

# Notice of Western BCP Planning Committee

Date: Thursday, 18 July 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



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## Membership:

### Chair:

Cllr M Le Poidevin

### Vice Chair:

Cllr J Clements

Cllr C Adams  
Cllr J Challinor  
Cllr A Chapmanlaw

Cllr P Cooper  
Cllr M Dower  
Cllr B Hitchcock

Cllr S McCormack  
Cllr K Salmon  
Cllr P Sidaway

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All Members of the Western BCP 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?MIId=6113>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

10 July 2024

**DEBATE  
NOT HATE**



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  
([janie.berry@bcpcouncil.gov.uk](mailto:janie.berry@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

7 - 10

To confirm and sign as a correct record the minutes of the meeting held on 23 May 2024.

## 5. Public Issues

11 - 18

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

The deadline for the submission of requests to speak is 10.00am on Wednesday 17 July 2024 [10.00am of the working 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=614>

### Summary of speaking arrangements 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.

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 10.00am of the working 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 with the agenda, as updated by the agenda addendum sheet to be published one working day before the meeting.

**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 Chair 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) | <p><b>39 Brudenell Avenue, Poole BH13 7NW</b></p> <p>Canford Cliffs Ward</p> <p>APP/23/01263/F</p> <p>Demolition of the existing building and construction of seven apartments with associated parking, landscaping and access.</p>                                         | 19 - 62 |
| b) | <p><b>West Hants Lawn Tennis Club, Roslin Road South, Bournemouth BH3 7EF</b></p> <p>Talbot and Branksome Woods Ward</p> <p>7-2024-5036-BF</p> <p>Replacement of a single tennis court with 2 new padel tennis courts with associated screens, fencing and floodlights.</p> | 63 - 80 |
| c) | <p><b>11 Ashridge Avenue, Bournemouth BH10 6BX</b></p> <p>Kinson Ward</p> <p>7-2024-29176</p> <p>Alteration to front dormer window and extend roof over two storey rear extension.</p>                                                                                      | 81 - 96 |

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

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**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**WESTERN BCP PLANNING COMMITTEE**

Minutes of the Meeting held on 23 May 2024 at 10.00 am

Present:-

Cllr M Le Poidevin – Chair

Cllr J Clements – Vice-Chair

Present: Cllr J Challinor, Cllr A Chapmanlaw, Cllr P Cooper, Cllr M Dower,  
Cllr B Hitchcock, Cllr S McCormack, Cllr K Salmon and  
Cllr P Sidaway

1. Apologies

Apologies were received from Cllr C Adams.

2. Substitute Members

There were no substitute members for this meeting.

3. Election of Chair

The Chairman of the Council presided over this item and sought nominations for the election of Chair. A nomination was received and seconded for Cllr M Le Poidevin. No further nominations were received.

**RESOLVED that Cllr M Le Poidevin be elected as Chair of the Western BCP Planning Committee for the Municipal Year 2024/25.**

4. Election of Vice Chair

The Chair sought nominations for the election of Vice Chair. A nomination was received and seconded for Cllr J Clements. No further nominations were received.

**RESOLVED that Cllr J Clements be elected as Vice-Chair of the Western BCP Planning Committee for the Municipal Year 2024/25.**

5. Declarations of Interests

There were no declarations of interest.

6. Public Issues

The Chair advised that there were a number of requests to speak on the planning applications as detailed below.

7. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – B to these minutes in the Minute Book. A Committee Addendum Sheet was published on 22 May 2024 and appears as Appendix C to these minutes.

8. Branksome Chine Cafe, Pinecliff Road, Poole BH13 6LP

Canford Cliffs Ward

APP/23/01286/F

Internal and external alterations and extensions to the existing café/restaurant premises. Vary condition 8 (operating hours) of APP/22/00159/F.

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward Councillors

- ❖ None registered

**RESOLVED to GRANT permission in accordance with the recommendation set out in the officer's report as updated in the Committee Addendum dated 22.05.24 and with the following additional conditions requested by the Committee:**

- **Temporary permission for a trial twelve month period**
- **Retractable roof to be closed between 23.00hrs and 07.00hrs the following day**

Reasons:

The Committee agreed that granting temporary consent for a trial period of twelve months would enable any impact from the variation to the operation hours of the café/restaurant to be assessed over all seasons.

The Committee noted that the applicant's agent reported at the meeting that should the variation be granted the applicant did not intend to open the retractable roof beyond the current hours of 23:00hrs. In view of this the Committee felt it was reasonable to add this as a condition to the variation.

Voting: Unanimous



Note: Cllr S McCormack left the meeting during this item and did not return for the remainder of the meeting, therefore did not speak or vote on this item.

9. 13 - 15 High Street, Poole BH15 1AB - Update report

Poole Town Ward

APP/21/01199/F

Redevelopment of the site to form 40 apartments and 424sqm of class E floor space following the partial demolition of existing buildings.

The Committee was provided with an update on the planning application. Members were advised that a refusal of planning permission was now recommended due to the failure of the applicant to complete a Section 106 Agreement in accordance with the earlier resolution of the Council's Planning Committee on 4 October 2022.

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Giles Moir, on behalf of the applicant

Ward Councillors

- ❖ None registered

**RESOLVED to GRANT permission in accordance with the Committee's original resolution on 4 October 2022 but subject to the completion of the Section 106 Agreement by no later than 31 August 2024. Should the Section 106 Agreement not be completed by 31 August 2024 the Committee delegates authority to the Head of Planning Operations to determine the application.**

Reason:

The Committee was mindful of the officer's recommendation to refuse the application for the reasons set out in the report but in the circumstances Members agreed to extend the time limit for the Section 106 agreement to be completed to provide the applicant with a final opportunity to complete the agreement by a defined date.

Voting: Unanimous

Note: Cllr McCormack was not present, therefore did not speak or vote on this item.

10. Committee Protocols

The purpose of this item was to confirm the following local protocols adopted by the preceding BCP Planning Committee and set out as schedules in Part 6 of the Council's Constitution in relation to:

- Protocol for Speaking/Statements at Planning Committee (already circulated with Agenda Item 6)
- Planning Committee Site Visit Protocol
- Planning Committee Protocol in relation to Pre Application Presentations

Committee members raised a number of points in discussion:

- A number of areas were suggested for future training and guidance, including site visits and call-in procedure. Officers agreed to look at arrangements for delivering training to both committees, including shorter, thematic sessions. Members were encouraged to put forward topics for consideration.
- The different mechanisms for agreeing a site visit were explained. Members were advised that committee site visits were undertaken by exception when it was not possible to envisage a development proposal from the public domain.
- A number of issues were raised around probity and best practice, including how to deal with lobbying and the need for all committee members to have access to the same information. Members also discussed their role as ward councillors in providing information and support to residents to access and engage with the process. The Committee was referred to the Local Code of Best Practice in Planning, in Part 6 of Constitution which provided guidance on these issues. Members were advised to contact the Monitoring Officer should they require further advice.
- It was noted that there were various mechanisms for third parties to raise objections to planning applications, including submitting a representation, asking an officer to view a development site from their property (including after the consultation period) and registering to speak at committee.

**RESOLVED that the Western BCP Planning Committee accepts the Committee Protocols.**

Voting: Unanimous

The meeting ended at 11.26 am

CHAIR

## **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 Planning Committee meeting. It does not therefore relate to any other item considered at Planning Committee in respect of which public speaking/questions shall only be permitted at the discretion of the Chair.
- 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 **The email address for any person who wishes to register a request to speak and / or submit a statement for the purposes of this protocol or to correspond with Democratic Services on any aspect of this protocol is [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)**

### **2. Order of presentation of an application**

- 2.1 The running order in which planning applications are heard will usually follow the order as appears on the agenda unless the Planning Committee otherwise determines.
- 2.2 In considering each application the Committee will normally 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 (who is not a voting member of the Planning Committee in relation to that application) / ward councillor(s);
  - e) questions and discussion by voting members of the Planning Committee, which may include seeking points of clarification.

### **3. Guidance relating to the application of this protocol**

- 3.1 The allocation of an opportunity to speak / provide a statement to be read out at Planning Committee under this protocol is not intended as a guarantee of a right to speak / have a statement read out.
- 3.2 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 and as provided for in this protocol including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes the opportunity to speak (or submit a statement), varying the speaking time allowed and the number of speakers. 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.

- 3.3 A failure to make a request to speak / submit a statement in accordance with any one or more of the requirements of this protocol will normally result in the request / submission of the statement not being treated as validly made and therefore not accepted.

#### **4. Electronic facilities relating to Planning Committee**

- 4.1. All electronic broadcasting and recording of a Planning Committee meeting by the Council and the provision of an opportunity to speak remotely at such a meeting is dependent upon such matters being accessible, operational and useable during the meeting. As a consequence, a meeting other than a wholly virtual meeting may proceed, including consideration of all applications relating to it, even if it cannot be electronically broadcast, recorded and/or any person is unable to speak / be heard at the time when the opportunity to do so on an application is made available.

#### **5. Attending in person at a Planning Committee meeting / wholly virtual meetings**

- 5.1. Unless otherwise stated on the Council's website and/or the agenda Planning Committee will be held as a physical (in person) meeting. A Planning Committee meeting 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 Planning Committee meeting 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.

#### **6. Provisions for speaking at Planning Committee (whether in person or remotely)**

- 6.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request to speak in writing with Democratic Services at [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk) by **10.00 am of the working day before the meeting.**
- 6.2. A person registering a request to speak must:
- a) make clear as to the application(s) on which they wish to speak and whether they support or oppose the application; and
  - b) provide contact details including a telephone number and/or email address at which they can be reached / advised that they have been given an opportunity to speak.



- 6.3. 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;
  - b) or the other allotted speaker fails to be present or is unable to be heard (in the case of remote speaking), at the Planning Committee meeting at the time when the opportunity to speak on the application is made available; or
  - c) the other allotted speaker expressly agrees to the speaker using more than half of the total speaking time allowed.
- 6.4. If more than two people seek to register a wish to speak for either side, an officer from Democratic Services may ask those seeking the opportunity 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 was received by Democratic Services. 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.
- 6.5. A person registered to speak may appoint a different person to speak on their behalf. The person registered to speak should normally notify Democratic Services of this appointment prior to the time that is made available to speak on the application.
- 6.6. A person may at any time withdraw their request to speak by notifying Democratic Services by email or in person on the day of that meeting. However, where such a withdrawal is made after the deadline date for receipt of requests then the available slot will not be made available for a new speaker. In cases where more than two requests to speak within the allocated five minutes were received by the deadline, Democratic Services will, where practicable, reallocate the slot in date receipt order.
- 6.7. 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.

## **7. Questions to person speaking under this protocol**

- 7.1. Questions will not normally be asked of any person who has been given the opportunity to speak for the purpose of this Protocol. However, the Chair at their absolute discretion may raise points of clarification.

## **8. Speaking as a ward councillor or other BCP councillor (whether in person or remotely)**

- 8.1. Any ward councillor shall usually be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who is given the opportunity to speak will have up to **five** minutes each.
- 8.2. At the discretion of the Chair, any other councillor of BCP Council not sitting as a voting member of the Planning Committee may also be given the opportunity to speak on an application being considered at Planning Committee. Every such councillor will have up to **five** minutes each.
- 8.3. Any member of the Planning Committee who has exercised their call in powers to bring an application to the Planning Committee for decision should not vote on that item but subject to any requirements of the Member Code of Conduct, may have or, at the discretion of the Chair, be given the opportunity to speak in connection with it as a ward councillor or otherwise in accordance with the speaking provisions of this protocol. Such a member will usually be invited after speaking to move themselves from the area where voting members of the Planning Committee are sitting and may be requested to leave the room until consideration of that application has been concluded.

## **9. Speaking as a Parish or Town Council representative (whether in person or remotely)**

- 9.1. A Parish or Town Council representative who wishes to speak as a representative of that Parish or Town Council must register as an objector or supporter and the same provisions for speaking as apply to any other objector or supporter applies to them. This applies even if that representative is also a councillor of BCP Council.

## **10. Content of speeches (whether in person or remotely) and use of supporting material**

- 10.1. Speaking must be done in the form of an oral representation. This 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 normally direct their points to reinforcing or amplifying planning representations already made to the Council in writing in relation to the application being considered. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid saying anything that might be libellous, slanderous, otherwise abusive to

any person or group, including the applicant, any officer or councillor or might result in the disclosure of any personal information for which express consent has not been given.

- 10.2. A speaker who wishes to provide or rely on any photograph, illustration or other visual material when speaking (in person or remotely) must submit this to Democratic Services **by 12 noon two working days before the meeting**. All such material must be in an **electronic** format to be agreed by Democratic Services and will usually be displayed on the speaker's behalf by the presenting officer. The maximum number of slides to be displayed must not exceed **five**. Material provided after this time or in a format not agreed will not be accepted. The circulation or display of hard copies of such material at the Planning Committee meeting itself will normally not be allowed. In the interests of fairness, any material to be displayed must have already been submitted to and received by the Council as part of a representation/submission in relation to the application by the date of agenda publication for that Planning Committee meeting.
- 10.3. The ability to display material on screen 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 speech should therefore ensure that it is not dependent on such information being displayed.

## **11. Remote speaking at Planning Committee**

- 11.1. In circumstances where the Council has put in place electronic facilities which enable a member of the public to be able to speak remotely to a Planning Committee meeting, a person may request the opportunity to speak remotely via those electronic facilities using their own equipment. In circumstances other than a wholly virtual meeting this would be as an alternative to attending the meeting in person. The provisions of this protocol relating to speaking at Planning Committee shall, unless the context otherwise necessitates, equally apply to remote speaking.
- 11.2. The opportunity to speak remotely is undertaken at a person's own risk on the understanding that should any technical issues affect their ability to participate remotely the meeting may still proceed to hear the item on which they wish to speak without their participation.
- 11.3. A person attending to speak remotely may at any time be required by the Chair or the Democratic Services Officer to leave any electronic facility that may be provided.

## **12. Non-attendance / inability to be heard at Planning Committee**

- 12.1. It is solely the responsibility of a person who has been given an opportunity to speak on an application at a Planning Committee meeting (whether in person or remotely) to ensure that they are present for that meeting at the time when an opportunity to speak is made available to them.
- 12.2. A failure / inability by any person to attend and speak in person or remotely at a Planning Committee meeting at the time made available for that person to speak on an application will normally be deemed a withdrawal of their wish to

speaking on that application. This will not therefore usually be regarded as a reason of itself to defer or prevent an application from being heard.

- 12.3. This protocol includes provisions enabling the opportunity to provide a statement as an alternative to speaking in person / as a default option in the event of a person being unable to speak at the appropriate meeting time.

### **13. Submission of statement as an alternative to speaking / for use in default**

- 13.1. A person (including a councillor of BCP Council) who has registered to speak, may submit a statement to be read out on their behalf as an alternative to speaking at a Planning Committee meeting (whether in person or remotely).
- 13.2. Further, any person speaking on an application at Planning Committee may, at their discretion, additionally submit a statement which can be read out as provided for in this protocol in the event of not being able to attend and speak in person or remotely at the time when an opportunity is made available for that person to speak on the application. The person should identify that this is the purpose of the statement.

### **14. Provisions relating to a statement**

- 14.1 Any statement submitted for the purpose of this protocol:
- a) must not exceed **450** words in total unless the statement is provided by a ward councillor or any other councillor who is not voting on the application under consideration in which case the statement may consist of up to **900** words;
  - b) must have been received by Democratic Services by **10.00am of the working day before the meeting** by emailing [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)
  - c) when submitted by a member of the public (as opposed to a councillor of BCP Council), will be treated as amounting to **two and a half minutes** of the total time allotted for speaking notwithstanding how long it does in fact take to read out;
  - d) must not normally be modified once the deadline time and date for receipt of the statement by Democratic Services has passed unless such modification is requested by an officer from Democratic Services; and
  - e) will normally be read out aloud by an officer from Democratic Services having regard to the order of presentation identified in this protocol.
- 14.2 A person who has been given the right to speak and who has submitted a statement in accordance with this protocol may at any time withdraw that statement prior to it being read out by giving notice to Democratic Services. Where such withdrawal occurs after the deadline date for registering a request to speak has passed, then a further opportunity for a statement to be submitted will not be made available. If the statement that has been withdrawn was submitted as an alternative to speaking, then if the person



withdrawing the statement wishes instead to exercise their opportunity to speak in person they should notify Democratic Services on or before the time of withdrawing the statement.

## **15. Assessment of information / documentation / statement**

- 15.1. BCP Council reserves the right to check any statement and any information / documentation (including any photograph, illustration or other visual material) provided to it for use at a Planning Committee meeting 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.
- 15.2 The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such statement / information / documentation should not be used / read out in whole or part. If circumstances reasonably permit, Democratic Services may seek to request a person modify such statement / information / documentation to address any issue identified.

