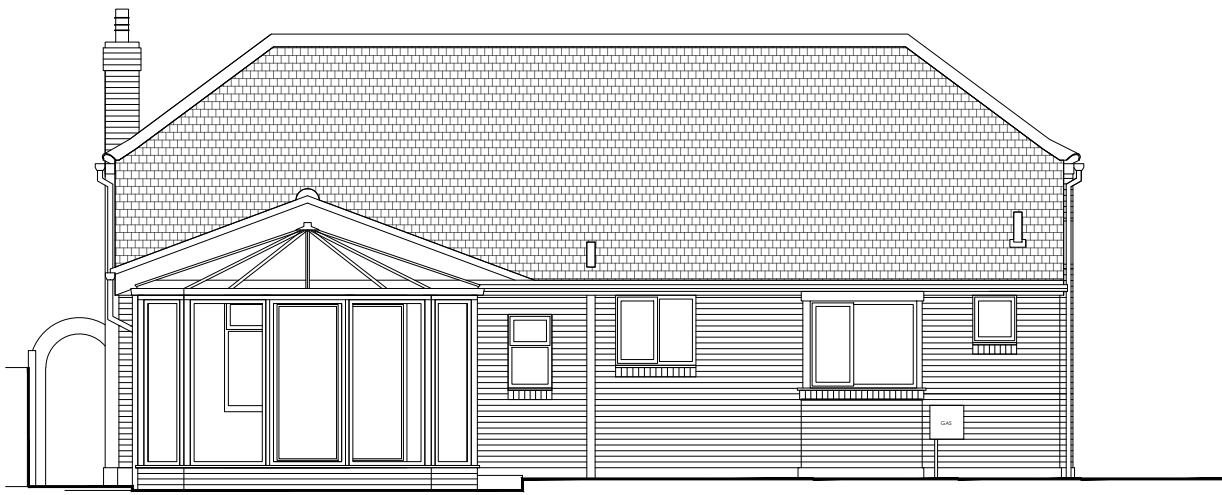
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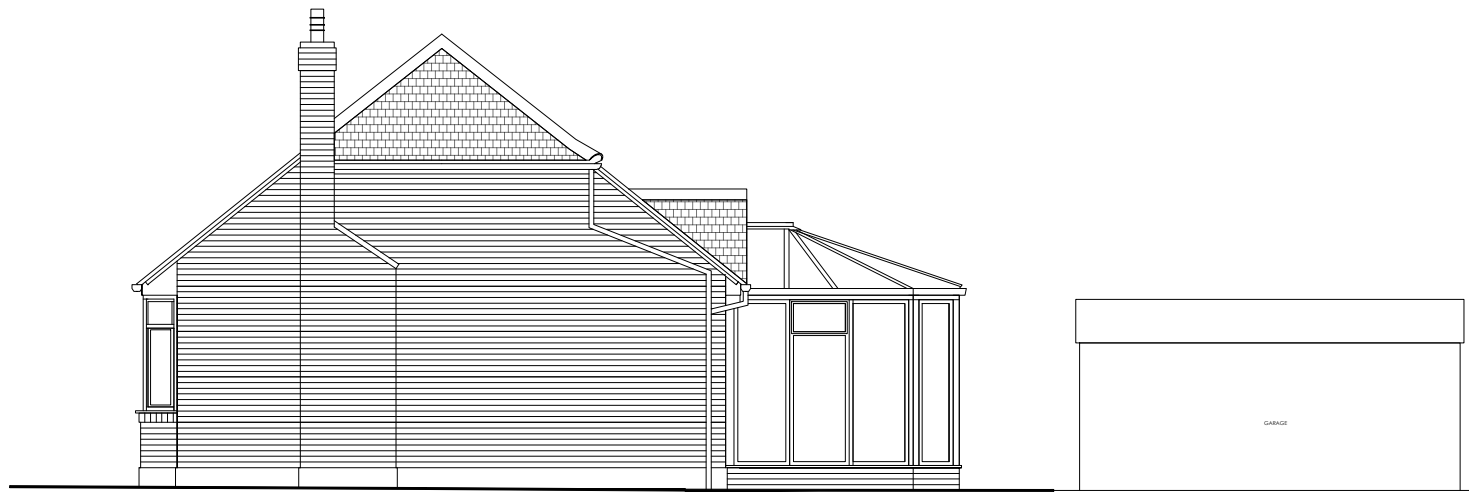
Existing
South East Elevation (Street) 1:100



Existing
South West Elevation 1:100



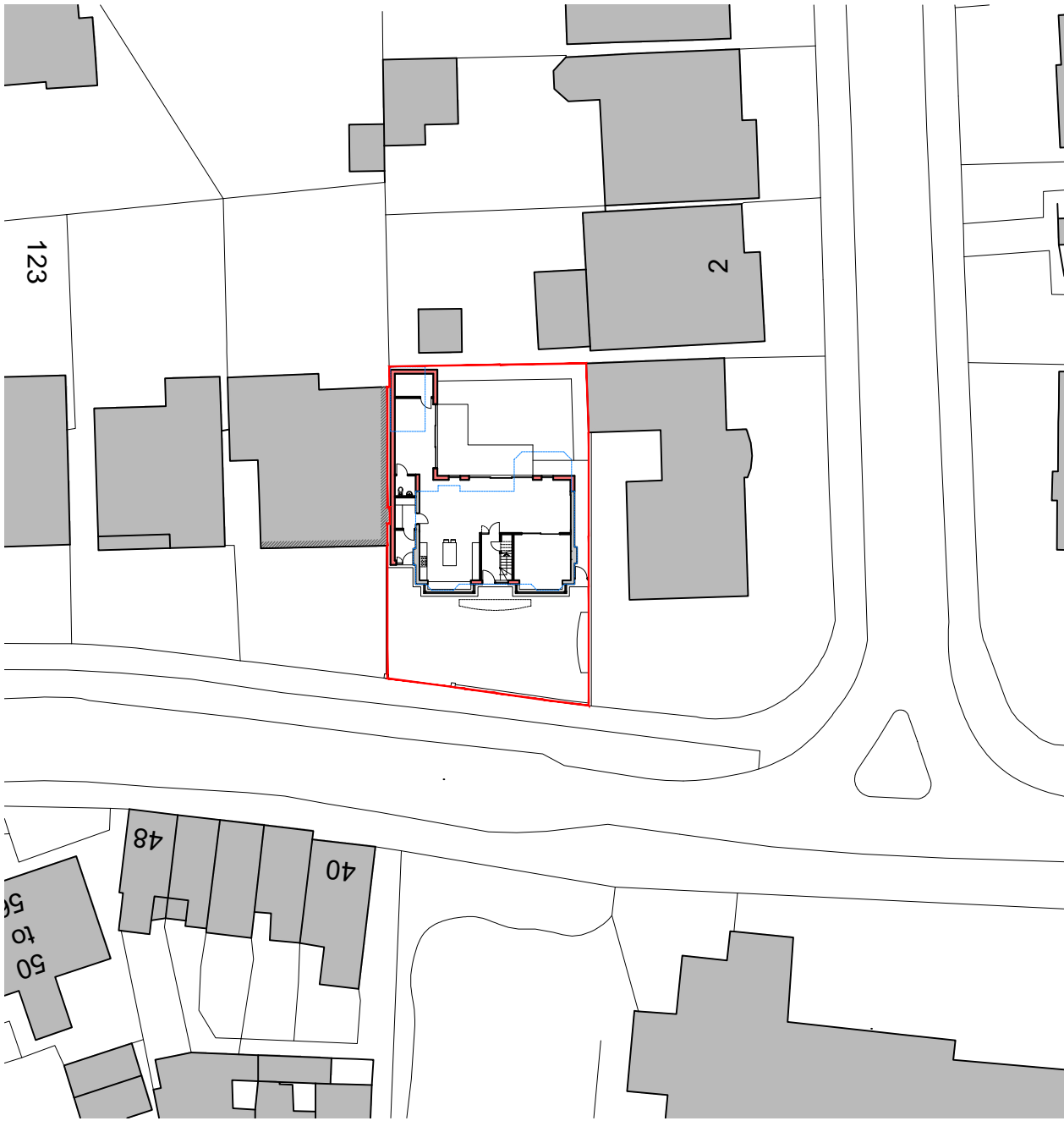
Existing
North West Elevation (garden) 1:100



Existing
North East Elevation 1:100



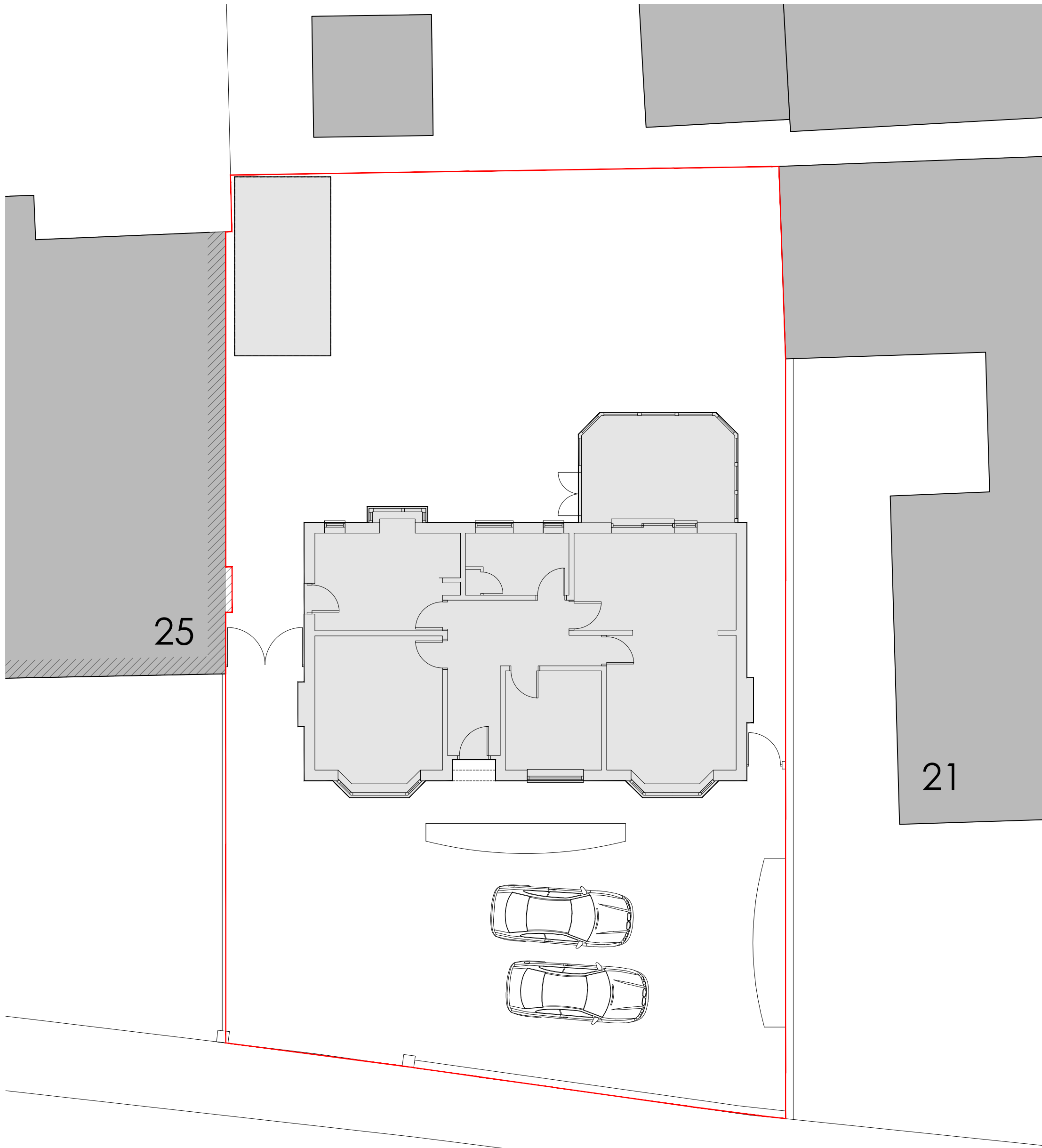
Location Plan 1:1250



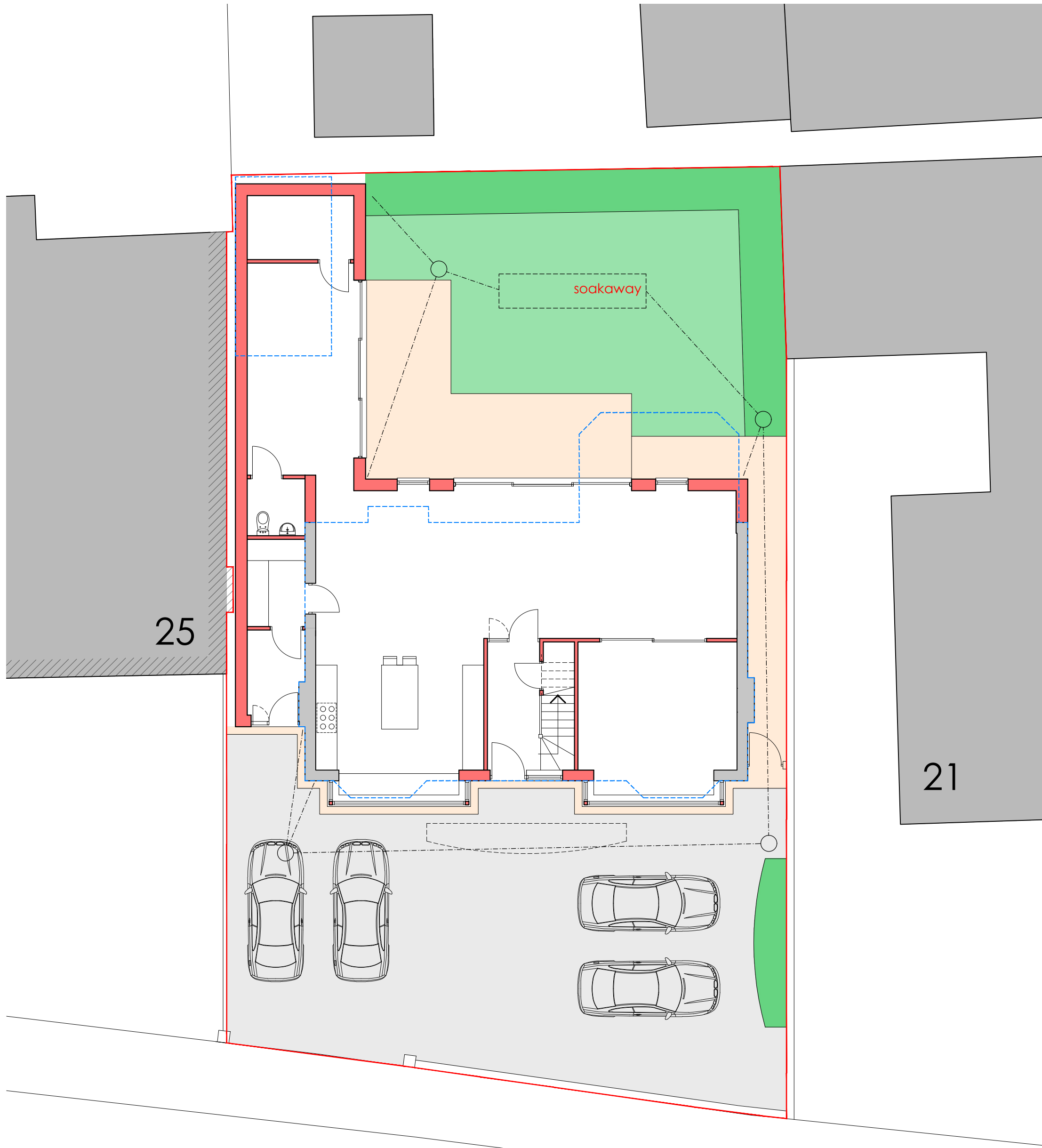
Proposed Block Plan 1:500



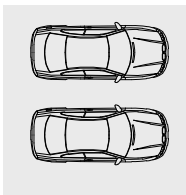
SUDS / Surface water drainage - Surface water to be drained via a sustainable system. Soakaways designed to comply with Building Regulations H3 para 3.23 - 3.30 subject to on site percolation tests. Generally soakaways constructed from proprietary cell systems wrapped in geotextile membranes and sited at a minimum of 5m away from the any buildings and 2.5m away from a boundary. All work to be agreed with the Approved Inspector / Building Control prior to works commencing.