## **16. Guidance on what amounts to a material planning consideration**

- 16.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:

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

## **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 the application being considered; and
- (d) a “wholly virtual meeting” is a Planning Committee meeting where no one including officers and councillors physically attend the meeting; however, a meeting will not be held as a “wholly virtual meeting” unless legislation permits

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23



# Planning Committee

Application Address	39 Brudenell Avenue, Poole, BH13 7NW
Proposal	Demolition of the existing building and construction of seven apartments with associated parking, landscaping and access.
Application Number	APP/23/01263/F
Applicant	Cullen Property Group Ltd
Agent	Spruce Town Planning Ltd
Ward and Ward Member(s)	Canford Cliffs: Cllr John Challinor Cllr Gavin Wright
Report Status	Public
Meeting Date	18 July 2024
<b>Summary of Recommendation</b>	<b>Grant with conditions in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	<p>Call-in from former Cllr Haines for the following reasons;</p> <p>I note that there is an application for this address to replace a large single detached dwelling with 7 apartments. This is a concern as the prevailing character of this road is large detached dwellings in generous plots. There has been some sub-division but nonetheless single detached houses. As far as I can recall, there are no blocks of flats in Brudenell Avenue.</p> <p>As this is a departure of the prevailing character of the road, I am minded to call this in.</p>

	Following Cllr Haines' resignation, Cllr Challinor confirmed that the application be determined by the planning committee.
Case Officer	Amelia Rose
Is the proposal EIA Development?	No

### **Description of Proposal**

1. The proposal seeks to demolish the existing two storey dwelling on site and erect a block of seven apartments with parking and associated landscaping.
2. The existing dwelling is a large two storey dwelling on site that appears to date from the 1950s. The dwelling sits on a large plot and is proposed to be demolished to enable construction of a 4-storey block of seven apartments with basement level parking, situated in a similar position on site to the existing dwelling, fronting onto Brudenell Avenue. Access would remain from Brudenell Avenue although the access position will be moved to the south with turning, parking and communal cycle and bin storage.
3. Each flat would have two bedrooms with an open plan kitchen/living room. They would all benefit from outside amenity space including balconies and a communal garden to the rear.
4. It should be noted that the application pre-dates the Government requirements for statutory Biodiversity Net Gain and therefore there is no requirement for the application to provide the 10% BNG but it does provide biodiversity enhancement in line with relevant local plan policy.

### **Description of Site and Surroundings**

5. The application site is occupied by a two-storey detached house with some accommodation in the existing roof, located on the east side of Brudenell Avenue within a mixed use – residential and tourism - area to the south-west of Canford Cliffs village, which offers a range of restaurants and local shops. The site consists of a 2-storey detached dwellinghouse with an integral garage and outdoor swimming pool, set on a large plot of land fronting to the west. The existing property is set back within its plot with a driveway and parking to the front (west), as well as a front garden. The site slopes up from the road meaning that the existing dwelling is elevated above the highway, and the dwelling is rendered and painted cream, with a tiled roof. There is a long garden area to the rear (east) of the building, laid out as a domestic garden with lawn and patio areas around the outdoor pool. There are several mature trees along the north, south and east boundaries of which are protected by an area Tree Preservation Order, and the site is surrounded by a high hedge on the southern and western (front) boundaries. It is bordered on the eastern (rear) boundary by a public right of way footpath connecting Brudenell Road to Nairn Road.
6. There are a mixture of property designs in the area, with several examples of modern dwellings in the immediate vicinity. There are a variety of properties within this area comprising a mixture of chalet bungalows and two to three storey detached dwellings



of various designs, height, width and depth, and three to five storey blocks of flats, set within verdant surroundings.

7. Brudenell Avenue and the adjacent streets are characterised by large dwellings or apartment blocks set within generous plots, a number of which have been subdivided and redeveloped in recent years. In this part of Brudenell Avenue and Brudenell Road, the buildings vary in age, size, design and form. Houses are interspersed with apartment blocks; traditional and modern dwellings sit alongside each other, many of which have been extended or modernised. The pattern of development is generally consistent, in the sense that each building fronts the highway and is set back from the road allowing for parking and front gardens as well as generous rear gardens. There are examples of plot severances and flatted developments within the vicinity that have resulted in reduced plot widths and mixed densities.
8. The scale of the existing buildings within this section of Brudenell Avenue and the generous plots create a characteristic spaciousness around the buildings. There are some prominent trees along the north, south and east boundaries of the site, which are all protected by TPOs.

### **Relevant Planning History:**

Planning history of the site –

9. APP/23/01117/PA - Prior approval for the construction of a new second floor with hipped roof. To be the same footprint as the principal part of the original first floor. The new second floor will have windows to the front and rear elevations only. Granted – 14/11/2023.

37 Brudenell Avenue – adjacent plot to the north:

10. APP/12/01350/F - Demolition of the existing dwelling and garage and the construction of two detached dwellings with integral double garages. Granted – 18/12/2012.

7 Brudenell Road – adjacent plot to the south:

11. APP/23/00736/F - Demolition of the existing house and garage and erection of 1 detached dwelling and a block of 5 apartments including formation of new driveways with associated access, car & cycle parking, bin storage and associated boundary treatments. Granted 22/12/2023.
12. APP/24/00454/F - Demolition of the existing house and garage and erection of 1 detached dwelling and a block of 5 apartments including formation of new driveways with associated access, car & cycle parking, bin storage and associated boundary treatments at 7 Brudenell Road, Poole, BH13 7NN. Variation of condition 2 and 6 of planning permission APP/23/00736/F to include an additional recessed floor on both the flat building and the dwellinghouse. Addition of 2no. car lifts for the dwellinghouse on the driveway and replacement of garage on the ground floor of the dwellinghouse to a proposed as a gym, sauna and steam room. Application currently under consideration.

9 Brudenell Road – adjacent plot to the east:

13. APP/22/01052/F – Demolition of existing building and erection of a block of 9 apartments with associated access and parking. Granted 14/02/2023.

14. APP/23/00292/F – Variation of condition 21 of planning permission APP/22/01052/F (demolition of existing building and erection of a block of 9 apartments with associated access and parking) to enable a minor material amendment in the form of an enlargement to the approved second floor accommodation. Granted 09/06/2023.

### **Constraints**

15. There are protected trees to the rear (west) and sides (north and south) of the site lying within an area TPO designation. The site lies within 5km (but not within 400m) of the Dorset Heathlands SSSI. The site is also located within the Coastal Zone and Shoreline Character Area.

### **Public Sector Equalities Duty**

16. 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**

17. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
18. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
19. For the purposes of this application, in accordance with section 2 of the 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.
20. 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.
21. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

### **Consultations**

- **Wessex Water** – no objection.
- **BCP Biodiversity** – no objection subject to conditions – recommendations as set out within sections 6.0. Biodiversity Enhancements for Biodiversity Net Gain and 7.0.

Mitigation of 'Ecological Impact Assessment 39 Brudenell Ave, Poole, Dorset BH13 7NW' by KP Ecology, to be secured by condition that they shall be implemented in full. An informative shall be placed on any approval stating that if bats are found during demolition, works should cease, Natural England contacted and works put back into place.

- **BCP Waste** – no objection - provision should be made for 1 x 1100L and 1 x 660L recycling bins and 1 x 1100L refuse bins. The bin store is a suitable size to accommodate the number of containers required and is within 10 metres of the highway to facilitate collections.
- **Dorset and Wiltshire Fire and Rescue** – no objection – consideration should be given to the size of the access of the site and positions of fire hydrants.
- **Natural England** – no objection subject to mitigation being secured.
- **BCP Arboricultural Officer** – no objection subject to conditions – All protected trees of merit are to be retained and protected with this development. The hedge along the front will be lost which will open up views into the site, this could be mitigated by some new landscaping. Conditions required to ensure works are carried out in accordance with the arboricultural method statement, details of the arboriculturally sensitive operations being provided and approved in writing by the LPA prior to construction, and a landscape plan being submitted and approved prior to construction.
- **BCP Highways** – no objection subject to conditions – access would be acceptable, parking standards are appropriate. Conditions required to ensure Parking/ Turning prior to occupation, Visibility Splays, provision of Electric Vehicle Charging Points. A condition is required regarding the undercroft car park which shall be designed and constructed having regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011) or any future update and a scheme and program of works required to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site.
- **BCP Urban Design** – support subject to conditions – support for provision of dedicated pedestrian and cycle route into the site, the entrance would be at the front facing the street, making it well visible and easy to find. Support for soft landscaping, a landscaping plan should be provided involving planting and soft landscaping. Suggestion of provision of a defensible solution to undercroft parking to resist crime. Cycle storage would be easily accessible from the street and the bin store would be appropriately concealed to the front of the site with a green roof to reduce its impact on the streetscene.

The proposed scale and massing is considered acceptable and building line follows that of adjacent properties, with the recessed upper floors reducing bulk. The building is considered in keeping with the character and appearance of the area. Concerns over some single aspect units.

The more modern design makes visual reference to the character of the area and therefore would not be opposed. An energy statement will be required.

- **BCP FCERM** – support subject to conditions – drainage plan should be secured by condition.
- **BCP Environmental Health** – no objection subject to condition to secure control of dust during demolition, hours of operation and to restrict burning on site.
- **BCP Rights of Way** – no comment received.
- **Amphibian and Reptile Conservation Trust** – no comment received.
- **Dorset Wildlife Trust** – no comment received.
- **BCP Economic Development Trust** – no comment received.
- **Dorset Clinical Commission Group** – no comment received.
- **Dorset Police** – no comment received.
- **Dorset Police Crime Prevention Officer** – no comment received.

### **Representations**

22. Three site notices were posted outside the boundaries of the site on 14<sup>th</sup> November 2023 and two additional site notices on 13<sup>th</sup> February 2024.
23. Five representations have been received from neighbours, objecting on the following grounds:
  - Not in keeping with the scale and character of the locality
  - Overbearing and loss of privacy
  - Loss of a view
  - Noise, congestion and inconvenience
  - Removal of several TPO trees
  - Would set a precedent – no apartments in Brudenell Avenue
  - Overdevelopment of the site – disproportionate to the size of the site
  - Increase in number of units on site will change demographics of the area and impact ambience and privacy
  - Lack of architectural interest in the building
  - Was an understanding among Council members 30 years ago for no apartments to be built in Brudenell Avenue

### **Key Issues**

24. The key issues involved with this proposal are:
  - Principle of the proposed development
  - Presumption in favour of sustainable development
  - Affordable housing
  - Impact on the character and appearance of the area
  - Impact on neighbouring living conditions

- Living conditions of prospective occupiers
- Housing for an ageing population
- Impact on parking and highway safety
- Impact on trees and landscaping
- Biodiversity
- Sustainability
- Drainage
- Shoreline views
- Waste collection
- Land contamination
- Other considerations
- SAMM/CIL compliance.

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

### **Policy context**

26. 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 Poole Local Plan (2018).

### **Poole Local Plan 2018:**

- PP1 Presumption in favour of sustainable development
  - PP2 Amount and Broad Location of Development
  - PP8 Type and mix of housing
  - PP11 Affordable housing
  - PP12 Housing for an ageing population
  - PP27 Design
  - PP30 Heritage Assets
  - PP31 Poole's coast and countryside
  - PP32 Poole's Nationally, European and Internationally Important Sites
  - PP33 Biodiversity and Geodiversity
  - PP34 Transport strategy
  - PP35 A Safe, Connected and Accessible Transport Network
  - PP37 Building Sustainable Homes and Businesses
  - PP38 Managing Flood Risk
  - PP39 Delivering Poole's Infrastructure
  - PP40 Viability
27. It should be noted that the emerging BCP Local Plan has been published and has now been submitted for examination in June 2024, however at this stage, the emerging Local Plan attracts limited weight, although its evidence base may on occasion have information that could be material.

### **Supplementary Planning Documents (SPDs)**

- BCP Parking Standards SPD (Adopted January 2021)
- The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted April 2020)

- Nitrogen Reduction in Poole Harbour SPD (Adopted April 2017)
- Poole Harbour Recreation 2019-2024 Supplementary Planning Document SPD (Adopted April 2020)
- Affordable Housing SPD (Adopted November 2011)
- Shoreline Character Areas SPG (Adopted 2004)
- Heritage Assets SPD (Adopted 2013)

## **National Planning Policy Framework (“NPPF” / “Framework”) (December 2023)**

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

### **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 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

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

Section 15 – Conserving and enhancing the natural environment

## **Planning Assessment**

### **Principle of development**

28. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP01, the Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations.
29. Policy PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. The application site, however, is located outside of the areas that have been identified as the most accessible locations by Policy PP2 of the Poole Local Plan.

30. Notwithstanding this, Policy PP2 still identifies a need to deliver 1900 units over the plan period “Elsewhere within the urban area” which would include the application site. In accordance with Policy PP2 (b), there is still potential for development to come forward in such areas provided that the scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing. The proposal will also be expected to demonstrate how suitable sustainable transport measures have been incorporated into the proposal to connect the development with town, district and local centres, as an alternative to reliance upon the car.
31. This approach is reinforced by Policy PP34 which also states that new development will be directed to the most accessible locations which are capable of meeting a range of local needs and will help to reduce the need for travel, reduce emissions and benefit air quality, whilst PP35 also states that proposals for new development will be required to maximise the use of sustainable forms of travel. Significant weight therefore has to be applied to the provision of additional residential accommodation which meets these policy objectives.
32. The proposal is therefore acceptable in principle under Policy PP2 subject to compliance with the remainder of the Development Plan.

### **Presumption in favour of sustainable development**

33. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Poole Local Plan Policy PP01.
34. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
35. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
36. The 5-year housing supply and HDT results continue to be applied to each Local Plan area separately until replaced by a BCP Local Plan. In the Poole area there is a 4.1-year housing land supply with a 20% buffer (a shortfall of 423 homes) and a 2022 HDT result of 80%. For the purposes of paragraph 11 of the NPPF, the tilted balance is potentially engaged. However, the site also lies within 5 km of a European Habitat site and Poole Harbour. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

### **Affordable Housing**

37. Whilst the site is located outside of the areas that have been identified as the most accessible locations in the Poole Local Plan, development will still be permitted on those areas provided that the scheme achieves a policy compliant level of affordable housing.



38. Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, whilst the proposed development is only for 7 units the overall floor space exceeds 1,000 square metres. Therefore, the proposed development exceeds one of the thresholds that would trigger the requirement for the provision of affordable housing. Due to the location of the application site, the affordable housing target that is to be sought in relation to this current proposal is 40% affordable housing.
39. The applicant has provided a Viability Assessment Report, as set out in Policy PP40, to demonstrate to the Council that the proposal would not be viable if it were policy compliant. This assessment has been independently evaluated by the DVS. The DVS concluded that the proposal is not capable of providing any affordable housing contribution.
40. The proposal therefore meets the requirements of Policies PP11 and PP40 and the acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development under PP2.

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

41. Policy PP27 of the Poole Local Plan (2018) states that development will be permitted where it reflects or enhances local patterns of development in terms of layout, height, scale, massing, materials, landscaping and visual impact.
42. PP28 requires that flatted development will be permitted where the plot can accommodate an appropriate scale and massing of the building; respectful of the prevailing character of plot coverage within the street; to include the associated parking, bin storage, cycle stores etc.
43. The existing dwelling would be demolished, and the dwelling replaced with one block of seven flats, with undercroft parking to the basement level. The building would be a maximum width of around 22 metres to the ground floor, stepped in to 21 metres on the first floor and 15 metres on the second floor, being stepped in from both the north and south sides with a flat green roof on either side of the stepped parts. The building would be a maximum depth of 26 metres on the ground floor, stepped in to the front and rear to 24m on the first floor and 15 metres on the second floor, which would be set back with a green roof on the flat roof parts. The flat roof would reflect many of the adjacent developments and a penthouse apartment is proposed at the 3<sup>rd</sup> floor, set back from each elevation to provide interest and minimise the impact of the top floor.
44. The building would be set at a similar height to the existing building, which is 2.5 storeys plus a pitched roof, and has permission to be extended upwards to be three storeys plus the roof. The proposed building would be lower than the fallback position granted under APP/23/01117/PA (para. 9 above) which has a height of 24m AOD, compared to the proposed block of flats which would be 21.9m AOD.
45. The Prior Approval APP/23/01117/PA, would involve erecting a further floor on a single dwellinghouse with a hipped roof which would recess into the site on an building with a depth of approx.. 9m. Compared against the proposed block of 7 flats with 26m depth and the bulk of the flat roof design, the Prior Approval is considered to have negligible relevance to an assessment of the physical impacts of the scheme which has been made in relation to the character of surrounding buildings.. Consequently the consent

under APP/23/01117/PA has been given limited weight in the assessment of the proposals.