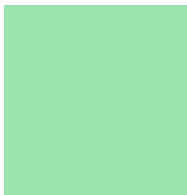
Existing Site Plan 1:100



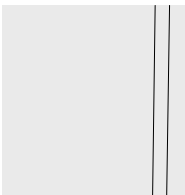
Proposed Site Plan 1:100



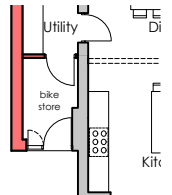
Parking - capacity for 4 cars



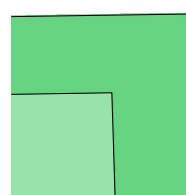
Grass - new turf



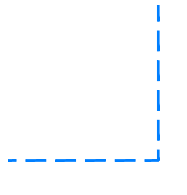
Hardstanding - Existing tarmac finish made good as necessary



Bike Storage - inside dwelling



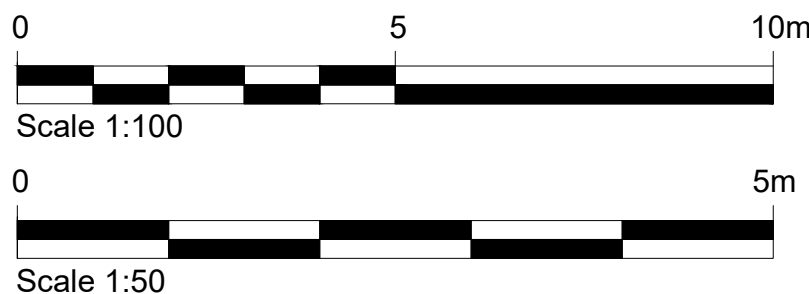
Feature Planting - New planting introduced



Existing Building - Footprint of building to be replaced (blue dashed line)



NOTES
Do not scale from drawing, figured dimensions to be used only
All dimensions to be verified on site. Any discrepancies are to be reported to the relevant parties.
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		client Ms Katy Tizzard	drawn MG	scale As shown	size A1
		address 23 Wick Lane, Christchurch, BH23 1HT	checked -	Existing Site Plan / Elevations Proposed Site Plan / Block Plan	
		Extension to existing dwelling	date 09.04.2021		
revision	description	drawn	date	status Planning	dwg no. 21-112-01
-	-	-	-	proj no. 21-112	revision -

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Planning Committee Report

Application Address	55 Victoria Avenue, Bournemouth, BH9 2RL
Proposal	Alterations and single and 2 storey extension to dwellinghouse
Application Number	7-2022-28438
Applicant	Mr and Mrs R and K Fairclough
Agent	n/a
Ward and Ward Member(s)	Wallisdown and Winton West
Summary of Recommendation	Grant in accordance with the details set out in the recommendation
Reason for Referral to Planning Committee	Applicant is member of staff within the planning section
Case Officer	Nicola Taplin

Executive Summary

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

No objections have been received. One representation has been received raising no objections.

Impact on the character and appearance of the area

The proposal is a side extension which extends up to the boundary line at points. The plans have been amended during the application process to improve the design and reduce the overall scale of the first floor additions such that it would now have an acceptable impact on the character and appearance of the area.

Impact on Residential Amenity

No materially harmful impacts have been identified. The extension is close to the side boundary with one property but overall this impact is considered acceptable.

Summary

The proposal would have an acceptable impact on the character of the area and the living conditions of neighbouring residents and has therefore been recommended for approval.

Description of Proposal

1. The application seeks planning permission for alterations and a part single and two storey extension to the dwellinghouse. The application has been amended throughout the course of consideration to reduce the width of the first floor side extension, introduce a false pitched roof to the garage and reduce the eaves of the side extension.

Description of Site and Surroundings

2. The application property comprises a bay fronted detached property located on the northern side of Victoria Avenue. The area is generally residential in character, containing mainly two storey detached properties in good size plots. Victoria Avenue displays a character of fairly uniform circa 1930s era detached three bedroom dwellings with hipped roofs. Properties in this part of the street form a crescent shape and are generally uniform in design, although some have undertaken extensions and alterations in recent years.

Relevant Planning History:

3. There is no relevant planning history.

Constraints

4. There are no site specific constraints.

Public Sector Equalities Duty

5. 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

6. 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.

Representations

7. Site notices were posted in the vicinity of the site on 13th January 2022 with an expiry date for consultation of 18th February 2022.
8. 1 letter has been received from the occupants of 84 Victoria Park Road, raising no objection.

Consultations

9. None

Key Issue(s)

10. The key issue(s) involved with this proposal are:
- Impact on character and appearance
 - Impact upon residential amenity
11. These issues will be considered along with other matters relevant to this proposal below.

Policy context

12. Local documents:

Bournemouth Core Strategy (2012)

Policy CS4: Drainage

Policy CS41: Quality Design

Supplementary Planning Documents:

Residential Extensions: A Design Guide for Householders – PGN (2008)

Sustainable Urban Drainage Systems (SUDS) - PGN

13. National Planning Policy Framework (“NPPF” / “Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

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

Planning Assessment

Impact on Character and Appearance of the area

14. Section 2.2 of the adopted residential design guide states that all proposals should maintain or enhance the character of the existing house and its setting. It is important to establish what the significant characteristics of the street and property. It requires that proposed extensions and alterations should not dominate the existing building. The bulk and mass of an extension should be smaller than the existing building so it does not dominate it.
15. The proposals involve a side extension to the western side of the property. The extension would be single storey to the front and two storey in scale to the rear. The side widens to the rear and the ground floor extension would follow the boundary line, increasing in width

as it goes back. The upper floor would be set back from the front and squared off in line with the property. At the closest front corner the two storey element would be on the boundary line but would increase in distance as it goes back.

16. The submitted plans have been amended throughout the course of the application to achieve a greater separation between the side boundary and the flank wall of the first floor side extension in the rear section, and to include a false pitched roof to the original flat roof of the single storey garage at the front. It is considered that the proposed extensions, as amended would respect the architectural integrity of the original dwelling and would not appear cramped within the street scene.
17. Other properties have extended in a similar manner with a two storey extension. These extensions including that proposed here are set sufficiently back from the front such that they would not appear cramped and congested despite filling the gap between the properties. Approximately 1.35m would be retained to the adjacent property. Overall it is considered that the proposed development would not be harmful to the character and appearance of the area and would not be contrary to the relevant policies, including CS41. A condition is required to ensure that the materials match those of the existing house so that it integrates in an acceptable manner.

Impact on Residential Amenity

18. The adopted Residential Design Guide requires that proposals should not have an adverse effect on the living conditions or the amenity of neighbouring residents. The property potentially most affected by the proposal is adjacent number 57 Victoria Avenue to the West. The proposed extension would infill the space between the flank wall of the original dwelling and the boundary with Number 57 at ground floor level. Due to the tapering nature of the boundary the first floor extension would achieve a separation distance of 1.35m at the front and 2.7m to the rear from the flank wall of Number 57. There are no primary windows serving habitable rooms to the side of 57 Victoria Road as the main orientation of habitable accommodation is to the front and rear. The proposed extension is not considered to result in an undue loss of light, outlook or privacy to the occupants of Number 57 Victoria Avenue by way of an unacceptable loss of light, outlook or privacy.
19. There is sufficient separation to properties to the rear (at numbers 82 and 84 Victoria Park Road) and Number 53 Victoria Avenue to the East, to ensure that there is no undue loss of amenity. It is therefore considered that the proposed development would not be harmful to the living conditions of neighbouring residents, and would accord with the aims of the relevant policies including CS41.

Other issues: Drainage

20. The applicant has submitted a SUDs statement, which states that a soakaway will be provided to the back garden area to serve the run off from the proposed extension. Run off will not be discharged to the public sewer or onto the highway. This is satisfactory in respect of the requirements of Policy CS4.

Other issues: Biodiversity

21. The site is currently laid to gravel with a detached garage. There is one small tree to the rear of the garage which will need to be removed to accommodate the extension, but overall it is considered that there would not be any material impact on biodiversity.

Planning Balance / Conclusion

22. Having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above. In accordance with NPPF paragraph 11(c) this means approving development proposals that accord with an up-to-date development plan without delay.

Recommendation

23. **GRANT permission, subject to the following conditions:**

1. Development to be carried out in accordance with plans as listed:

The development hereby permitted shall be carried out in accordance with the following approved plan: 002 Rev E

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

2. Materials to match

Notwithstanding the details included on the application form the materials and colours to be used in the construction of the external surfaces of the extension hereby permitted shall match the elevation(s) to which the extension is to be added and such work shall be completed prior to occupation of the development granted by this permission.

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

Informatives

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

In this instance:

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

Background Documents: 7-2022-28438

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.

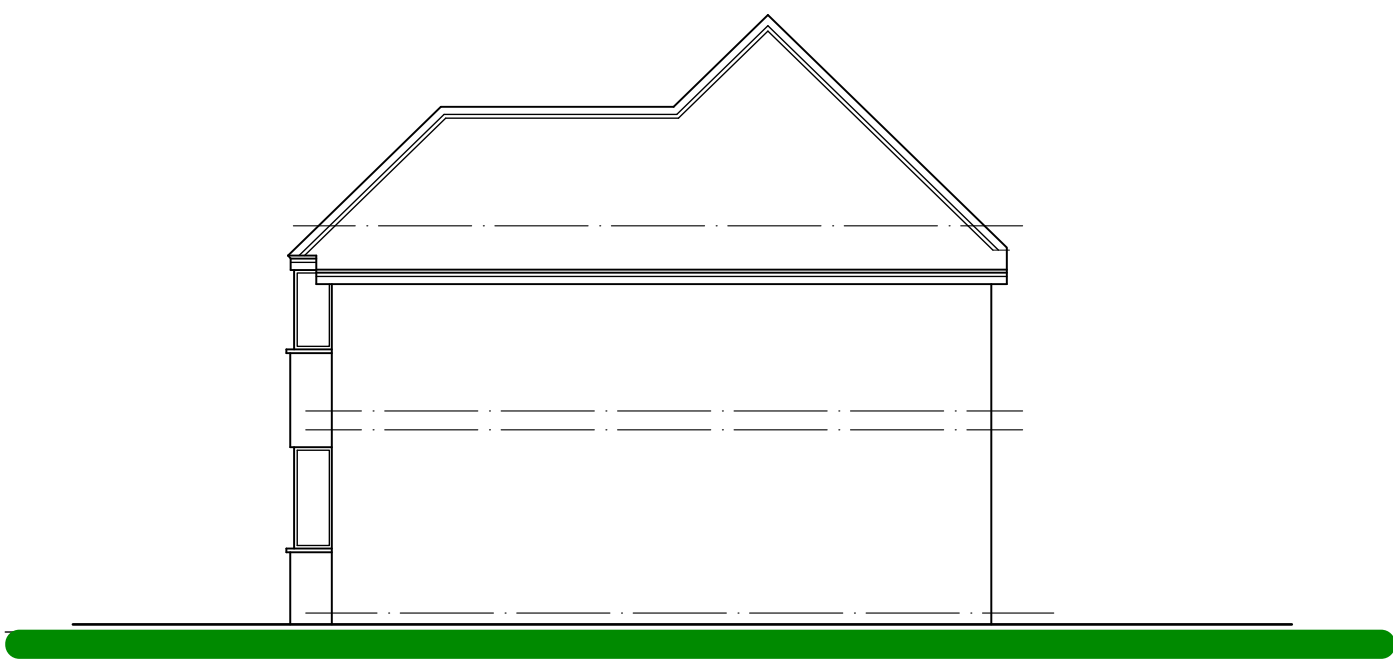
This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.



SIDE



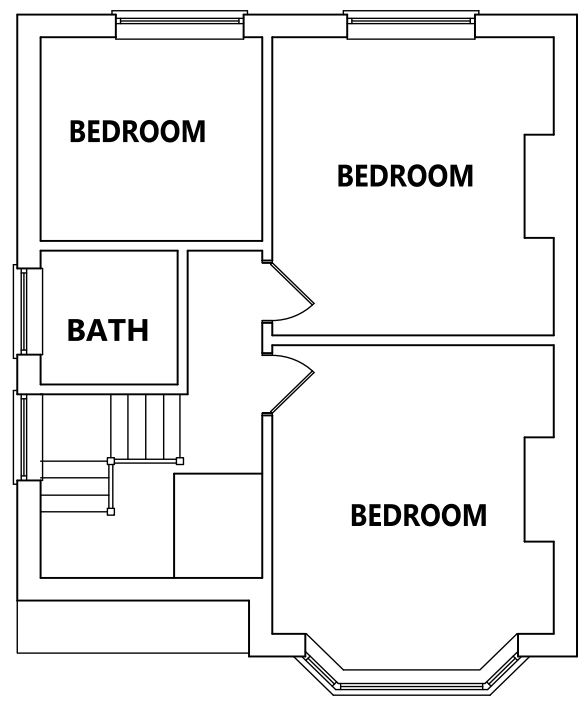
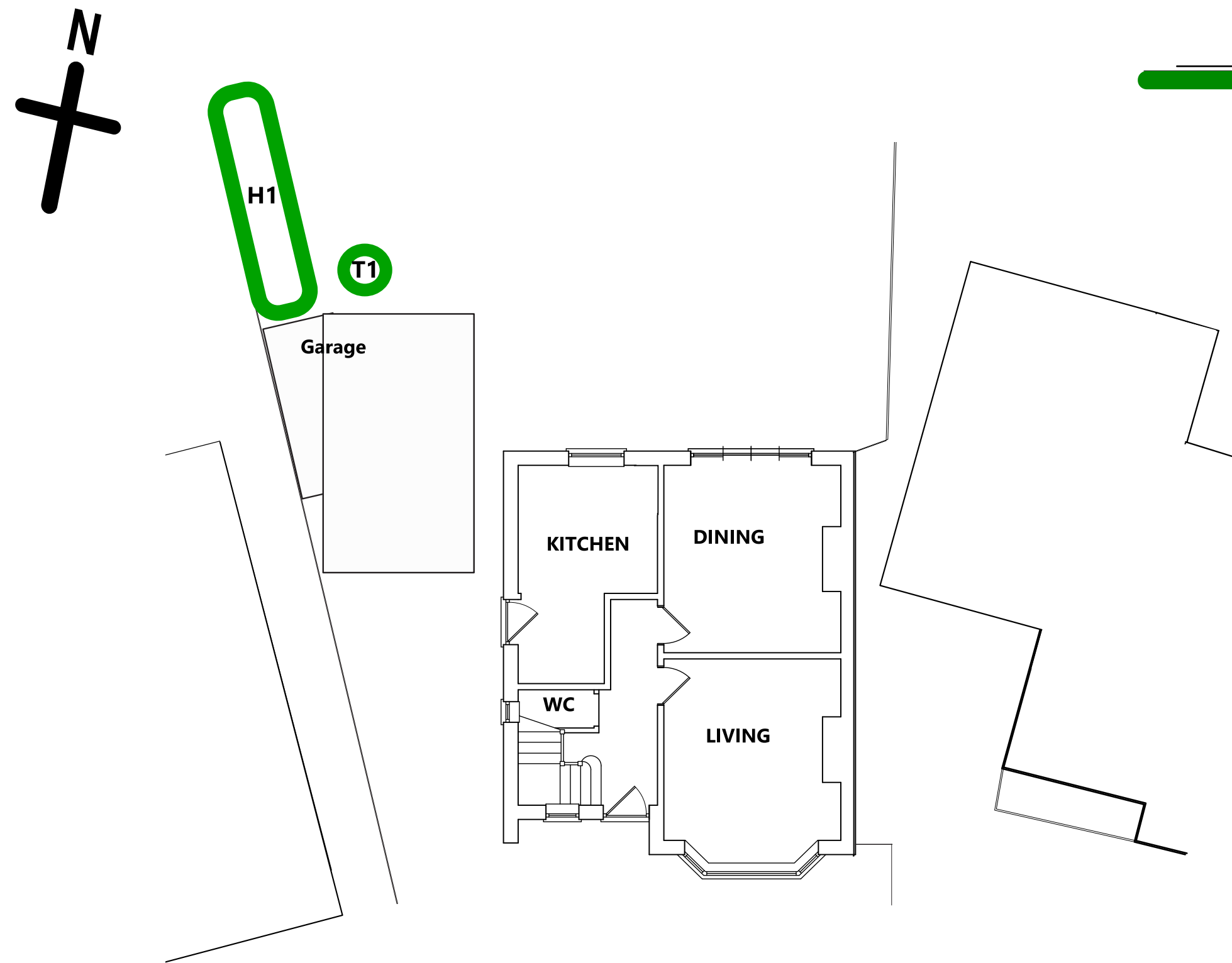
FRONT