46. The building would be approx.. 800mm higher than 37a Brudenell Avenue which is set to the north of the proposal and has a similarly inset second floor. The proposal would be set lower than 37 Brudenell Avenue which has a the ridge height at 26.8m AOD. This neighbour is set behind 37a at an elevated height but also set well into the site, being around 40m from the Brudenell Avenue frontage. The scale of the existing buildings within this section of Brudenell Avenue and the relatively spacious plots create significant gaps between and around the buildings. The new building is considered to have been designed and sited to respect the setting and character of the site and surrounding area.
47. The proposed layout ensures the spacious character of the area is retained, with the distances to the north being similar to the existing situation, and takes into account the other proposed developments adjacent to the site (including application ref APP/23/00736/F at 7 Brudenell Road to the south), alongside the existing buildings and neighbouring dwellings including at 37 and 37a Brudenell Avenue to the north. The new building would continue to respect the varied frontage positions along Brudenell Avenue, and where possible the existing boundary hedgerow will be retained. The layout has been informed by the existing site configuration, the positions of protected trees and the need to respect the existing streetscene and neighbouring dwellings. Development will therefore be concentrated on the land that has already been developed towards the front and centre of the site. Development to the rear of the site due to the rising levels would likely be more prominent.
48. Contextually, it is considered that the new building would complement the neighbouring properties on Brudenell Avenue, in particular the contemporary design and form of the recently constructed 35-37a Brudenell Avenue, of which the proposal would appear architecturally similar to, and of a similar scale. In terms of the introduction of a flatted block on the site, there are evidently existing and proposed apartment buildings nearby as shown on the submitted analytical block plan. There are permissions for apartments within the sites directly to the south and east of the plot. In addition, as discussed, the proposal visually appears similar and not significantly larger than the neighbouring dwellings at 35-37a Brudenell Road. The width is very similar to or less than many of the buildings within the surrounding context which means that the proposed development would continue to support the existing pattern of development and would not look out of place. The block plan demonstrates that the new building will respect the grain of development and amenity space of the existing homes on this part of Brudenell Avenue and the adjacent Brudenell Road.
49. The proposed width and depth of the building and the proposed separation distance between adjacent building is also commensurate with the wider pattern of development nearby. The proposal would include a substantial amount of the plot retained as soft landscaping, which would ensure the built form would not appear overly dominant and retain an appropriate level of spaciousness within the site. The resultant plot coverage respects the prevailing pattern of development and the basement car parking ensures cars will not dominate the site in compliance with Policy PP27.
50. In response to the suggestion that there are no flats within Brudenell Avenue, it is evident there is a variety of dwelling types in the vicinity with flatted blocks apparent at the junction with Brudenell Road for example. No part of the Local Plan rules out flats

in principle on the site, the scheme needs to be considered on its merits in relation to the Development Plan as a whole

51. When compared to the existing character of Brudenell Avenue, the scale and massing of the proposed building is considered acceptable, and although it is slightly more prominently located within the site than the existing building, the foremost building line still follows the front line of adjacent properties and the recessed nature of upper floors helps reduce the building's bulk. It is therefore overall considered that the proposal achieves an appropriate balancing between making a more efficient use of the land whilst also ensuring that the character of the area is effectively preserved and enhanced, as was agreed by the Urban Design Officer.
52. The proposal would be of a contemporary design, with large areas of glazing and of a flat roof nature. This aspect of the proposed scheme would not detract from the wider character of the area where flat roofed, contemporary buildings are present. Although the more contemporary architectural approach results in a boxy design, the proposed building provides articulation in the built form. The urban design officer also noted that the more modern design makes visual reference to the character of the area and therefore would not be opposed.
53. The proposed materials are light grey render and silver birch cladding to the walls, and aluminium fenestration of a bronze finish. This has limited relevance to the vernacular building materials in Poole however it is noted that schemes of similar design and similar contemporary finishing materials have previously been accepted in the vicinity. It is therefore considered that the proposed design and finishing materials would respect the character and appearance of the area. In this regard, the proposal would comply with the provisions of Policy PP27 of the Poole Local Plan.
54. With regard to the surrounds of the building, both pedestrian and vehicular accesses would be made from Brudenell Avenue and the existing vehicle crossover would be reinstated. It is a positive that a separate pedestrian access is proposed to increase permeability and improve safety for prospective occupiers and visitors. Part of the front boundary wall and hedge would be removed to facilitate the new vehicular access. The hedge and low boundary wall were previously considered to contribute positively towards the streetscene and enhance the character and appearance of the area by the Urban Design Officer, however the site visit revealed that the hedge is in poor condition, in a dying state and has turned black and partially fallen over. Therefore, despite its previous enhancement to the streetscene when it was in good condition, it is considered that a condition to ensure the hedge is retained and enhanced where possible, in accordance with other planting, would improve the current appearance of the hedge and the appearance of the front of the site in general. In conjunction with a landscaping condition to ensure that the verdant nature of the site is retained with native planting, it is considered that the impacts on the streetscene would be acceptable.
55. The Urban Design Officer noted that another positive element of this scheme is that the cycle storage would be integral part of the building with convenient access to the street. The bin store would be an outbuilding placed at the front of the site, nonetheless, this would be placed along the northern boundary, concealed behind the front boundary and vegetation. It would also have a green roof which would help blend it in with the existing and proposed vegetation and lessen its visual impact on the street scene and would be acceptable overall.

56. The proposed open parking spaces would be partially hidden behind a landscaped area, and though there would be a more visible expanse of hardstanding at the frontage of the development, this has been softened with grass block paving, which will help reduce visual effect while also offering an opportunity to improve soft landscaping on site, bringing environmental benefits. In terms of the area of hardstanding, this would be of a similar size to the existing. Much of the front of the site and the southern boundary along with the rear would therefore be retained and enhanced as landscaping.
57. It is therefore overall considered that the proposal allows for an appropriate increase in density and is of an appropriate design which would contribute an additional six units to the housing supply in Poole. The proposed scheme would be in keeping with the surrounding pattern of development and would have an acceptable impact on the character and appearance of the area, in accordance with PP27 and PP28 of the Poole Local Plan 2018.

### **Impact on amenities of neighbouring residents**

58. Policy PP27 of the Poole Local Plan states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.
59. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; 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 (para.135).
60. The proposed block would be set in spacious surrounds and would be set in from either side of the north and south side boundaries. On the northern side boundary the proposal would be set slightly further in than the existing dwelling, and set slightly closer to the side boundary to the south than the existing dwelling, where the existing swimming pool lies. The second floor would be set in from the first floor which would appear a similar height to the existing dwelling.
61. With regard to the impacts on dwellings to the north, numbers 37 and 37a Brudenell Avenue are large contemporary style dwellings of three (lower ground, ground and first floors) and four storeys (lower ground – second floors). The proposal would appear of a similar height, as discussed above.
62. The outlook from the two dwellings at 37 and 37a is primarily to the west over the front of the site, with some outlook facing partially south to maximise natural light reaching the dwellings. Number 37a has a building line set slightly further forward than the proposed block, meaning that the proposed new block would not be prominent from the front of number 37a. 37a has an obscure glazed side window on the first floor facing over the site. There is one further side window to the lower ground floor serving the study/bedroom 4 of number 37a but this lies adjacent to the existing host dwelling, and the impacts would not be substantially different from existing. The rest of the outlook from 37a to the front of the site would not be substantially impacted. Within the proposed block, there would only be two obscure glazed bathroom windows facing north towards the side elevation of 37a. Therefore overall, there are not considered to be substantial detrimental impacts on No. 37a from the proposed new block.

63. With regard to number 37 Brudenell Avenue, which is set further back than 37a, this occupies higher ground at the back of the site. The steep gradient means that the first and second floors of number 37 look over the top of 37a. This dwelling is further away from the proposed block with an outlook to the front and rear of the site to the east and west. Whilst the scheme will be visible to this neighbour, there would be no direct views to the new block. It would be visible from the front of number 37 though the closest point of the proposed building is around 20 metres away from the dwelling. The block would therefore not have an overbearing impact, nor result in a substantial loss of outlook to No.37.
64. With regard to the arrangement of buildings to the south of the site, directly to the south lies 7 Brudenell Road which lies on the corner of Brudenell Avenue and Brudenell Road and fronts onto Brudenell Road. A visit to the site confirmed that this neighbouring dwelling at 7 Brudenell Road is boarded up and ready to be demolished to make way for the consent that was granted under application APP/23/00736/F to construct a block of apartments and replacement dwelling on the site (and a variation of condition for this application ref APP/24/00454/F has been lodged for amendments to the plans to construct an additional floor on top of the previously approved to form two 4-storey buildings). use, both set on the site with primarily a southern facing outlook onto Brudenell Road.
65. The new dwelling proposed on the neighbouring site at 7 Brudenell Road would lie at the part of the site adjacent to the proposed block. The dwelling would have a ground floor study with a north facing window and a bathroom, wc, ensuite and laundry room to the first floor facing north. These would be the only windows facing north towards 39 Brudenell Avenue, and due to their proposed uses, the majority of these windows would therefore be obscure glazed. The scheme shows retention of the hedge on the southern boundary, and with this there would be no direct views down into the north elevation of the proposed dwelling on the adjacent site. There is a difficulty in relying on the retention of a hedge in providing a screen to maintain privacy as this cannot be guaranteed long-term. Therefore the impacts have been assessed without reliance on the hedge. In this respect, any views from the proposed block would be to mainly secondary or non-habitable rooms in the approved dwelling on No.7 and would not result in a substantial loss of privacy.
66. The rest of the outlook for this proposed dwelling at number 7 is over the south and west of the site, away from the proposed block at number 39. The proposal would be slightly elevated above this site due to the site levels, however due to the outlook of the dwelling primarily over the south and west of the site, the proposal would not result in an overbearing impact or substantial loss of outlook to the proposed new dwelling.
67. With regard to the proposed block of flats on this plot to the south, this lies to the south east and is set away from the proposed block at an angle meaning that there would be no direct views between the two. The louvres proposed to the new block would restrict views towards the flat block and these would be conditioned to ensure they remain in place for the lifetime of the development. Considering these factors, the scheme is considered to have acceptable impacts on the living conditions of the approved properties at 7 Brudenell Road.
68. In relation to the existing building on the site, the relationship is still considered acceptable, due to the lack of outlook from the proposed building towards this elevation. The proposed building would bring the built form closer to the southern boundary however number 7 Brudenell Road lies to the south of the site so there would not be a substantial loss of outlook or an overbearing impact in relation to this

neighbour. There would be the perception of additional bulk and massing closer to the boundary, however the principal aspect of the proposal at number 39 faces to the west.

69. It is therefore considered that the impacts of the proposed block of flats would be acceptable in relation to the existing dwelling or proposed development at number 7 Brudenell Road to the south.
70. To the east of the site is a public footpath and set beyond is the rear are properties along Haven Road, and the site of the newly proposed scheme of flats at 9 Brudenell Road. Due to the topography which rises to the rear of the host site, the distance between the proposal – in excess of 40m - and the dense tree cover to the rear of the site, the impacts of the scheme on these neighbours is considered acceptable.
71. To the west, to the front of the site, 12 Brudenell Avenue, is a 2- storey dwelling set down from the site but screened from the street by mature trees. Though this neighbour has expressed concerns, with a distance of 22 metres between the front of the proposed block and the neighbouring boundary, and over 37 metres between the proposed block and the front of this neighbour it is considered that there would not be a resultant loss of privacy, overbearing impact or loss of outlook to this neighbour and the impacts are considered acceptable.
72. Terraces & balconies are proposed to the units and the impacts on neighbouring privacy from these are considered acceptable. To the ground floor, the terrace of flat 1 lies to the rear of the block and is bordered by a 1.8 metre high wall on the northern elevation to ensure there would not be any loss of privacy to any neighbour to the north, with the outlook from the terrace over the rear of the site. Flats 2 and 3 on the ground floor and 4, 5 and 6 on the first floor would all have recessed roof terraces, set within the side walls of the building, so have direct views out to the front and rear respectively, with limited sideways views to the north and south.
73. The second floor penthouse would have three roof terraces, one to the rear which would have 1.8m high obscure glazing either side (north and south) to restrict views. The two terraces to the front (west) elevation would face out primarily over the front of the curtilage and are set in line with the front of the dwellings at 37a Brudenell Avenue and 7 Brudenell Road adjacent. It is therefore considered that these front elevation second-floor balconies would not require obscure glazing, and the privacy impacts are overall considered acceptable from the balconies/roof terraces, subject to condition.
74. The impact on the residential amenities of the surrounding properties has been carefully considered and the representations referring to these issues are recognised and acknowledged. It is considered that the amenity impacts from this proposal are acceptable. It is overall considered that the scheme is acceptable and compliant with Policy PP27 of the Poole Local Plan 2018.

### **Impacts on living conditions of future occupants**

75. Paragraph 9.5 of the preamble of PP27 states that; *"It will be important to ensure that the right balance is struck between delivering urban intensification, whilst maintaining high standards of amenity for existing and future occupants. For housing development, the Council encourages applicants to comply with the national prescribed space standards when preparing and submitting planning applications. Schemes that are significantly below these standards e.g. more than 20% of floor space will need to demonstrate how the development will achieve an acceptable standard of living for future occupants."*

76. The seven flats all exceed the nationally described technical housing standards for two bedroom, three or four person flats and three bedroom, four to six person flats, with the floorspace for each flat compared to the standards as set out in the Nationally Prescribed Space Standards as follows:

<b>Proposed Flat no.</b>	<b>Proposed No. bedrooms</b>	<b>Proposed floorspace in m<sup>2</sup></b>	<b>Minimum floor space (NSS) (m<sup>2</sup>)</b>
1 - Ground floor	2	126	61 (3 person) / 70 (4 person)
2 - Ground floor	2	128	61 (3 person) / 70 (4 person)
3 - Ground floor	2	131	61 (3 person) / 70 (4 person)
4 - First floor	2	119	61 (3 person) / 70 (4 person)
5 - First floor	2	121	61 (3 person) / 70 (4 person)
6 - First floor	2	119	61 (3 person) / 70 (4 person)
7 - Second floor	3	165	74 (4 person) / 95 (6 person)

77. The proposed development would create a high standard of living conditions, with lots of natural light and large spacious rooms, with a range of en-suites and dressing rooms for the bedrooms and large living spaces alongside private outdoor terrace areas for each unit. The urban design officer noted that flats No.2 & 5 are single-aspect units with windows/doors facing only north-east. Saying this, they are designed to have cross-ventilation, though may be internally slightly darker, and they would benefit from some direct sunlight to the east. It is considered that these units would still provide an acceptable standard of living when considering their size and access to private external terraces. All units will benefit from large glazing panels and sliding doors on the western and eastern elevations which will provide natural light and solar gain. There will be limited glazing on the southern elevation and the only obscured glazing on the north elevation serving two bathrooms, which will ensure no adverse impact on the amenity of the occupiers, with most of the outlook over the front and rear of the large plot.
78. The proposed flats also benefit from roof terraces to provide outdoor amenity space where overlooking will be minimised through the proposed planting and screens to the terraces, and restricting access to large areas of the flat roofs for maintenance only. There may be a small degree of mutual overlooking between neighbouring terraces however mutual overlooking is commonplace in residential areas and also in the locality where buildings are designed to take advantage of sea views. Therefore, the sizes and design of the flats are considered to accord with the expectations of PP27 and would overall create acceptable living conditions.

### **Housing for an ageing population**

79. In order to meet the needs of the ageing population, Policy PP12 (3) requires at least 20% of a mix of the housing types on sites over 1,000sq.m floor space to comply with Part M4 (2) of the Building Regulations, in order to deliver adaptable and accessible homes. The proposals have been demonstrated as being potentially capable of

complying with this requirement. The proposed drawings show 2 ground floor units (flats 1 and 2) to meet the requirements of Policy PP12, and two disabled parking spaces have also been provided in accordance with this, as marked on the site plan. A condition has been placed to ensure that these measures come forward, and subject to this, the proposal would be compliant with Policy PP12, and acceptable on these grounds.

### **Impact on highways and parking**

80. PP27 (g) requires that developments provide convenient and practical parking and cycle storage. The site lies within Zone D of the Parking Standards SPD and the application proposes parking in accordance with this, with fourteen spaces in total, which equates to two per flat, but also includes within this number, two disabled spaces set within the undercroft which would be a benefit of the proposal and four resident/visitor spaces outside of the block (within the front of the site). The majority of parking for residents would be set within 8 spaces within the undercroft. These parking spaces would all have electric vehicle charging. Covered secured cycle storage for residents is confirmed at one per bedroom, with 15 spaces in total which would be acceptable, secured within a cycle unit accessed through the undercroft. With regard to this undercroft, highways and the urban design team have recommended a condition to ensure that the under-croft car park shall be designed and constructed having regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011) or any future update. There are also two cycle stand spaces for visitors to the front of the site, which would be in accordance with the requirements. Additional conditions are required to ensure Parking/ Turning prior to occupation, Visibility Splays, and provision of Electric Vehicle Charging Points to ensure the proposal would meet the requirements as set out within the SPD.
81. Policy PP35 notes that new development is required to provide safe access to the highway. Highways have confirmed that the scheme would be acceptable subject to conditions. The Urban Design Officer noted that it is a positive that there would be a separate access for pedestrians, with the existing access being blocked off and a new one for vehicles/cycles alongside a separate pedestrian entrance heading straight to the entrance of the building being constructed.
82. Highways Officers noted that a further condition is required for a scheme and program of works required to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site.
83. The amount of traffic generated by six additional units would have acceptable impacts on the capacity of the wider highway network and no evidence has been demonstrated that this increase cannot be satisfactorily accommodated within the highway network. Highways considered that this aspect of the scheme and raise no concerns.
84. To the rear (east) of the site lies a Public Right of Way. The Rights of Way team were consulted on the proposal but did not make any comments. However, it is considered that through redevelopment of the site, which will retain built form to the front (west) of the site away from the Public Right of Way, there would not be any detrimental impacts on the PRow.
85. It is therefore considered that, subject to the conditions as set out above, the proposal is wholly compliant with the BCP Parking Standards SPD (2021) and Policy PP35 of



the Local Plan 2018 and is acceptable in regard to parking, rights of way and highways impacts including highway safety.