SIDE



REAR



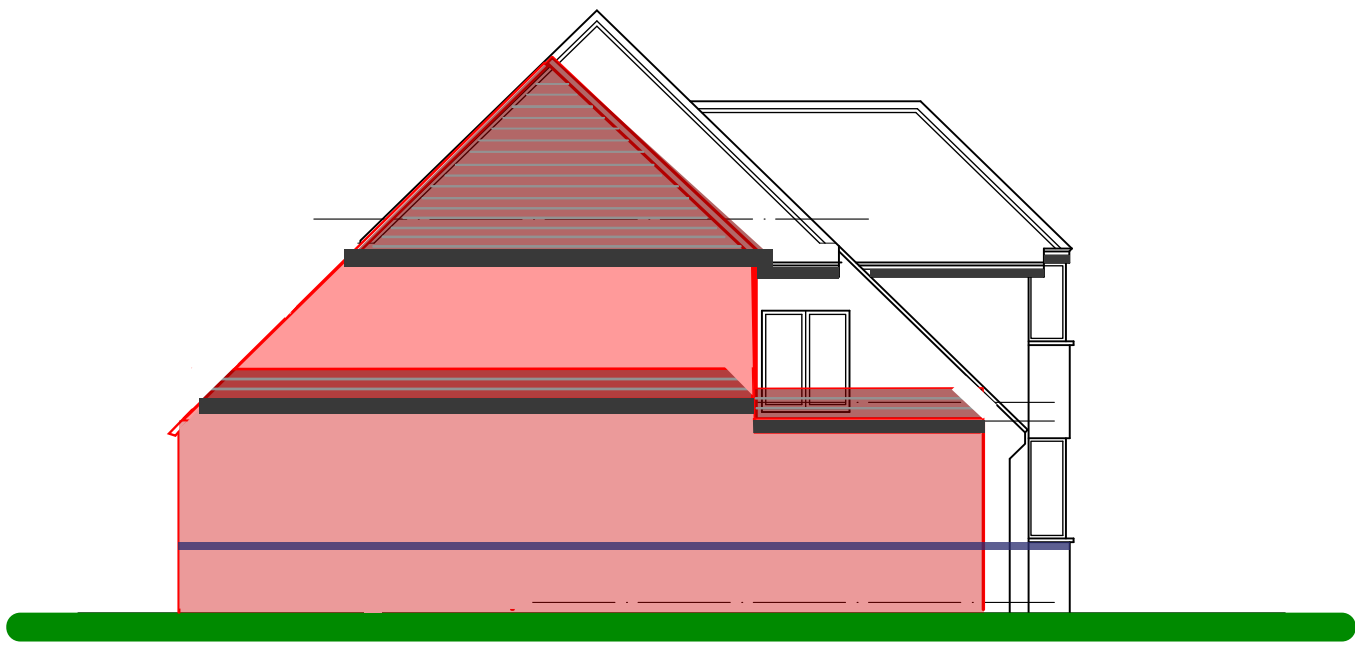
FIRST FLOOR

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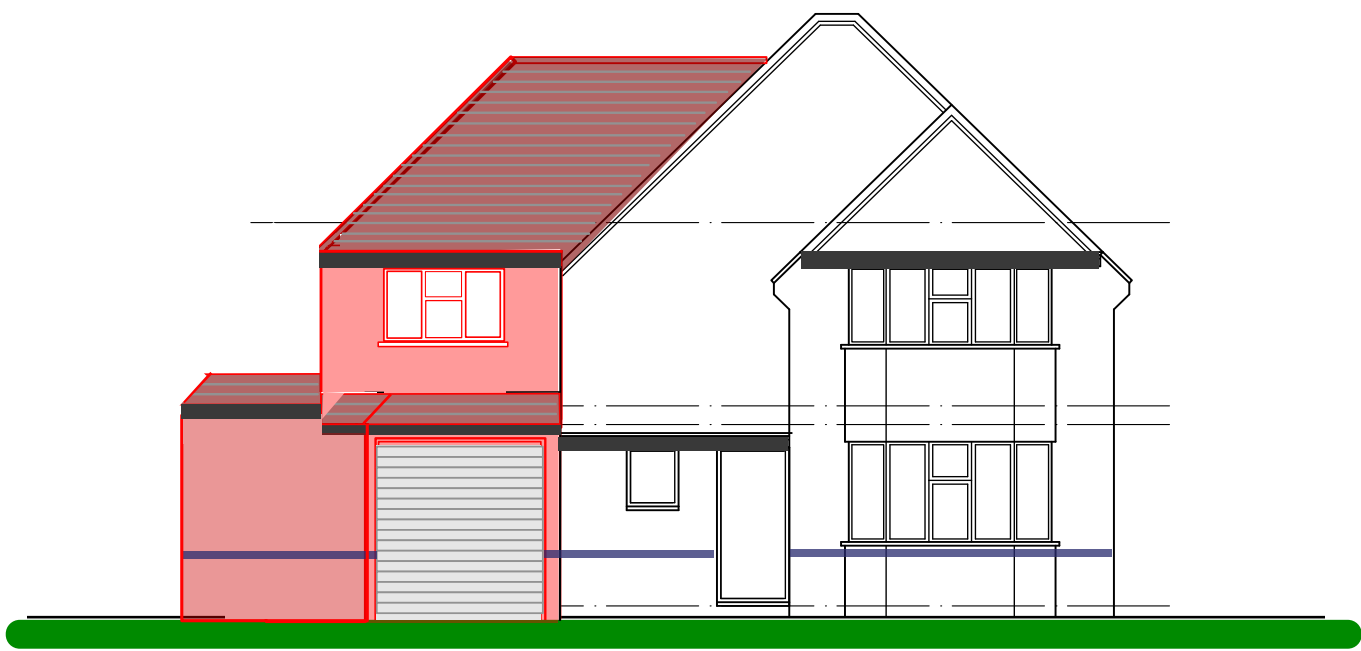
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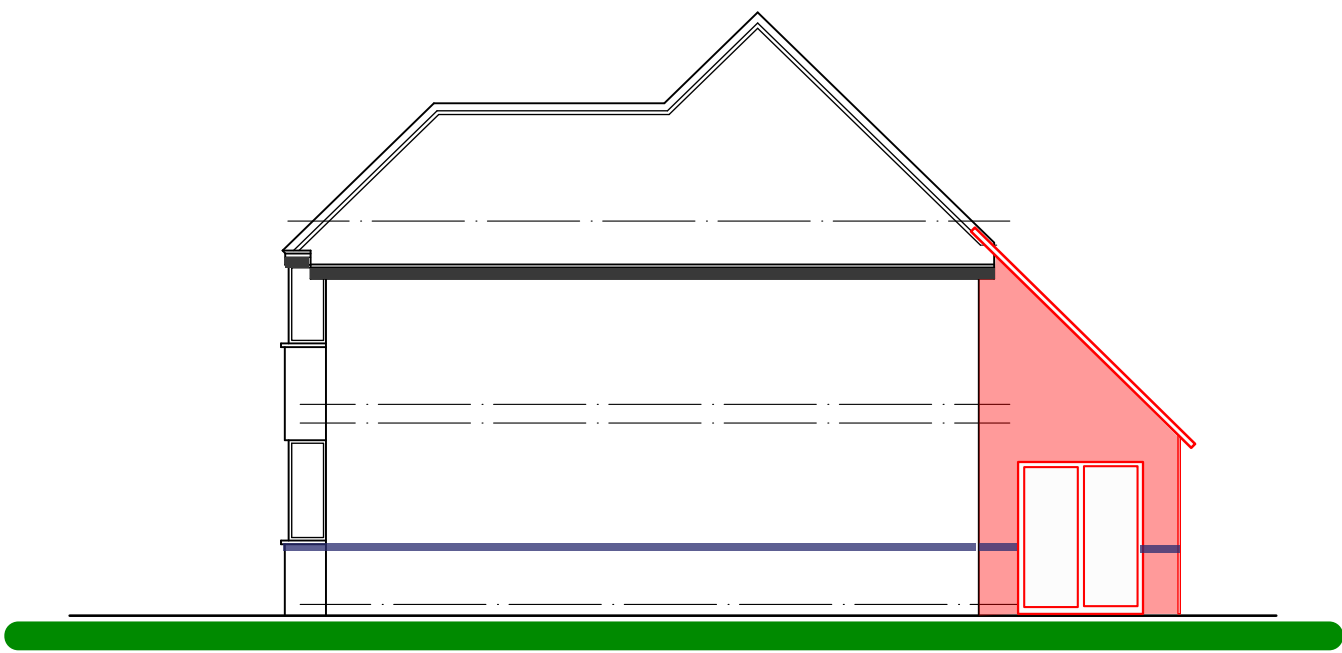
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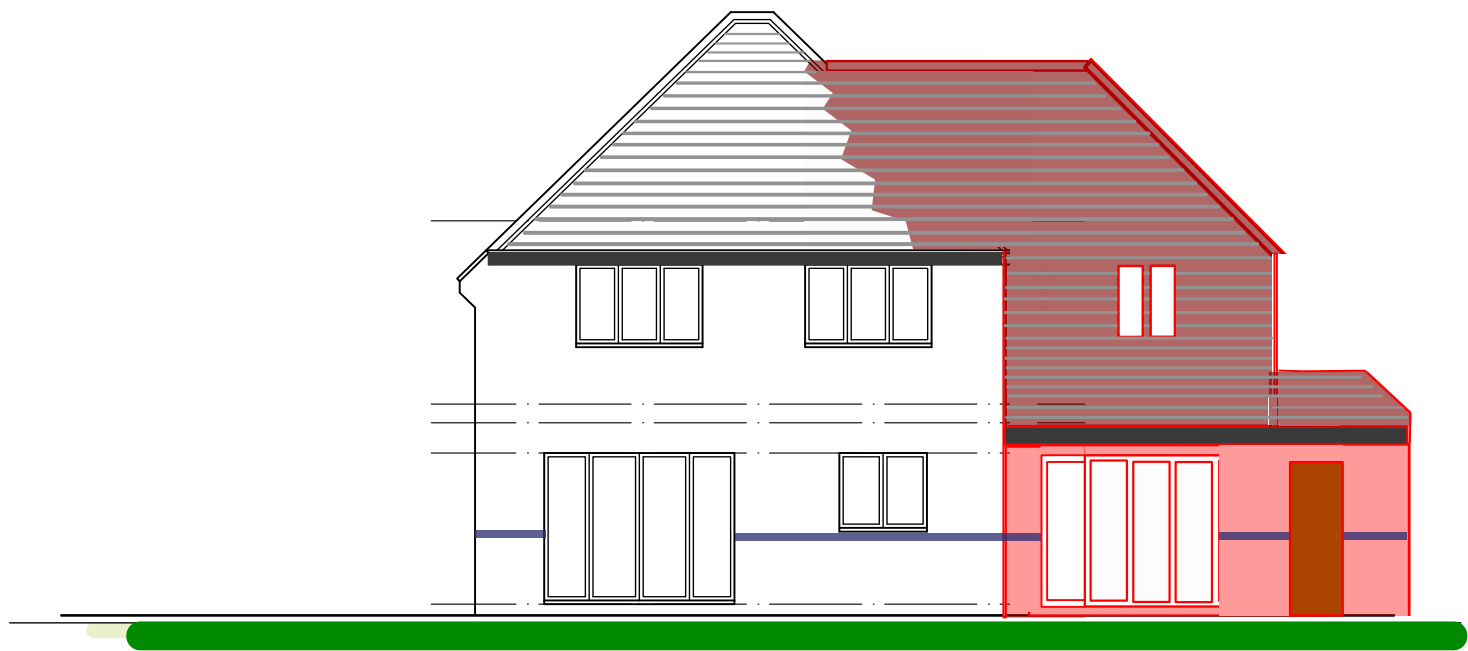
SIDE



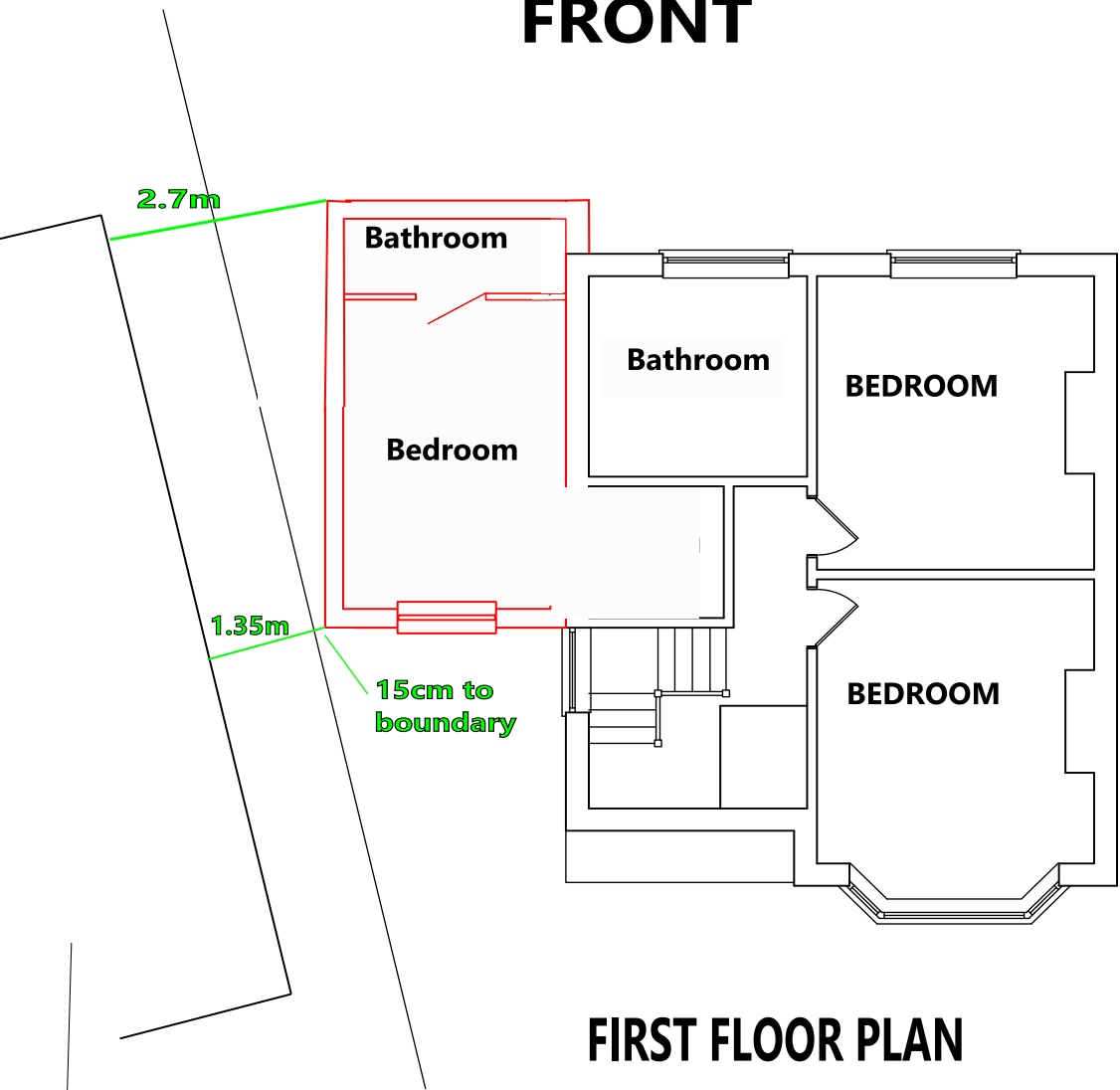
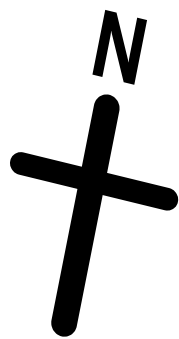
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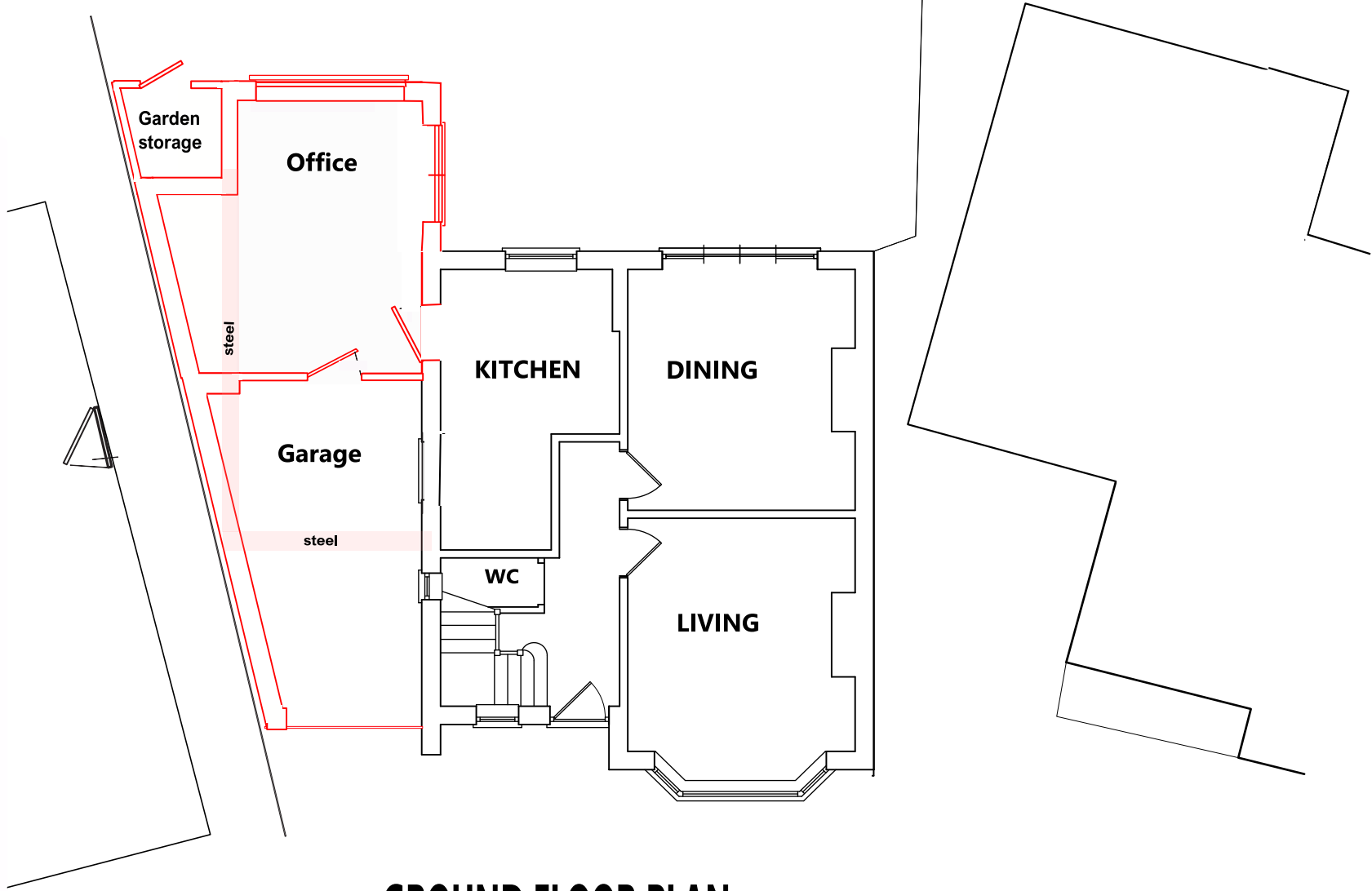