### **Impacts on Trees and Landscaping**

86. Policy PP27 notes that proposals are acceptable where they respond to natural features on the site and do not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area.
87. TPO 34/1999 protects trees on the site and the neighbouring site with individual and group designations. TPOs therefore lie in a group designation to the eastern section of the site, far to the rear of the proposed development, alongside three individual protected trees which lie on the northern boundary. There are two further protected trees on the southern boundary which lie towards the rear of the plot.
88. The arboricultural team were consulted and noted that the application has been submitted with a detailed arboricultural impact assessment and method statement which supports the application and provides information and method to ensure trees can be retained within development. The Trees Officer confirmed that all protected trees are to be retained.
89. The hedge to the front of the site is to be retained as far as possible, however this is in poor condition and a landscaping plan will be required and secured by condition, to include new tree planting alongside other soft landscaping along the front boundary to help mitigate the loss of the hedge. The site plan shows large areas of hedge and a range of planting to the front, however more detail will be required.
90. One further condition was considered necessary to ensure that there is no damage to the trees from the creation of the retaining wall for the basement if measures prescribed within the method statement are not followed. Therefore, a condition would be needed to ensure details are provided for the retaining wall to ensure it would not impact T2 during construction, and locations of soakaways can be secured by condition along with a pre-commencement meeting.
91. Therefore, subject to conditions as set out above, the proposal is considered to have acceptable impacts on the mature trees on site, and a landscaping scheme will ensure that despite removal of the dead hedge from the site frontage, the front will be softened with provision of trees to be agreed by the Arboricultural Officer. Therefore, the proposal is considered to be compliant with Policy PP27 with regard to trees and landscaping.

### **Biodiversity**

92. An Ecological Impact Assessment was provided within the application which stated that there was no evidence of any bats and no potential roost features were found during the survey. The Biodiversity Officer confirmed that the recommendations as contained within this report are acceptable and there were no concerns raised. The Biodiversity Officer recommended a condition to ensure that biodiversity recommendations as set out within this report are secured. An informative was also suggested stating that if bats are found during demolition, works should cease, Natural England contacted and works put back into place. These would ensure that the development complies with the biodiversity requirements as set out within Policy PP33 of the Poole Local Plan 2018.

## **Sustainability**

93. The proposed scheme is required to meet the latest Building Regulations, therefore achieving a high level of energy efficiency and sustainability. Policy PP37 requires that new residential development should incorporate a proportion of future energy use from renewable energy sources, building design, construction and material. Being a new build development, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations.
94. Proposals of 11 or more homes or 1000m<sup>2</sup>+ in terms of floorspace are required to provide a minimum of 20% of their predicted future energy needs and therefore it is appropriate and reasonable to impose a condition to secure details of the measures that are to be implemented to achieve 20% of the energy needs of the proposed dwellings through renewable energy sources, in accordance with Policy PP37 of the Poole Local Plan.

## **Waste Collection**

95. PP27 (g) requires that development provides convenient and practical waste and recycling arrangements in accordance with the relevant standards. The proposed bin store is large enough to accommodate the number and volume of bins required for the development, as has been confirmed by the Waste Team. The bin store is situated in an accessible location and distance for the collection vehicle to facilitate collections along Brudenell Avenue, within 10 metres of the kerb as required by the relevant standards. The bins for the proposed property will be kept in their allocated bin store and will be presented to the kerbside for collection day.
96. The bin store would be an outbuilding placed at the front of the site, this would be placed along the northern boundary, concealed behind the front boundary and vegetation. It is also proposed that the bin storage would have a green roof which would help blend it in with the existing and proposed vegetation and lessen its visual impact on the streetscene, meaning that the proposed bin store would be compliant with design policy PP27 of the Poole Local Plan.

## **Land Contamination**

97. The site does not lie within any areas identified as being at risk from contamination and therefore the Environmental Health team had no objections on contamination grounds. They did however suggest conditions to ensure there would be no impacts on neighbours from demolition through a scheme to control dust emanating from the site during development, a condition to ensure no burning on site, and a final condition to ensure no machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays or Public Holidays. It is therefore considered that subject to these conditions, the proposal is considered acceptable on the grounds of land contamination and Environmental Health impacts.

## **Shoreline views**

98. The application site is currently screened from view by mature trees and vegetation and therefore it has no impact on the shoreline views. The proposal would be of a slightly greater scale and mass than the existing building, and due to the rising

topography of the site, it would be more visible from the approach from the Harbour. However, whilst the overall scale and mass of the proposed building would be greater than the existing one, the proposal would not appear unduly prominent or dominant in views from Poole Harbour, due to the location of the site and the three storey height not being out of keeping or dominant in relation to the surrounding buildings, alongside the dense tree cover in the locality and the distance of the proposed scheme from the shoreline. As such, the proposal would comply with the provisions of Policy PP31 of the Poole Local Plan.

## Drainage/Flooding

99. Policy PP38 concerns Managing Flood Risk and sets out how all major developments will be required to incorporate SUDS and seeks to ensure post-development surface water runoff does not exceed pre-development levels. The site is within Flood Zone 1 and therefore at low risk of either fluvial or tidal flooding. The site is also not at a high risk from surface water flooding when referring to the Environment Agency's relevant mapping. However, major development of over 1000m<sup>2</sup>+ in terms of floorspace is required to be supported by a surface water management scheme in accordance with the NPPF to ensure that the proposed development or any adjoining property or infrastructure is not placed at risk or to suffer any worsening as a result of the development.
100. A drainage plan was provided which showed details on SuDS and surface water management, allowing for climate change up to 2070 as required, and was sent to the flood risk team for consultation. The Officer confirmed no objections overall, that the proposed new build would connect to the sewer and the Agent provided proof that Wessex Water have agreed to this and that their systems can take the flow.
101. It is recognised that there would be a slight increase in hardstanding on the site however, overall, subject to a condition ensuring that the development is undertaken in accordance with the drainage plan, the application received support of the drainage team and is considered to comply with Policy PP38 regarding flood risk.

## SAMM/CIL Compliance

Contributions Required			Dorset Heathland SAMM		Poole Harbour Recreation SAMM	
Flats	Existing	0	= 7 x £348		= 7 x £124	
	Proposed	7				
	Net increase		7 flats = £2436	N/A	7 flats = £868	
Houses	Existing	1	= - £510		= - £181	
	Proposed	0				
	Net increase		-1 house		-1 house	

Total Contributions		= £2436 - £510 = £1923 plus admin fee	£868 plus admin fee = £687 plus admin fee
CIL	Zone A	@ £275.57 per sqm	

102. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019.
103. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.
104. In addition, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon the Poole Harbour SPA and Ramsar site. A contribution is required from all qualifying residential development in Poole to fund Strategic Access Management and Monitoring (SAMM) in respect of the Internationally important Poole Harbour. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.
105. The applicant has completed a suitable s106 agreement securing the necessary mitigation towards the scheme's impacts on the Dorset Heathlands and Poole Harbour Recreation SAMM. As such, the proposed scheme complies with Policies PP32 and PP39 of the Poole Local Plan. The application falls into CIL Zone C which has CIL chargeable rate of £137.78 per square metre.

### **Summary**

- The proposal would provide 6 additional residential units of accommodation on site.
- The proposed scheme would make an efficient use of the site.
- The proposal would not deliver affordable housing provision on site.
- The proposal would have acceptable impacts on the prevailing character and layout of the surrounding development in the area. The scale, massing and design of the proposed development together with its external finishes, would be appropriate in the context of the surrounding built form and enable it to integrate in an acceptable manner within the street scene.
- The proposed development would have acceptable impacts on the amenities and privacy of the occupants of neighbouring and nearby properties, subject to conditions.
- The proposal would provide adequate living conditions for the prospective occupiers of the proposed flats.
- The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety.
- The proposed waste collection arrangements are adequate and proportionate to the scale of the proposed scheme.
- The scheme can provide an adequate level of biodiversity enhancement, secured by condition.

- The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources can be secured by condition.
- The proposal would preserve the protected shoreline views.
- The proposed scheme would deliver suitable and comprehensive SUDS, subject to condition.
- The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions which have been paid.
- The proposal would be CIL liable.

### **Planning Balance / Conclusion**

106. The Council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the creation of much needed housing. The proposal would provide for 7 dwellings, a net increase of 6 homes on the site. It is considered that the principle of seven flats on this plot is acceptable and the proposal has been shown to be compliant with Local Plan policies.
107. Given the shortfall of the number of homes delivered in the Local Plan area, and, as the scheme can satisfactorily mitigate its impacts on protected sites, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance is relevant because the report does not identify adverse impacts, when assessed against the Framework taken as a whole.
108. The scheme would contribute to the Council's demand for new housing, and it would achieve social benefits by delivering an additional 6 new residential units in an established residential area, in a manner that would preserve the area's residential character without harming the residential amenities of the neighbours, highway safety, or protected habitat nearby. There are economic benefits from the build stage and additional residences within the urban area. The environmental impacts are neutral.
109. Having recognised the collective benefits of the proposed scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
110. The scheme complies with Development Plan as a whole and is therefore recommended for approval.

### **Recommendation**

111. It is recommended that this application be approved subject to the following conditions.

### **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. The development hereby approved shall be constructed in accordance with the approved plans:

Amended location plan, drawing number 01A. Received 8<sup>th</sup> January 2024.

Block plan, drawing number 02A. Received 8<sup>th</sup> January 2024.

Proposed site plan - showing second floor plan, drawing number 04D. Received 15<sup>th</sup> April 2024.

Proposed site plan - showing basement floor plan, drawing number 05D. Received 15<sup>th</sup> April 2024.

Proposed ground floor plan, drawing number 06A. Received 9<sup>th</sup> April 2024.

Proposed first floor plan, drawing number 07A. Received 9<sup>th</sup> April 2024.

Proposed second floor plan, drawing number 08A. Received 9<sup>th</sup> April 2024.

Proposed basement floor plan, drawing number 09A. Received 9<sup>th</sup> April 2024.

Indicative streetscene, drawing number 10A. Received 16<sup>th</sup> January 2024.

Proposed front elevation – west, drawing number 11. Received 1<sup>st</sup> November 2023.

Proposed side elevation – north, drawing number 12. Received 1<sup>st</sup> November 2023.

Proposed rear elevation – east, drawing number 13. Received 1<sup>st</sup> November 2023.

Proposed side elevation – south, drawing number 14. Received 1<sup>st</sup> November 2023.

Materials schedule. Received 11<sup>th</sup> June 2024.

Drainage plan, drawing number 1000 Rev P2. Received 9<sup>th</sup> April 2024.

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

3. The materials to be used for the external faces on the development shall be as specified on the approved materials schedule, received 11<sup>th</sup> June 2024.

Reason – In the interests of the character and appearance of the area and in accordance with Policy PP27 of the Poole Local Plan 2018.

4. Both in the first instance and upon all subsequent occasions, all side elevation windows serving bathrooms shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and every such window is either a fixed light or hung in such a way as to ensure that the full benefit of the obscured glazing in inhibiting overlooking is maintained. Every obscured glazed window shall thereafter at all times be retained in accordance with this condition.

Reason – To protect the amenity and privacy of the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. Both in the first instance and upon all subsequent occasions, the screens to the roof terrace serving the rear (eastern) elevation of flat 7 on the second floor must be obscure glazed, conforming with or exceeding Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) on the north and south elevations. These screens shall be installed prior to first occupation of this unit and thereafter retained in accordance with this condition.

Reason – To protect the amenity and privacy of the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. The louvres proposed on the development and as shown on the approved elevations 'Proposed side elevation – south, drawing number 14', including to all windows on the southern side elevation of flats 2 and 3, and to the southern side elevation of flat

6 (in bed 4), shall all be installed prior to the first occupation of the building hereby permitted and shall thereafter be retained at all times.

Reason – To protect the amenity of neighbouring dwellings and the prospective occupiers of the approved flats and in accordance with Policy PP27 of the Poole Local Plan 2018.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning Act 1990 (as amended) or any subsequent re-enactments thereof, the flat roof areas of the upper floors that are not marked to be used as terrace areas, as shown on Proposed ground floor plan, drawing number 06A, Proposed first floor plan, drawing number 07A and Proposed second floor plan, drawing number 08A, shall not be used as a balcony, roof garden or similar amenity area.

Reason – To protect the amenity and privacy of adjoining residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. No part of the development hereby permitted shall be occupied unless all the biodiversity measures as given in sections 6.0. Biodiversity Enhancements for Biodiversity Net Gain and 7.0. Mitigation of 'Ecological Impact Assessment 39 Brudenell Ave, Poole, Dorset BH13 7NW' by KP Ecology, have first been fully provided as approved. Thereafter, those measures shall at all times be retained.

Reason – In the interests of mitigating impacts on biodiversity on site and in accordance with Policy PP33 of the Poole Local Plan.

9. All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason – To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

10. No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to site of any equipment, materials or machinery for use in connection with the implementation of the development (save as is necessary for the purpose of this condition) unless:

(a) a site meeting involving a representative of the local planning authority and an Arboricultural Consultant has first taken place to identify any supplemental requirements for protecting trees during the carrying out of the development on and adjacent to the application site; and

(b) there has been submitted to and agreed in writing by the local planning authority details of supplemental requirements confirmed at the meeting ("the Supplemental Requirements"); and

(c) all tree protection has been provided in accordance with both the Approved Tree Details and the Supplemental Requirements ("the Full Approved Tree Protection Measures").

Once provided, the Full Approved Tree Protection Measures shall thereafter at all times be retained until the development has been completed and all equipment,

machinery and surplus materials relating to the construction of the development have been removed from the site unless an alternative time is otherwise agreed in writing by the local planning authority.

Until such time as the Full Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Full Approved Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.”

Reason – In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

11. Notwithstanding any details contained in any document (including any plan) submitted in connection with the development hereby permitted, no part of the development hereby permitted shall be commenced unless full details of the design and construction of the under-croft car park, which in particular have had regard to regard to the Institution of Structural Engineers Publication ‘Design Recommendations for Multi-storey and Underground Car Parks’ (2011) (or any subsequent relevant replacement), have first been submitted to and approved in writing by the local planning authority. The development shall only be constructed in accordance with the approved under-croft car park details.

Reason – In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan (2018), the Parking Standards SPD (Jan 2021), and the Institution of Structural Engineers Publication ‘Design Recommendations for Multi-storey and Underground Car Parks’ (2011).

12. A person with relevant experience, must design the details relating to the final and temporary services and rainwater soakaways/holding tanks, or waste pumps (section 4), and soil retention system (retaining wall), section 3. These must include accurate locations of installation, including cross-sections, detailing levels of existing / proposed finished levels and construction method statements for each specific operation, which will be required prior to or at the pre commencement meeting in Condition 10.

Reason - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

13. No above ground works shall commence until a detailed Landscape Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the position, species and size of all new trees, shrubs and ground covers proposed for the development and specification for maintenance and aftercare.

Upon approval:

- a) The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority.



b) All planting shall be carried out in accordance of British Standards including regard for plant storage and ground conditions at the time of planting.

c) The scheme shall be properly maintained for a period of 5 years and any plant (including those retained as part of the scheme) which die, are damaged or diseased within this period shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

d) The whole scheme shall be subsequently retained.

Reason – To ensure that reasonable measures are taken to establish trees and vegetation in the interests of local amenity and the enhancement of the development itself in accordance with the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, details of the retaining wall proposed to the north of the site shall be provided to ensure it will not impact on tree T2 during construction.

Reason – To protect the protected trees and in accordance with Policy PP27 of the Poole Local Plan.

15. As identified on the approved proposed ground floor plan, drawing number 06A, 20% of the 7 dwellings hereby permitted (2no.) are to be built in accordance with the requirements of Approved Document Part M4(2) Category 2 of the Building Regulations (2015) (as amended). The units shall be thereafter retained in this manner.

Reason - In the interests of meeting the needs of the ageing population and in accordance with PP12 of the Poole Local Plan (November 2018).

16. The development hereby approved shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site during the development has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full before the proposed development is started, including demolition and site clearance.

Reason - To protect the amenities of nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

17. During demolition and construction of the development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays or Public Holidays.

Reason - To protect the amenities of nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

18. During demolition and construction of the proposed development hereby approved, there shall be no burning undertaken at any time on the site.

Reason - To protect the amenities of nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

19. The development hereby permitted shall not be brought into use until the access, turning space, garaging/vehicle parking and cycle parking shown on the approved proposed site plan, drawing number 05D, plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason - In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

20. Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), the land designated as visibility splays as indicated on the proposed site plan, received 15<sup>th</sup> April 2024, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason - In the interests of highway safety and in accordance with the approved plans and Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

21. Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for discharge in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason - In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan - November 2018

22. Prior to the first occupation of the development hereby approved, the developer shall submit a scheme and program of works to be agreed in writing with the Local Planning Authority, to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site, including the parking bay markings, yellow lines, and any relevant signage, and amendments to the existing TRO, corresponding with the closure of the existing accesses and formation of the new access to the site. The scheme shall comply with the standards adopted by the Local Highway Authority. The agreed scheme shall thereafter be fully implemented, at the developer's expense, in accordance with the agreed program of works prior to first occupation of the dwellings hereby approved. At no time thereafter shall the expunged access be used for such a purpose.

Reason - In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan (2018).

23. Prior to first occupation of the building(s) hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local

planning authority. These measures must then be implemented before any residential occupation is brought into use, and shall be retained thereafter.

Documents required by the Local Authority include:

- The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L, The corresponding EPC (Energy Performance Certificate), and;
- A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

Reason - In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

24. All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason - In the interests of delivering development which does not result in unacceptable levels of run-off and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

## **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

2. (Community Infrastructure Levy - Approval)  
Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations  
The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended). In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:  
<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>.

3. The applicant is informed that the "first" part of the 4.5 metres of the access crossing in any case falls within the highway and is subject to the direct jurisdiction of the local highway authority. The remaining proportion of the 4.5 metres is also required to be surfaced to ensure free and easy access to and from the highway and to ensure stones, mud, gravel and the like do not result in a hazard on or near the highway.
4. As a required adjunct of this access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge) restored. Normally this work will be undertaken at the expense of the developer by the Highway Authority although, on occasions, there might be instances where the developer, under supervision, can undertake this work.
5. The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council and complete an online application form at: <https://www.bcpccouncil.gov.uk/Roads-and-transport/Dropped-kerbs/Apply-for-a-dropped-kerb.aspx>
6. If bats are found during demolition all work should cease and if possible, part of the structure that was removed and exposed bats must be put back into place. A bat ecologist should be employed as soon as possible to address the situation and Natural England contacted.

### **Background Documents:**

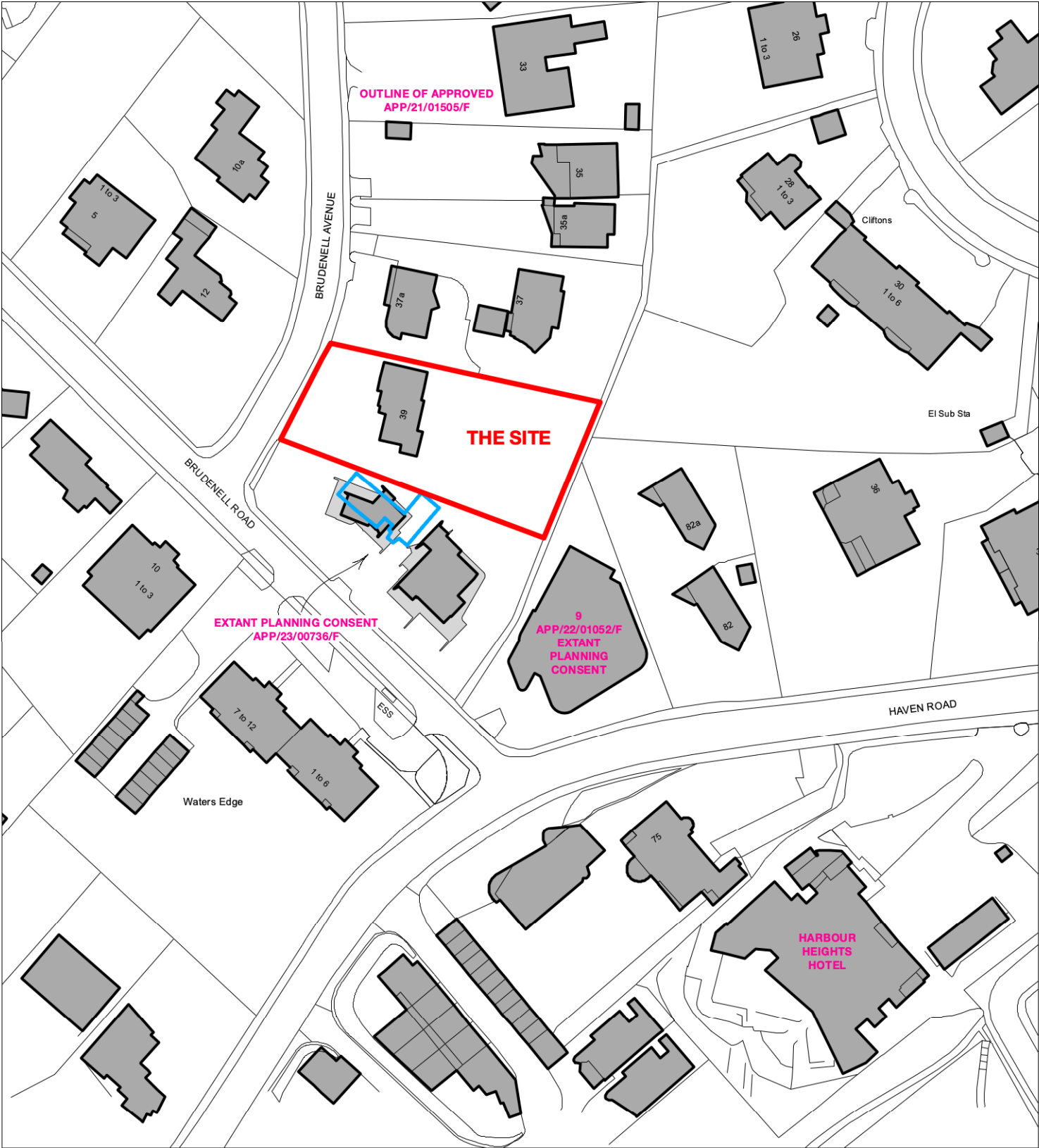
Case File ref APP/23/01263/F

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

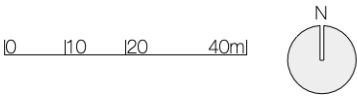
In addition to uploaded information there may be other publicly accessible information that may be accessed on request.

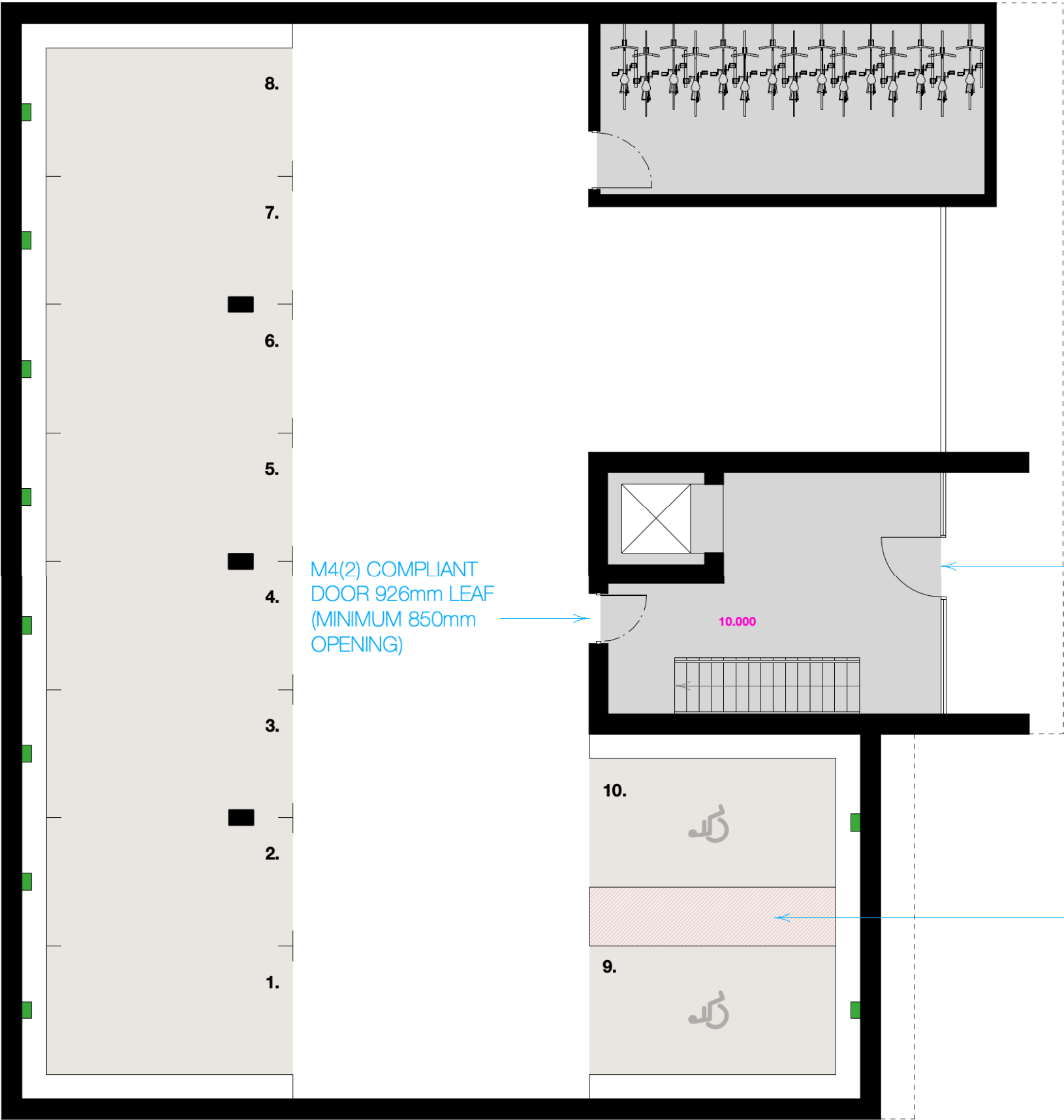
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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**LOCATION PLAN**  
Scale 1:1250 @ A3





M4(2) COMPLIANT  
DOOR 926mm LEAF  
(MINIMUM 850mm  
OPENING)

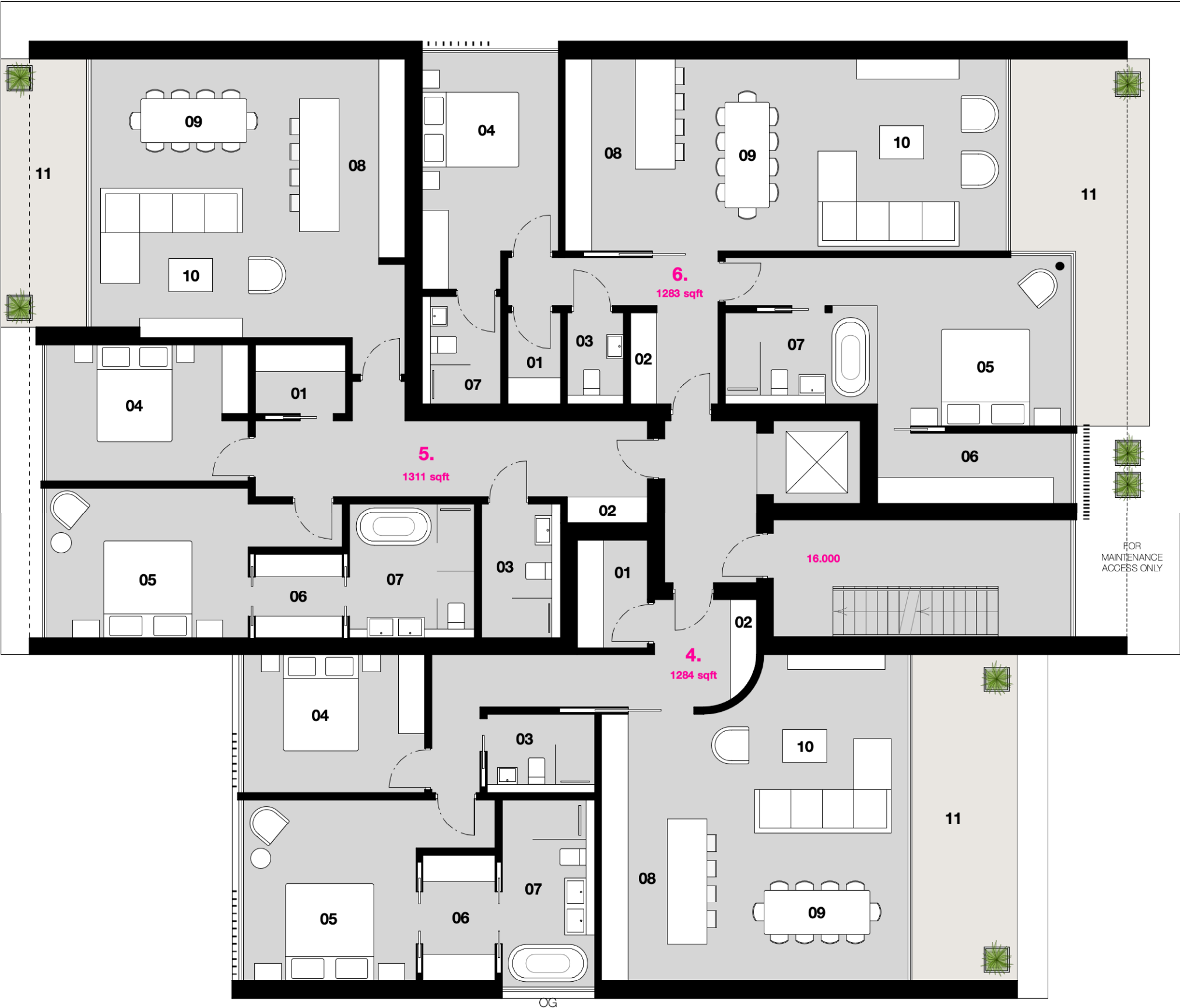
M4(2) COMPLIANT ENTRANCE DOOR  
926mm LEAF (MINIMUM 850mm OPENING) WITH  
300mm LEADING EDGE - ACCESSED BY 1:20  
GRADIENT FROM SITE ACCESS

M4(2) COMPLIANT PARKING SPACES

**SITE SCHEDULE**

Parking Spaces : 14 ( 2 per flat ) - all to have EV charging  
Bicycle Spaces : 15 ( 1 per bedroom )  
Bins : 2 x 1280l DMR / 1 x 1280l GW

0 1 2 3 4 5 10m



ROOM KEY:

- 01: UTILITY
- 02: COATS
- 03: FAMILY BATHROOM / WC
- 04: BED 2
- 05: MASTER BED
- 06: MASTER DRESSING
- 07: ENSUITE
- 08: KITCHEN
- 09: DINING
- 10: LIVING
- 11: TERRACE





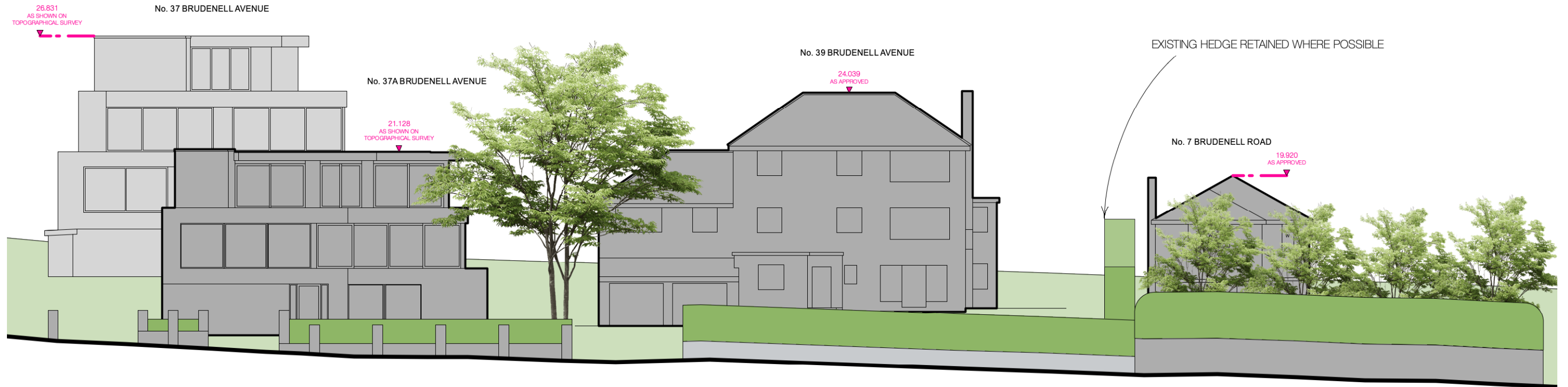
PROPOSED FRONT ELEVATION - WEST

0 1 2 3 4 5 10m



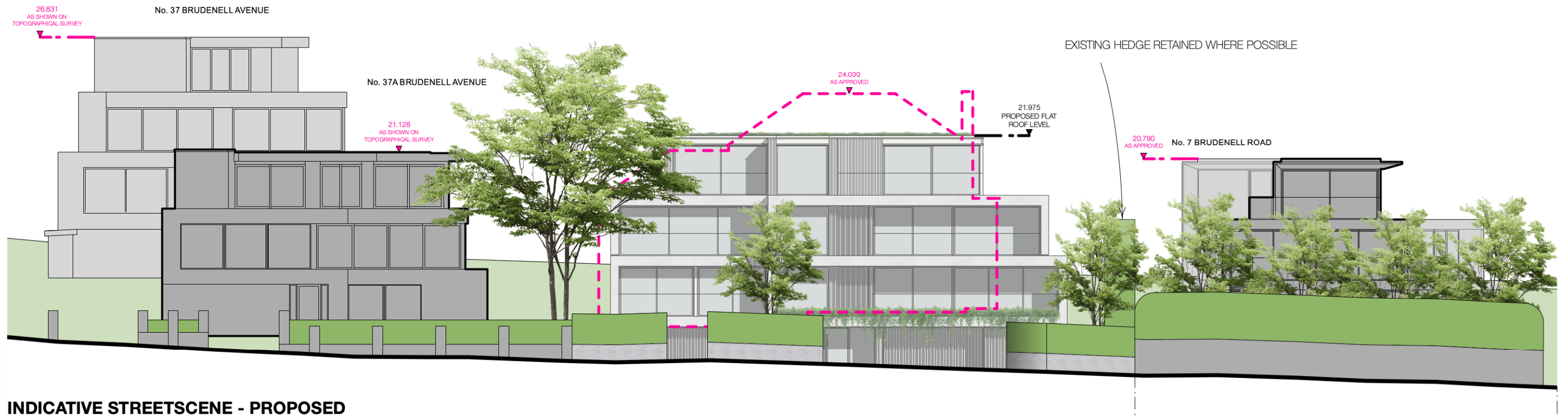
# ROOM KEY:

- 01: UTILITY
- 02: COATS
- 03: FAMILY BATHROOM / WC
- 04: BED 2
- 05: MASTER BED
- 06: MASTER DRESSING
- 07: ENSUITE
- 08: KITCHEN
- 09: DINING
- 10: LIVING
- 11: TERRACE



INDICATIVE STREETSCENE - SHOWING APPROVED PRIOR APPROVAL APP/23/01117/PA

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INDICATIVE STREETSCENE - PROPOSED  
SHOWING OUTLINE OF APPROVED PRIOR APPROVAL APP/23/01117/PA

OUTLINE OF APPROVED APPLICATION  
APP/23/00736/F

0 1 2 3 4 5 10m





PROPOSED REAR ELEVATION - EAST

ROOM KEY:

- 01: UTILITY
- 02: COATS
- 03: FAMILY BATHROOM
- 04: WC
- 05: BED 2
- 06: BED 3
- 07: MASTER BED
- 08: MASTER DRESSING
- 09: ENSUITE
- 10: KITCHEN
- 11: DINING
- 12: LIVING
- 13: TERRACE



0 1 2 3 4 5 10m

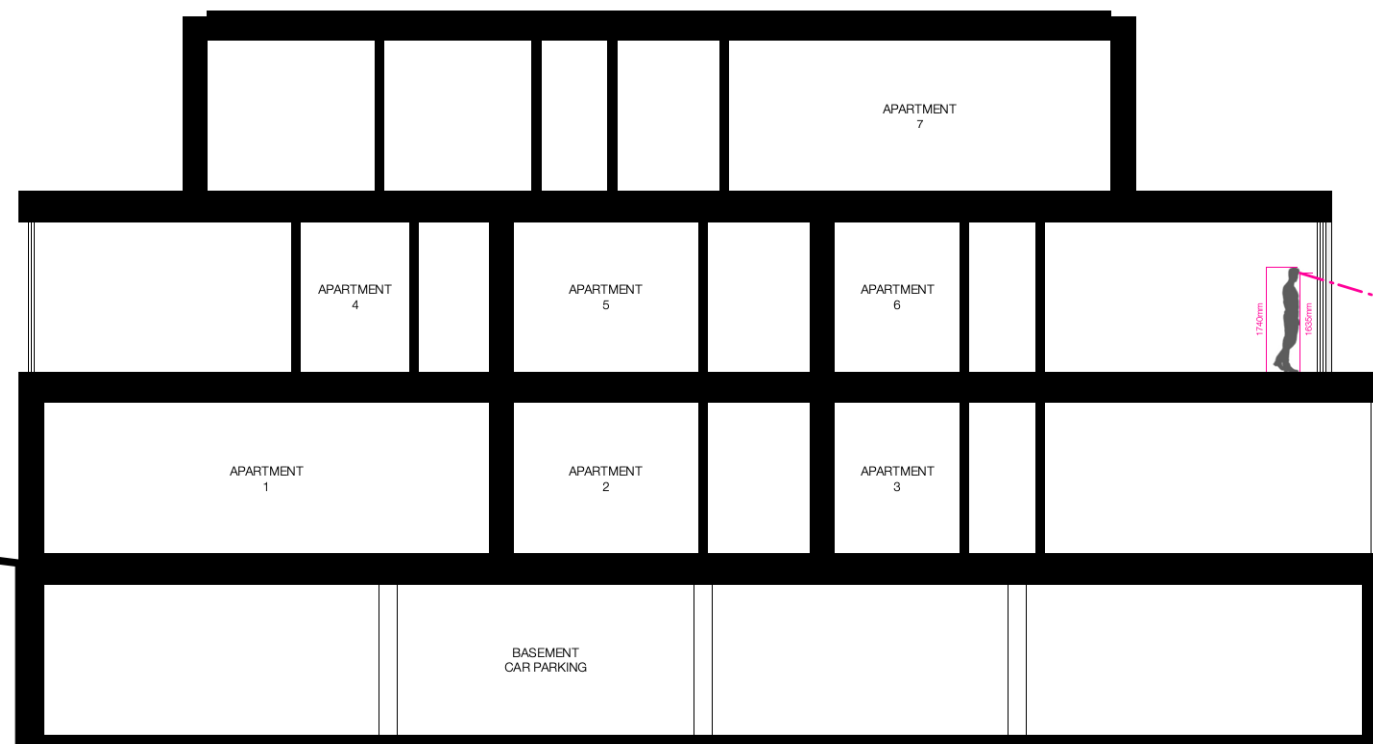


PLAN FOR REFERENCE ONLY, SCALE INDICATIVE



PLAN FOR REFERENCE ONLY, SCALE INDICATIVE

WITH THE RETENTION OF THE EXISTING HEDGE AND THE FLOOR LEVELS OF THE PROPOSED FLATS AND THE APPROVED HOUSE NEXT DOOR, THERE WILL BE NO OVERLOOKING BETWEEN THE BEDROOM OF FLAT 6 AND THE STUDY OF THE APPROVED HOUSE. THE PROPOSED LOUVRES ON FLAT 6 ALSO ANGLE THE VIEWS AWAY FROM THE STUDY AT NUMBER 7, AS SHOWN IN THE FLOOR PLAN ABOVE



INDICATIVE SITE SECTION - SHOWING RELATIONSHIP TO NO. 7



INDICATIVE SECTION  
OF APPROVED APPLICATION  
APP/23/00736/F

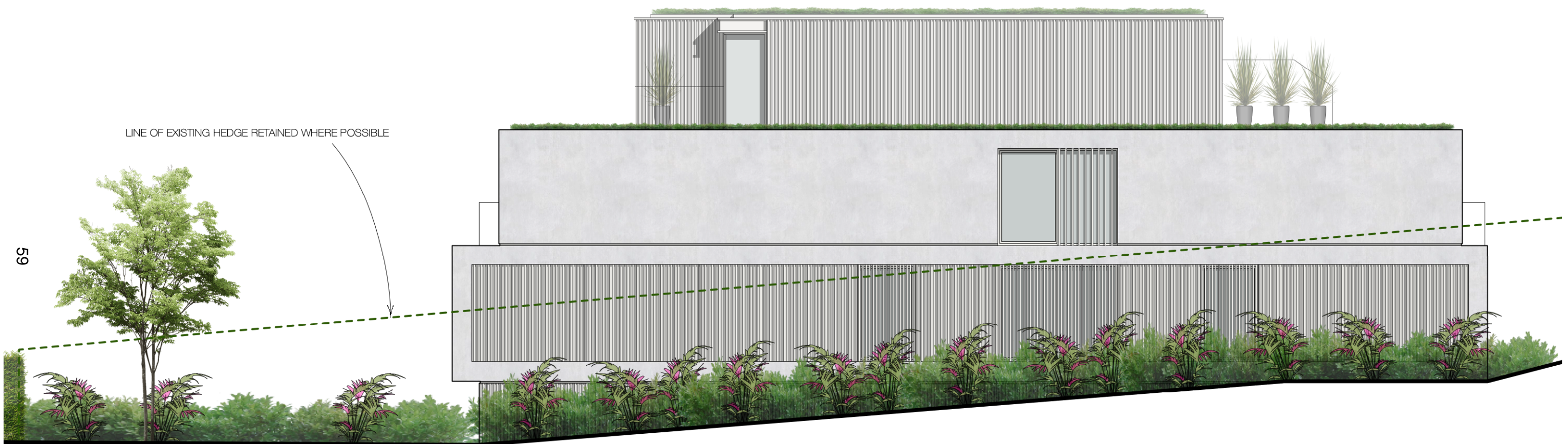
0 1 2 3 4 5 10m



PROPOSED SIDE ELEVATION - NORTH

0 1 2 3 4 5 10m





PROPOSED SIDE ELEVATION - SOUTH



SITE SCHEDULE

Parking Spaces : 14 ( 2 per flat ) - all to have EV charging  
Bicycle Spaces : 15 ( 1 per bedroom )  
Bins : 2 x 1280l DMR / 1 x 1280l GW



SITE PLAN KEY

- 1. NEW VEHICULAR ACCESS WITH 2x2m VISIBILITY SPLAYS
- 2. NEW PEDESTRIAN ACCESS
- 3. NEW 900mm WALL WITH NEW HIGH QUALITY HEDGE BEHIND
- 4. NEW TREES
- 5. BIN STORE **ON EXISTING HARDSTANDING**
- 6. BIKE STORE
- 7. REAR LEVELS IN RPA AS EXISTING

REV\_A 23.01.2024 OUTLINES UPDATED TO SHOW APPROVED APPLICATIONS  
SHEPHERD STOWS ADDED TO SITE PLAN FOR MOTOR BIKES  
REV\_B 12.03.2024 ARTIFICIAL GRASS PARKING INTRODUCED FOLLOWING L.A COMMENTS  
REV\_C 12.04.2024 REAL GRASS PARKING INTRODUCED FOLLOWING L.A COMMENTS  
REV\_D 16.04.2024 NOTE ADDED TO SHOW GRASS FOLLOWING L.A COMMENTS

PROPOSED SITE PLAN - SHOWING BASEMENT FLOOR PLAN

SCALE 1:250 @ A2

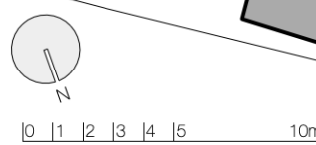
2340 05D

39 BRUDENELL AVENUE, POOLE

MARLOW ARCHITECTS

studio@marlowarchitects.co.uk | www.marlowarchitects.co.uk

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# Planning Committee

Application Address	West Hants Lawn Tennis Club, Roslin Road South, Bournemouth, BH3 7EF
Proposal	Replacement of a single tennis court with 2 new padel tennis courts with associated screens, fencing and floodlights.
Application Number	7-2024-5036-BF
Applicant	The West Hants Club
Agent	Pure Town Planning
Ward and Ward Member(s)	Talbot & Branksome Woods  Cllr Broadhead Cllr Gilett Cllr Rampton
Report Status	Public
Meeting Date	18/07/2024
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	<p>Call-in request from Cllr Rampton:</p> <ul style="list-style-type: none"> <li>• The noise from 2 additional Padel courts would have a further and unacceptable adverse affect on the lives of residents who are already having to keep double glazed.</li> <li>• Noise, impact on residential properties, Loss of amenity, contrary to CS38 and CS41 of the Bournemouth Local Plan.</li> <li>• Noise from the thwacking of padel bats as well as shouting of players. floodlights until 10pm, unacceptable intrusion into the lives of residents and their children.</li> </ul> <p>More than 20 letters of objection have been received.</p>
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

## Description of Proposal

1. This application seeks full planning approval for the proposed replacement of an existing single tennis court with two padel tennis courts. The proposed works include associated screens, fencing and floodlights.
2. The padel courts would be located centrally within the Club grounds. The padel court enclosures would be 20 metres long by 10 metres wide and they would follow the orientation of the existing tennis courts. The wire mesh fencing used to form the respective padel courts would be 4 metres high at each end and 3 metres high along the side of the respective courts. The fencing would have a very similar appearance to the existing dark green mesh fencing surrounding the existing clay tennis court.

### **Description of Site and Surroundings**

3. The application site is located within the West Hants Lawn Tennis Club, which focuses on racket sports. The site is surrounded by hedge boundaries to the north and south. Vehicle and pedestrian access is provided from Roslin Road South with parking on the northern and northeastern part of the site (adjacent to the application site). The immediate setting is predominantly early 20<sup>th</sup> century suburban area consisting of generous detached houses set in spacious plots.
4. The Club is located within the designated Meyrick Park and Talbot Woods Conservation Area. Consent was approved in 2015 for the erection of two buildings to form a multi-use gym, classroom and groundsman's store, two padel ball courts with fence enclosures and a second air dome cover to two existing tennis courts. A subsequent application for a minor material amendment provided an additional padel ball court on the site of an existing tennis court adjacent to Elgin Road. For clarification, the operation of the sports club pre-dates the designation of the area as a conservation area, and also the majority of the surrounding residential properties.

### **Relevant Planning History:**

5. 30/05/2022: Removal of existing padel court to be replaced with tennis court, removal of western spectator stand, installation of three new padel courts with associated screens, acoustic fencing and pole mounted floodlights. Refused (7-2022-5036-BE)
6. 23/02/2021: Alterations and extension at 1st floor level to extend Gym, relocate an existing Padel Court and formation of a new Padel Court with associated fencing and flood lighting, erection of acoustic fencing along Elgin Road, relocate approved store and toilet and formation of additional parking spaces. Withdrawn (7-2019-5036-BD)
7. 26/09/2019: Minor material amendment to vary condition no. 2 of application no. 7-2017-5036-AZ to vary the plans to replace groundsman cabin with modular buildings and erect new WC/store. Original proposal: Erection of two buildings to form multi-use gym, classroom and groundsman's store, two tennis courts with fence enclosures and air dome cover to two existing tennis courts (September to March inclusive). Granted (7-2019-5036-BB)
8. 13/02/2019: Minor material amendment to vary condition no. 2 of application no. 7-2017-5036-AZ to vary the plans to provide a store and WC, storage containers, and additional tennis courts in place of gym, classroom and store. Withdrawn (7-2018-5036-BA)
9. 22/12/2017: Erection of two buildings to form multi-use gym, classroom and groundsman's store, two tennis courts with fence enclosures and air dome cover to two existing tennis courts (September to March inclusive) - Minor material amendment to vary condition no.1 of application No. 7-2015-5036-AX to amend the plans to include a further sports court. Granted (7-2017-5036-AZ)
10. 05/05/2016: Minor material amendment to vary condition no.1 of application No. 7-2015-5036-AX to amend the plans. Granted (7-2016-5036-AY)



11. 14/12/2015: Erection of two buildings to form multi-use gym, classroom and groundsman's store, two tennis courts with fence enclosures and air dome cover to two existing tennis courts (September to March inclusive). Granted (7-2015-5036-AX)

### **Constraints**

12. This site is located within the Meyrick Park and Talbot Woods Conservation Area.

### **Public Sector Equalities Duty**

13. 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**

14. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
15. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the "general biodiversity objective".
16. 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.
17. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

### **Consultations**

18. Tree Officer – Comments dated 27/06/2024:

*'I confirm that I raise no objections to a conditional approval that requires an arboricultural method statement and tree protection plan for the protection of three trees that could be affected as I consider this to be feasible and a tree planting condition for planting of two new trees of species, size and location to be agreed by the Local Planning Authority'.*

19. Ecologist – No objection subject to conditions

Comments dated 27/06/2024:

*The supplied bat report is from 2020 so is no longer valid.*

*'For application 7-2022-5036-BE DWT's response dated 28/2/ 2022 said "DWT recommend that a sensitive lighting scheme is designed in accordance with Guidance Note 08/18: Bats and artificial lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals 2018). Lighting should utilise a warm colour temperature to minimise impacts on nocturnal wildlife including bats and invertebrates and should be directed only where required, avoiding illuminating tree lines and vegetation." This means lighting to have a colour temperature of less than 2700 K.*

*In the current application the lighting has colour temperature of 4000K so not compliant with Bats and artificial lighting in the UK*

*Also, for earlier application there was representation Species Ecological Consultancy highlighting issue of bats in area.*

*No objection with condition that lighting to have colour temperature of 2700 K or less'.*

20. Wessex Water – No objection

'Foul Water Disposal

*Subject to application Wessex Water would accept the foul flows only from the proposed site into the 225mm public foul sewer.*

**Surface Water Drainage**

*Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Land drainage run-off shall not be permitted to discharge to the public sewerage system. Wessex Water will not accept surface water flows into the foul sewer, either directly or indirectly.*

*We note that your application states that surface water is to be drained via a sustainable drainage system and therefore no connection to our network is required'.*

21. Environmental Health Officer – No objection subject to conditions:

Comments dated 03/05/2024:

*'This has been a contentious application which required a rigorous appraisal of all the information submitted by both the applicant and the objectors. A number of acoustic reports were assessed and suggested improvements to the courts were communicated to the applicant and the required amendments to the scheme was agreed.*

*This has resulted in a scheme which I believe offers the local residents an acceptable level of protection from the potential noise which may be associated with the use of the proposed 2 new Padel Tennis Courts.*

*I would however request that should you be minded to grant planning approval for this development that the following condition be attached in respect to noise.*

Noise

*The use of the 2 padel tennis courts shall not commence until the acoustic fences have been completed in accordance with the approved plans, and it has been demonstrated that the maximum noise levels at the closest noise sensitive receptors as specified in the VENTA acoustic report Reference VA3764.240419.L1 have not been exceeded.*

*A detailed scheme of noise mitigation measures (management controls) shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the two padel tennis courts.*

*Reason: The implementation of the development without the proposed acoustic fencing and associated management controls may result in an unacceptable scheme which would be detrimental to the amenities of adjoining properties and the character of the area'.*

Comments dated 27/06/2024:

*'I have now had opportunity to consider the Sports Facility Planning and Design Limited - Outdoor Lighting design report ( P.A. 05 R1) for the above application.*

*I am satisfied with the proposed lighting strategy and note that the Illuminance (Lux) levels at the closest sensitive receptor is unlikely to create a light nuisance. It is also noted that the applicant has considered the potential for sky glow, light spill, and glare in the selection of appropriate lighting.*

*I would therefore request that should you be minded to grant planning approval for this development that a condition be attached specifying that the lighting shall be installed in accordance with the lighting strategy as outlined in appendix 2 of The Sports Facility Planning and Design Limited report'.*

22. Conservation Officer – no objection.

Heritage assets affected: Meyrick Park & Talbot Woods Conservation Area

- The area contains a number of substantial detached houses principally dating from the mid-Victorian period up to the 1930s, and the character of the area is attributed to the quantity of remaining original buildings and the spacious verdant setting of the mature trees and shrubs.
- P52 of the appraisal notes: 'The overwhelming activity in the conservation area is residential and there are only a few sites that are utilised for an alternative use. These specific sites are rendered more prominent in respect of this.....West Hants Tennis Club occupies a site of significant size and the clubhouse building together with the connecting multi-purpose indoor sports building has one of the largest building footprint within the conservation area. However, the large proportion of this site is laid to tennis courts which creates an open feel to the site amongst the housing, especially when viewed from Elgin road where the tree cover is fairly sparse or when viewing across the large club car park from Roslin Road South'.