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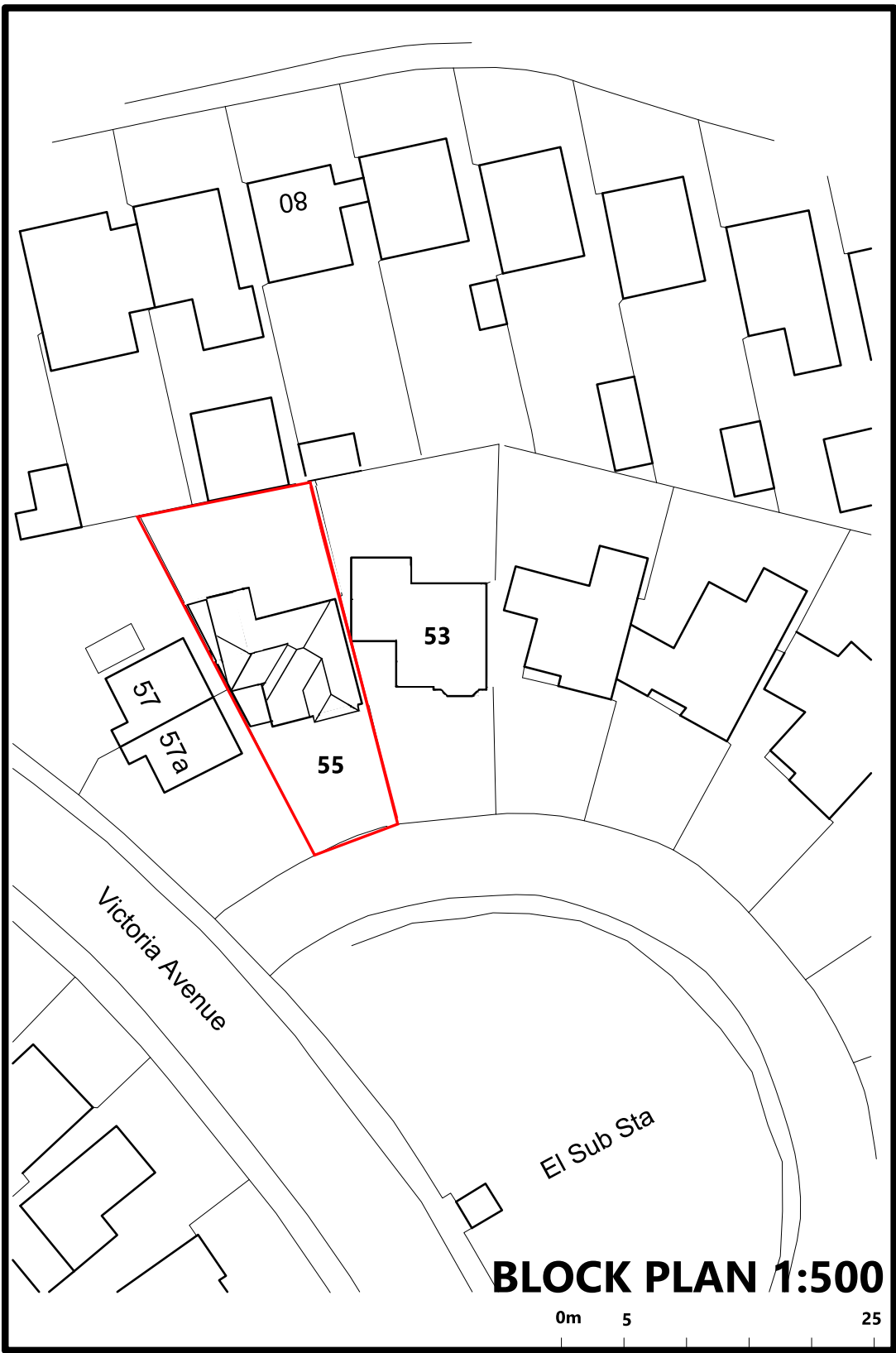
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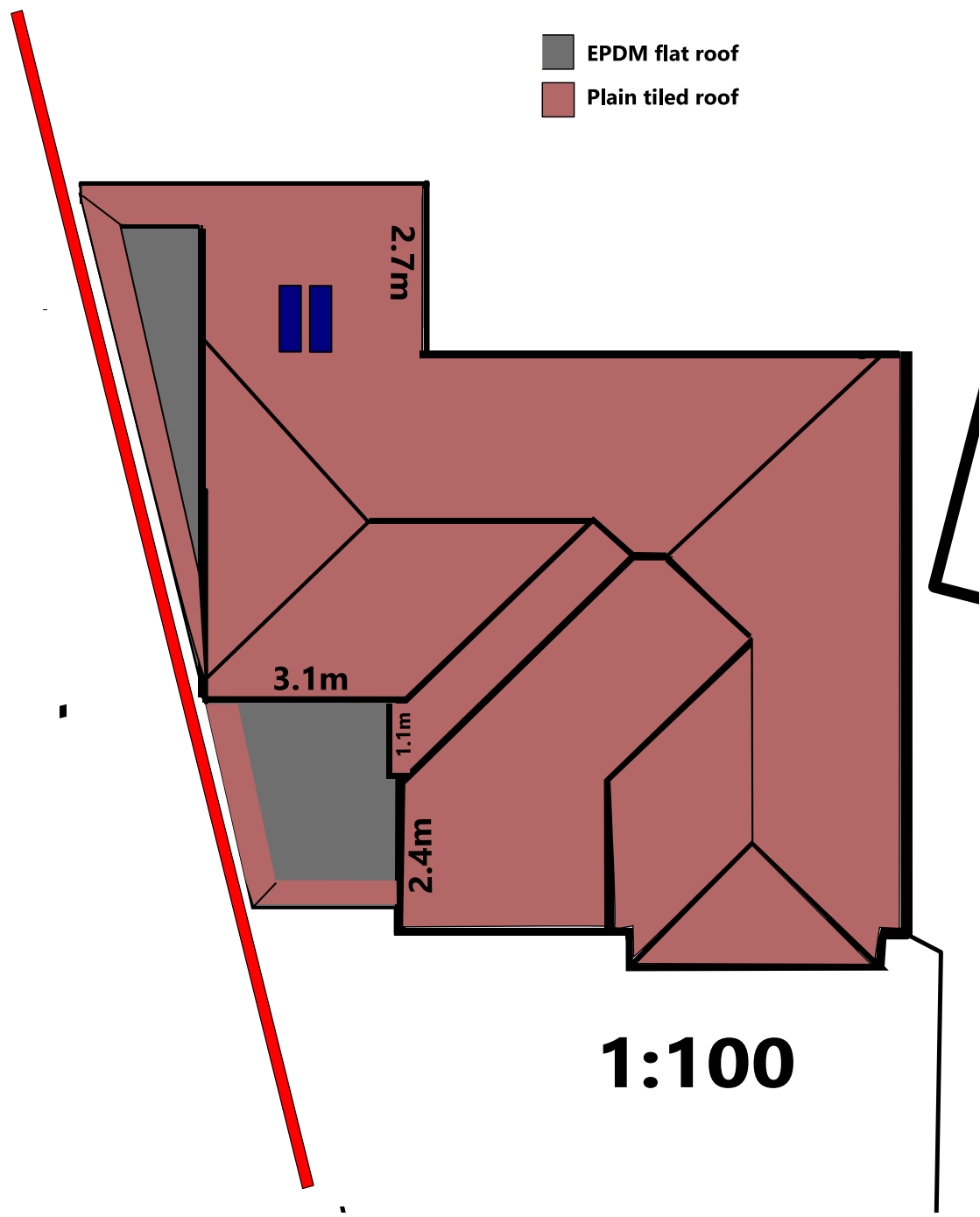
FIRST FLOOR PLAN