*"The tennis club forms a distinctly open area, sitting comfortably amongst the leafy residential area. It is noted this proposal wouldn't change the sports use but merely seeks to modify the nature of the courts available, with a traditional tennis court changed to form two padel courts. The padel courts involve additional fencing and glazed screens to each end. The location of the new courts would be beyond the car park, close to the club house.*

*The padel courts should be of limited visibility from the public realm, with likely only distant views across the car park. Due to the positioning and permeability of the enclosure, the courts shouldn't be prominent to private views into the sports grounds. The enclosure of the courts would be slightly more robust than the existing, but this is an historic sports use at this site and it is positive to see the continued operation as an open sports facility.*

*Overall, it is considered that modification to the nature of the tennis courts would retain the recreational use and openness of the site, and therefore the character of the conservation area wouldn't be harmed by the proposal."*

23. Local Highway Authority Officer – No objection



*'These proposals do not result in an increase in land area associated with outdoor sport and recreation use and therefore result in no material net gain in car and cycle parking demand. Consequently, the continued use of the existing access and parking arrangements is acceptable.'*

## **Representations**

24. Site notices were erected on 19 January 2024 with an expiry date of 9 February 2024. Following the submission of amended plans and additional information, new site notices were erected on 10 May 2024, with an expiry date of 20 May 2024.
25. 53 letters of objection were received. The grounds for objection are:
- Unacceptable noise nuisance caused by the proposed padel courts and associated activities;
  - Adverse noise impact on local residents;
  - The loss of the tennis court;
  - The padel courts are not pleasant to view;
  - Padel tennis courts are a frequent source of complaint from local communities;
  - Padel tennis courts are not in keeping with the character of the area;
  - The provided Noise Report is not demonstrating real noise levels;
  - Impact on the Club's soft landscaping;
  - Excessive opening hours
  - Padel courts are more noisy than lawn tennis;
  - The benefits to the local community and neighbourhood would be non-existent. Only private members would benefit from this development;
  - The proposed development ignores the Conservation Area status;
  - Harm to the character and tranquillity of the Conservation Area
  - Development would be supportive if the courts were put under cover
  - The loss of the show court, impact of child safe area, nature as well as impact on the quiet area in the clubhouse;
  - The club cannot provide an all-weather solution;
  - Impact on bats;
26. 70 letters in support:
- The proposed padel courts will help the community to stay fit and active;
  - There is a local need for padel courts;
  - Padel courts bring together community spirit and appeals to players from a wide range of ages, backgrounds and abilities;
  - Padel courts would enhance the existing club;
  - The proposed development would promote health and well-being;
  - Improvement of the mental and physical health of people in the community;
  - The existing Club is an acceptable location for padel courts;
  - Great asset for the community;
  - The central location of the proposed padel courts within the Club grounds would minimise any potential noise disturbance;
  - The improved sport facilities will help to create Bournemouth more attractive to visitors;
  - A good balance between the needs of residents and the provision of courts for members;
  - The location is justified in the noise impact assessment which demonstrates low noise levels relative to the existing background noise, at the adjacent property receptors.
27. The following issues were raised which are not material to the merits of the application;
- Lack of transparency and consultation with members within the Club;
  - The title deeds there are restrictive covenants which only allow 'lawn tennis, badminton, bowls and croquet';
  - Existing property's devaluation.

## **Key Issue(s)**

28. The key issue(s) involved with this proposal are:
- Principle of the proposed works
  - Impact on character and appearance of the conservation area;
  - Impact on residential living conditions;
  - Other matters
29. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

30. Local documents:

### **Core Strategy (2012)**

Policy CS16 Parking Standards

Policy CS31 – Recreation, Play and Sports

Policy CS35 Nature and Geological Conservation Interests

Policy CS38 – Minimising Pollution

Policy CS39 – Designated Heritage Assets

Policy CS41 – Quality Design

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

Policy 4.25 – Landscaping

Policy 4.4 – Development in Conservation Area

Policy 7.10 – Recreation, Community Facilities, and Open Space

### **Supplementary Planning Documents:**

BCP Parking Standards – SPD

Meyrick Park and Talbot Woods Conservation Area Appraisal (July 2009)

31. **National Planning Policy Framework (2023)**

Including in particular the following:

Section 2 – Achieving Sustainable Development  
Paragraph 11 –

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

.....

For decision-taking this means:

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

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

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

- (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.”

Chapter 2 – Achieving sustainable development

Chapter 8 – Promoting healthy and safe communities

Chapter 16 - Conserving and enhancing the historic environment

## **Planning Assessment**

### **Principle of the proposed works**

32. Policy CS31 of the Core Strategy (2012) states that *‘The Council, through its own strategies and work programmes, and working with developers and other partners will seek to ensure that the quality, quantity, type and location of open space, sports grounds and play grounds meet demand for recreation and sporting activities.’* The proposal seeks to enhance an existing sports facility. The site is located within a sustainable location with local services, transport links and amenities in proximity.

33. This application follows most recent planning refusal for 3no. new padel courts under a planning reference 7-2022-5036-BE, which was refused for a following refusal reason:

*‘It has not been demonstrated that the proposed padel ball courts, and by association, their use, would not result in a level of noise and disturbance that would be detrimental to the living conditions of the occupiers of neighbouring residential properties. The development is therefore contrary to the aims of Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2018) and the NPPF (2021)’.*

34. The aim of the current application is to overcome this reason for refusal. To overcome this sole reason for refusal, the new padel courts have been relocated more centrally within the Club grounds in order to increase the distance from neighbouring residents. The submitted site plan indicates the nearest residential property to either court will be 15 Roslin Road South, 51m to the north. This has been verified on the Council’s systems using Ordnance Survey based data. The application is also accompanied by the supporting noise impact assessment, which has been assessed by the Council’s Environmental Health Noise Officer.

35. The club already has one outdoor padel court. In terms of similar uses around the local authority, on 18 January 2024 the BCP Planning Committee resolved to approve three padel tennis courts with floodlights at East Dorset Tennis Club in Poole under a planning reference APP/23/00374/F subject to a legal agreement. There is already an extant approval for two courts at the East Dorset club site under app. no. APP/22/00830/F. Also, the Council is currently considering a retrospective proposal for two padel courts at David Lloyd Club, Cabot Lane, Poole under APP/24/00496/F.

36. The provision of the proposed courts would comply with the aims of Policy CS31 and is considered acceptable in principle subject to compliance with policies in the remainder of the Development Plan.

## Impact on character and appearance of the Conservation Area

37. The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework provides the overarching guidance for development and identifies a conservation area as a designated heritage asset. It is the Local Planning Authority's duty to ensure that through careful decision making, development should maintain and manage change in a way that sustains, and where appropriate, enhances its significance.
38. Paragraph 199 of the NPPF states 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). Paragraph 200 of the NPPF states 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.
39. The site occupies a large site within the conservation area and has an established historic leisure use. The Meyrick Park and Talbot Woods Conservation Area was designated on 18 October 1988. The adopted Meyrick Park and Talbot Woods Conservation Area Appraisal (CAA) identifies traditional recreational facilities such as the existing tennis club with its associated activities as one of the qualities of the Conservation Area. The West Hants Lawn Tennis Club site was developed on the site from former allotments in the early 1930s.
40. The current application seeks to replace an existing tennis court, which is centrally located within the Club grounds. The Council's Conservation Officer raised no objection as the proposed works would retain same leisure use within the site. The existing tennis court with surrounding fencing and floodlights would be replaced with two padel courts with surrounding enclosures and floodlights. Due to the siting of the replacement court, the proposed works would not be readily visible from any public vantage point and therefore views of the proposed scheme would principally be from within the Club grounds and from the residential properties bordering the site. Therefore the proposals do not have wide-ranging visual impacts. The proposed works will be viewed in the context of the existing buildings and exterior courts and their means of enclosure within the site. In this context, the proposed courts and their enclosures are considered to form a logical part of the site's current character.
41. The existing site boundary or the multi-purpose sporting/leisure use of the site will not be affected by the proposed padel courts and associated works. The verdant character of the site and the visual quality of the wider Meyrick Park and Talbot Woods Conservation Area will not be adversely affected by the proposed works.
42. As noted above, the existing boundary treatment serving the Club would remain. Taking NPPF paragraphs 138 and 199 into account it is considered the proposed development would have a negligible effect on the significance of the Meyrick Park and Talbot Woods Conservation Area. The development will have limited prominence in views from the Conservation Area and would be a logical addition in the context of the existing sports club. As such, it can be concluded that the scheme would preserve the character or appearance of the Conservation Area and thereby complies with the statutory test.
43. Two silver birch trees are shown to be removed on the submitted plans. It is understood these were planted in 1999 are still relatively small. No arboricultural information has been submitted, however the Council's Tree Officer does not object subject to imposing a condition detailing tree protection measurements and tree planting details. Such approach is considered to be feasible and the planting of two new trees is acceptable and is not objected to by the Council's Arboriculturist.
44. The scheme results in less than substantial harm to the heritage asset. Applying the guidance in paragraph 208 of the National Planning Policy Framework (2019), this impact must be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the ongoing use of the site for leisure/sporting purposes which is considered to be its optimum use. The scheme provides public benefits in increasing recreational choice at the Club and in this case, these are considered to outweigh any harm to the heritage asset.

45. For the above reasons, it is considered that the development as proposed would not have an adverse impact on the character of the area and would not be contrary to the aims of Policies CS39 and CS41 of the Core Strategy and saved Policy 4.25 and 4.4 of the District Wide Local Plan, as well as relevant paragraphs of the NPPF.

#### Impact on residential living conditions

46. Policy CS41 outlines that *'the Council will seek to ensure that new developments, including changes of use, enhance the character, local distinctiveness, cultural identity, amenities of future occupants and neighbouring residents'*. The primary issue is potential noise disturbance from the use of the proposed courts. The use of the site for the sport does not require planning permission as it is considered to fall within the existing lawful use of the site which includes indoor and outdoor recreation. No planning conditions restricting the types of sports were imposed when the site was originally consented as a sports facility. If there are any restrictive covenants limiting the type of sports that can be undertaken at the site this is a private matter and is not material to the planning merits of the scheme. The granting of planning permission would not override any existing covenant.
47. Paragraph 4.4. of the adopted Meyrick Park and Talbot Woods Conservation Area Appraisal states that *'the busy roads within and outside the conservation area, namely Wimborne Road, Talbot Road, Talbot Avenue, Glenferness Avenue and Wessex Way create a constant audible intrusion which is more noticeable the closer one is to either of these roads'*. The proposal is for these two new courts to be located centrally within the Club's grounds next to the Club House. Compared to the previous refusal ref. 7-2022-5036-BE, the currently proposed courts would be set further away from the Elgin Road neighbours but instead closer to the properties on Roslin Road South and parts of Dunkeld Road.
48. The potential for noise generation comes from the use of the padel ball courts as the game can involve balls being hit off the enclosing court. Officers acknowledge that the game creates noise and also results in common instances of impulsive noise. The applicant has provided a noise assessment authored by a qualified noise consultant which concluded that with the proposed noise mitigation in place, the impact on the amenities of neighbouring residential occupiers will be acceptable. Local residents and the Branksome & Talbot Woods Residents Association provided two responses to this assessment through other qualified noise consultants, the conclusions of which were at variance to the applicants assessment. In view of the conflicting reports, the Council's Environmental Health Officer (EHO) commissioned an independent review of all information provided.
49. The initially submitted Venta Acoustic Report was questioned by both the residents and the Council's EHO. The role of the Environmental Health Officer as the consultee is to scrutinise the submitted information and apply professional judgement to form an opinion on the likely impact of the development on local residents. It should be noted that the noise climate of the area is such that the residents cannot expect complete silence as they live beside an established sports facility where the sound scape is characterised by the noise of people playing tennis. Furthermore, if there is a change or increase in noise impacts as a result of the proposals, this does not automatically render the scheme unacceptable. It is still necessary for the Local Planning Authority to demonstrate an overriding harm from the proposal which outweighs the scheme's benefits in order to refuse the application.
50. There were submitted acoustic reports and reviews provided by JSP Consultants on behalf of the local residents, and the submission by Ken Parke planning consultants. This report questions the Venta Report that the noise levels predicted at the receptor will be acceptable and the JSP report

suggests that the noise levels have not been adequately assessed. Nevertheless, the Council's Environmental Health (EH) Team considered all the available evidence and recommended approval subject to conditions. In order to make an informed decision, the EH Team – and the Council as a whole - are entitled to rely on the professionalism of the acoustic consultant acting on behalf of the applicant that they have made a suitable assessment of the predicted noise levels of the proposed courts. The report recommends controls and provides assurances that local residents will not be significantly adversely impacted by noise impacts from the use of the courts. The challenge with any application such as this is that the likely impact of the development is based on noise 'predictions' the actual noise that the residents would be subjected to can vary with changes in seasons, wind direction or the intensity of play result in an increase or decrease in the noise levels.

51. The EH Officer assessed any potential noise from the proposed courts to ensure that the proposed development will not result in an unacceptable change or increase in the existing noise levels adversely affecting the living conditions of residents currently adjoining an established sports facility. The EH Officer visited the existing court on a number of occasions, such visits being unannounced and found that the noise levels were subjectively no more intrusive than a normal tennis game.
52. The agreed mitigation measurements by the Council's Noise Officer are in the form of a 4 metre high screen around the north side of the courts, wrapping around the flanking sides, as well as a 3 metre high glass screen along the west side of the western court. The proposed additional mitigation for the courts is considered to be acceptable. Also, the EHO is satisfied with the proposed location, which is seen as the most suitable for the courts as it makes use of the additional screening offered by the club house, and is a suitable separation distance from the closest residential properties. Therefore, the applicant has demonstrated that they have now adequately assessed the likely impact of the courts on local residents, and suitable controls can be implemented to prevent local residents being adversely impacted by the proposed Padel Tennis Courts. It should be that if indeed this planning application is approved and the courts are built in accordance with the plans, the Local Authority still has a duty under the Environmental Protection Act 1990 to investigate allegations of a statutory noise nuisance and that agreeing to the courts, this does not fetter the Council's ability to undertake further investigations and require further actions under this separate legislation should the Environmental Health team receive noise nuisance complaints regarding the courts.
53. Overall, officers consider that the applicant has provided assurances to the local authority that the noise impact on residents will be acceptable. If the courts do indeed result in a noise nuisance, then there are still powers to act against a statutory noise nuisance. The Environmental Health Officer confirmed that does not have the evidence to support the allegations raised by the objectors that the courts will result in an adverse impact on local residents based on the submitted noise reports.
54. Environmental Health have also assessed the submitted Lighting Report, and confirmed that is satisfied with the proposed lighting strategy. It was confirmed that the Illuminance (Lux) levels at the closest sensitive receptor is unlikely to create a light nuisance. Compliance with the measurements set within the submitted *Sports Facility Planning and Design Limited* report would be conditioned. Therefore, with regards to the impact of the floodlights on neighbouring living conditions, the Environmental Health Officer has advised they are satisfied with the lighting report. There is further suggested that the use of the courts will be restricted to 08:00 – 21.00 via a planning condition.
55. Due to the distances from the adjacent residential properties to the proposed works, the physical impacts of the courts and their enclosures is considered to have an acceptable impact on the living conditions of surrounding properties in terms of their outlook and privacy and the scheme would not result in an overbearing impact.
56. Consequently, the impact on the living conditions of the surrounding residential properties has been carefully considered and the representations referring to these issues are recognised and

acknowledged. However, it is considered that the scheme is acceptable and compliant with the provisions of Policy CS41 of the Core Strategy.