GROUND FLOOR PLAN



BLOCK PLAN 1:500



1:100

Planning Committee



Application Address	22 Upper Golf Links Road, Broadstone, BH18 8BX
Proposal	The installation of solar panels within the rear garden. It is proposed to install two rows of 7 panels separated by 0.7m. Length of each row of panels is approximately 12.6m. Panels will be mounted on consoles at ground level.
Application Number	APP/22/00390/F
Applicant	Mr Brooke
Agent	N/A
Ward and Ward Member(s)	Broadstone
Report status	Public
Meeting date	24 May 2022
Summary of Recommendation	Grant, subject to conditions
Reason for Referral to Planning Committee	The application site is owned by a Councillor of BCP.

Executive Summary

The key planning issues for Members to consider are set out below. Members will have to balance all the planning issues and objectives when making the decision on the application, against policy and other material considerations.

Representations received

No comments received.

Proposal

The proposal is for a householder development to allow for the installation of two rows of solar panels separated by 0.7m, each measuring approx. 12.6m. The proposed solar panels will be mounted on consoles at ground level.

Design, Scale and Appearance

The proposed scale, orientation, height and form of the proposed solar panels has an acceptable impact on the character and appearance of the area and would not

detract from the visual appearance of the host dwelling sited to the rear of the spacious site.

Impact on Residential Amenity

By virtue of height, position and dense boundary treatment, the proposed solar panels would be largely hidden from view from neighbouring properties resulting in minimal impact to the neighbouring residential amenity.

Description of Proposal

1. Planning permission is sought for the installation of two rows of solar panels separated by 0.7m, each measuring approx. 12.6m. The proposed solar panels will be mounted on consoles at ground level.

Description of Site and Surroundings

2. The application site is occupied by a large 4-bedroom dwelling dating from the Edwardian period (1928). The property is two storeys with a hipped roof. The building is of traditional construction with red brick, white rendering and red clay tiled roof. The property is set back approximately 12.5 metres from the highway and has a rectangular plan form. There are two small extensions, one to the eastern end of the property housing a boiler room and one to the northern side providing a back entrance and utility room. Twin garages are sited at the end of the drive adjacent to the northern boundary.

3. The property sits within an attractively landscaped which wraps around the western, southern and eastern sides of the dwelling. It consists of numerous ornamental trees including magnolia, various acers, rhododendrons and other shrubs, together with a large lawned area. There are four apple trees. There are no trees of significance, although the property is situated within an area tree preservation order. The western boundary is marked by a rhododendron hedge, the southern boundary by panelled fencing, the eastern boundary by another rhododendron hedge, while the northern boundary is marked by wire and concrete posts, together with an extensive beech hedge on the neighbour's (24 Upper Golf Links Rd) side. This extends approximately 2 metres into the site for most of its length. However, it is noted that some hedging has been cut back to the boundary to enable provide a more usable area for raised beds.
4. The two access points into the site are provided via the western boundary from Upper Golf Links Road forming a curved driveway across the front of the dwelling and an extension along the northern border to the garages. It is considered that there is ample off-road car parking.
5. The Broadstone centre is within 15 minutes walking distance, and it is noted that, cycling has been made safer in the locality, with the construction of a new cycleway on the northern side of Dunyeats Road. The nearest bus stop is about a 5 minutes' walk away and a short distance by car to the main roads into Poole, for example Gravel Hill A349.

Relevant Planning History

- No relevant site history.

Public Sector Equalities Duty

6. 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.

Consultations

7. None received.

Representations

8. None received.

Key Issue(s)

9. The key issue(s) involved with this proposal are:
- Impact on the character of the host property and of the surrounding area
 - Impact on neighbouring amenity
10. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

11. Local Plan Policies

Poole Local Plan (Adopted November 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and Broad Location of Development
PP27	Design
PP37	Building Sustainable Homes and Businesses

Supplementary Planning Documents

Broadstone Neighbourhood Plan (2018)

12. National Planning Policy Framework (“NPPF”/” Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 sets out the 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 8, 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.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Planning Assessment

13. Policy PP37 (2) (b) states the Council will support proposals for renewable energy (except wind turbines) provided that the technology is: (i) suitable for the location; and (ii) (ii) would not cause harm to residential amenity by virtue of noise, vibration, overshadowing or harmful emissions (Page 116).
14. The National Planning Policy Framework is the presumption in favour of sustainable development (para 8). As part of this presumption the NPPF actively encourages the effective use of land in urban areas, including mitigation against climate change (para 11a). The Broadstone Neighbourhood Plan is supportive of sustainable development (page 57 para 3.3.4) including the use of photo-voltaic cells, and solar panels with the aim of meeting a proportion of future needs.

Impact on character of the host property and of the surrounding area

15. The proposed solar panels would measure approx. 12.6m, with the two rows separated by 0.7m. The proposed footprint would appear modest within the spacious plot set to the northeast largely shielded from public view. Details have been provided illustrating the design of the solar panels and the proposed consoles at ground level are considered acceptable. Cumulatively, the proposal comply with Policy PP37 (i) as the solar panels are set within a suitable location and would not harm the visual appearance of the site or surrounding area whilst providing effective renewable energy sources. It is

also noted that the proposed solar panels are not permanent structures and therefore could be removed at any time.

Impact on neighbouring amenity

16. By virtue of scale, separation distance, boundary treatment, orientation and height, the proposed solar panels would comply with Policy PP37 as the development would not cause harm to residential amenity by virtue of noise, vibration, overshadowing or harmful emissions.

Planning Balance/Conclusion

17. The proposed solar panels are discretely located within the spacious site and would not result in harm to the character of the area, visual appearance of the site or neighbouring amenity. The proposal is therefore compliant with Policies PP27 and PP37 and recommended for approval.

Recommendation

44. Grant, subject to the following conditions:

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

Location and Block Plan

Proposed Location of solar panels

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

3. The solar panels shall be implemented in accordance with the specification detailed by Vertex S received 22 March 2022.

Reason -

In accordance with Policy PP37 of the Poole Local Plan (November 2018).

Background Documents:

Case Officer Report Completed:

Officer: Natasha McCann

Date: 11/05/2022

Agreed by: Artemis Christophi

Date: 11/05/2022