### Impact on wildlife

57. Some 3<sup>rd</sup> party comments raise concerns regarding bats on site. Having examined the Dorset Environmental Records Centre (DERC) records on the Council's systems, the nearest bat record is in excess of 350m from the site. Article 12 of the European Commission's Habitats Directive (which forms part of the Conservation of Habitats and Species Regulations 2010) places a duty on governments to have in place measures that prohibit... *(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;* and *"...(d) deterioration or destruction of breeding sites or resting places."*
58. In response to these concerns, the Council's Ecologist was consulted on the proposals. No objection was raised. Nonetheless, the potential for the presence of bats in the area was highlighted. Despite of a lack of a valid bat report in place, the Council's Ecologist has advised the scheme can be supported subject to conditioning the proposed floodlighting to have colour temperature of 2700 K or less.
59. With these safeguards, the scheme therefore complies with Policy CS35.

### Other matters

60. It is noted that a number of objections have submitted queries regarding the application. The Statement of Community Involvement and the Council's website sets out that it is not possible to respond to specific points raised in representations due to the large volume of correspondence received on planning applications. Decisions are made on the basis of submitted information which is in the public domain on the Council's website.
61. Also, objectors noted that the proposed padel courts would result in loss of the existing quality tennis court, will have impact of child safe area, nature, as well as impact on the quiet area in the clubhouse. As noted already, the ecologist investigated the position and concluded that appropriate mitigation can be included with regards to protected species. Also, two replacement trees in line with the Council's Tree Officer recommendations are proposed. It has not been demonstrated that the loss of a tennis court or the child safe area breach any relevant policies in the Development Plan. Weight is given to the evident level of support for the proposals and the benefits of the scheme are considered to outweigh any impacts in this regard..
62. 3<sup>rd</sup> party responses raise concerns regarding parking provision on site. The Local Highway Authority Officer has been consulted and raised no objection to the proposed works. The proposals would not result in an increase in land area associated with outdoor sport and recreation use. Consequently, it would not result in a need to meet increased car and cycle parking demand under the Council's adopted Parking SPD. Given that and the fact that the proposed works already replace an existing lawn tennis court, it is considered that associated traffic movements could be safely accommodated on the existing transport network and that the existing parking facilities are adequate to serve the proposed development. The scheme thereby complies with Policy CS16 and the BCP Parking Standards Supplementary Planning Document (2021).

### Planning Balance

63. The Council encourages sustainable development. To ensure that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. The scheme would not materially alter the existing sporting facility use located in an easily accessible area. It would provide economic benefits during construction and in sustaining the tennis club and also result in social benefits for the same reason. It would not result in material harm to the character and appearance of the area of the wider area or the setting of the adjacent

Conservation Area. It would have acceptable impacts on neighbouring living conditions. Its environmental impacts are therefore neutral.

64. Having recognised the collective benefits of the proposed scheme, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF. The scheme is therefore recommended for approval.
65. 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**

66. GRANT permission for the reasons as set out in this report subject to the following conditions:

### **Conditions**

#### **1. Time**

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. 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 plans:

- Revised Site and Location Plans, drawing number 4557.70 rev. B
- Revised Padel Court Plans and Elevations, drawing number 4557 71 rev. B

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

#### **3. Noise**

The use of the 2 padel tennis courts shall not commence until the acoustic fences have been completed in accordance with the approved plans 4557.70 rev. B and 4557.71 rev. B. At no time thereafter shall the noise levels from the court exceed the maximums identified as specified in the VENTA acoustic report Reference VA3764.240419.L1 at the closest noise sensitive receptors at No. 21 Dunkeld Road, Nos. 10-12 Roslin Road South and No. 15 Roslin Road South.

A detailed scheme of noise mitigation measures (management controls) shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the two padel tennis courts. The approved noise mitigation measures shall at all times be accorded with.

Reason: In the interests of the living conditions of neighbouring properties in accordance with Policy CS 38 and CS41 of the Core Strategy (October 2012).



#### **4. Tree Protection**

No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to the application site of any equipment, materials and machinery for use in connection with the implementation of the development, unless details of:

- (a) the location, size and materials of all barriers and ground protection measures that will be provided for trees that are to be retained on site; and
- (b) a timetable for the provision of the specified measures,

all in accordance with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" (or an equivalent British Standard if replaced) have first been submitted to and approved in writing by the local planning authority, ("the Approved Tree Protection Measures"). The development shall only be carried out in accordance with the Approved Tree Protection Measures and all the approved barriers and measures shall be retained until both the development has been completed and all equipment, machinery and surplus materials relating to the construction of the development has been removed from the site, unless an alternative time is provided for in the approved details.

Until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

#### **5. Provision for Tree Planting**

Prior to the use commencing, full details of two new trees of species, their size, location and the proposed times of planting, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree planting scheme shall be carried out in accordance with those details and at those times and permanently retained thereafter.

Reason: In the interests of visual amenity and effective arboricultural management and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

#### **6. Hours of use**

The padel courts hereby approved shall only be used between the hours of 08:00 – 21:00.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy CS 38 and CS41 of the Core Strategy (October 2012).

#### **7. Flood lighting**

The proposed floodlighting shall be installed in accordance with the lighting strategy as outlined in appendix 2 of The Sports Facility Planning and Design Limited report, subject to the proposed floodlighting to have a colour temperature of 2700 K or less. The erected floodlights shall thereafter be permanently retained as such.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy CS 38 and CS41 of the Core Strategy (October 2012).

#### **8. Statement required by National Planning Policy Framework (APPROVALS)**

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 resolve identified planning issues within the application process including acceptable parking, access and turning arrangements on site, as well as waste collection arrangements. Revised plans were provided to address concerns raised by the Environmental Health Noise Officer. The application scheme satisfied planning policy and other material considerations and was progressed to a recommendation of approval.

### **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 formal consultation response and representations submitted by the applicant in respect of the application.

Case Officer Report Completed

Officer: Piotr Kulik

Date: 28/06/2024

Agreed by:

Date:

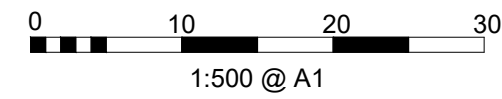
Comment:

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Site Plan

1:500 @A1



--- to be removed / demolished

B 01.05.2023 Acoustic fencing added; padel court position amended.  
A 06.12.2023 Survey added; fences around proposed padel courts amended.

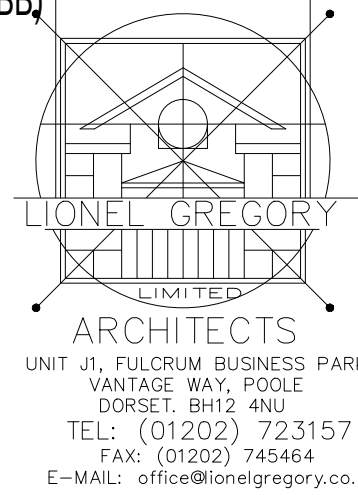
Proposed relocation of Padel Courts (approval 7-2019-5036-BB)  
at  
THE WEST HANTS CLUB  
Bournemouth  
for  
THE WEST HANTS CLUB

Date: February 2019 Scale: 1:500 @A1 Drawn: D.A.

SITE PLAN

4557

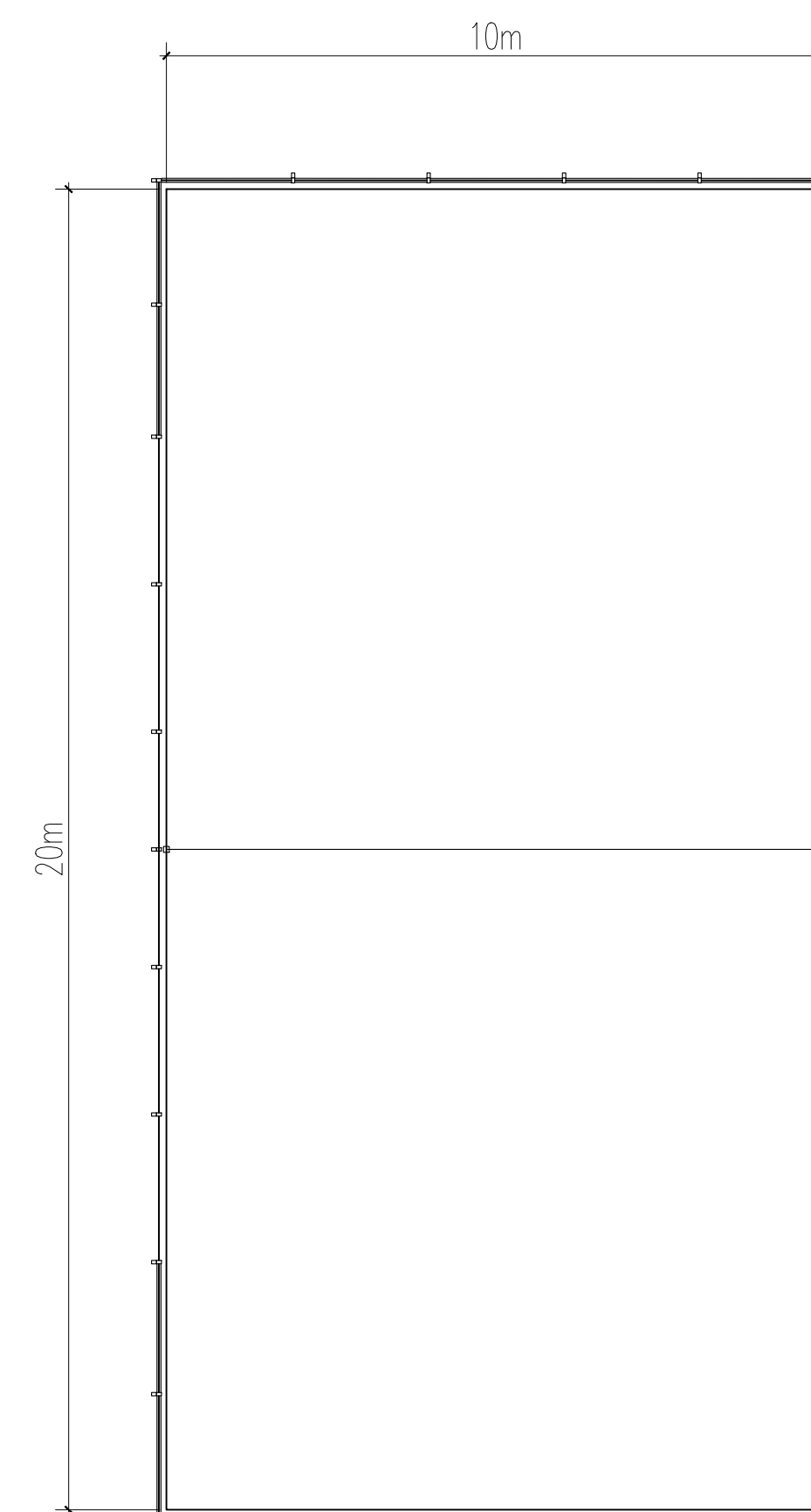
70B





This architectural section drawing illustrates a building facade composed of a grid of panels. The facade is divided into three main sections. The left section features a large, light blue rectangular area, possibly representing a glass or translucent panel, with a grid of small dots below it. The middle section contains a central entrance with a white silhouette of a person standing inside. The right section also features a large, light blue rectangular area with a grid of small dots below it. The entire facade is supported by a series of vertical columns. On the right side, there are two vertical dimension lines: one labeled '3000' and another labeled '4000', indicating the height of the building sections.

dark green coloured steel mesh      clear safety glass



0 5 10  
1:100 @ A1

dark green coloured steel mesh

clear safety glass

2no. new panel courts, each with enclosure to be 4m high to ends and returns, and 3m high to sides, comprising clear safety glass up to 3m height to ends and returns, and 2m height to sidepanels, with remaining panels infilled with dark green coloured steel mesh. All glazing to have white dot manifestation at 1m and 1.5m heights, and all fixed into dark green steel frame columns of same height as screens, all in accordance with the requirements laid down by the International Federation of Padel (IFP)



# Planning Committee

Application Address	11 Ashridge Avenue, Bournemouth, BH10 6BX
Proposal	Alteration to front dormer window and extend roof over two storey rear extension.
Application Number	7-2024-29176
Applicant	Stag Conversions Ltd
Agent	Mr Matthew Knowles
Ward and Ward Member(s)	Kinson  Cllr Adams Cllr Dower Cllr Farr
Report Status	Public
Meeting Date	18 July 2024
<b>Summary of Recommendation</b>	<b>GRANT planning permission in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	<p>Call-in from Cllr Dower for the following reasons;</p> <p>The residents at number 9 Ashridge Avenue are concerned that the size and height of the back extension will infringe of the light into their garden. They are also concerned that the windows planned to the side of the extension will mean that they overlook number 9 impinging on their privacy.</p> <p>Overlooking/loss of privacy. Loss of light or overshadowing.</p> <p>This will negatively affect the lives of the two residents who live next door to number 11. They sit on the patio every evening and this extension will affect the enjoyment of their home.</p>
Case Officer	Laura Sims
Is the proposal EIA Development?	No

### **Description of Proposal**

1. The application is a householder proposal to form a front gable and extend the roof of the property over two storey rear extension. Alterations are proposed to an existing front dormer with dormers proposed to both side roofslopes and additional rooflights. A gable end will be formed to the rear elevation. The existing roof slates will be replaced by fibre cement tiles with composite cladding to the dormers. The ground floor of the property will be rendered.
2. The extension would create a kitchen/diner on the ground floor to the rear and two additional bedrooms and W/C at 1<sup>st</sup> floor.

### **Description of Site and Surroundings**

3. The application site is located on Ashridge Avenue and is occupied by a detached bungalow dwelling. The front of the site is enclosed with low brick walls to the front and is set back from the highway via a grassed over driveway and front garden. There is a dropped kerb outside the dwelling allowing for potential vehicular access to off road parking.
4. To the front elevation of the existing dwelling is a gable style dormer. The dwelling is in pebbledash with a red brick plinth and a slate roof. Ashridge Avenue is a residential street composed primarily of 2-storey houses which appear to date from the inter-war period and have a reasonable degree of consistency in their form, materials, scale, design and plot size. The properties occupy a regular and consistent frontage position. Whilst No. 11 reflects many of the street's prevailing characteristics listed above, it is something of an anomaly in being the only bungalow in the road.

### **Relevant Planning Applications and Appeals:**

5. None.

### **Constraints**

6. None.

### **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. None.

### **Consultations**

9. None.

## **Representations**

10. Site notices were posted in the vicinity of the site on 08/05/2024 with an expiry date for consultation of 30/05/2024.
11. One representation has been received raising an objection to the development. The issues raised relate to;
  - Overlooking/ loss of privacy
  - Loss of outlook
  - Loss of light, impacting on a recently built patio.
  - Concerns over differences in level between properties increasing the impacts of the scheme.
  - Loss of views
  - Difficulties with ongoing maintenance

## **Key Issues**

12. The main considerations involved with this application are:
  - Impact on character and appearance of the area
  - Impact on residential living conditions
13. These points will be discussed as well as other material considerations throughout this report.

## **Planning Policies**

14. 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 adopted and saved policies of the Bournemouth Core Strategy (2012) and Bournemouth Local Plan (2002).
15. **Core Strategy (2012)**  
CS41: Design Quality
16. **Supplementary Planning Documents:**
  - BCP Parking Standards Supplementary Planning Document (2021)
  - Residential Extensions: A Design Guide for Householders – PGN (2008)
  - Sustainable Urban Drainage Systems (SUDS) - PGN
17. **National Planning Policy Framework (“NPPF” / “Framework”)**

The policies in the Framework are material considerations which should be taken into account in dealing with applications.

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 12 – Achieving well-designed places

### **Planning Assessment**

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

18. The proposed extension would project 5.2 metres beyond the existing rear elevation and extend the existing hipped roof with a gable end. Due to the spacing between dwellings, this would be partially visible to the street scene. However, the proposal is considered to represent a logical addition to the property, in keeping with its scale and character and this would have an acceptable impact on the streetscene. The proposed site is the only bungalow within the street scene and therefore this addition would not be seen as dominant or overbearing to the character or appearance of Ashridge Avenue.
19. Further the proposal would include two side dormers with catslide style roofs. They would have a height of 2 metres and length of 5 metres along each roof slope. They would form a logical addition to the property and would not be overly dominant or to create a harmful horizontal emphasis. The dormers have been reduced in length and amended in design from the original proposal. The catslide roof of the reduced dormers would be of better design than flat roof dormers as the horizontal emphasis is reduced, the dormers would be set 2.3 metres back from the principal elevation and would not take up a significant area of the roof slope. The dormers would be set off the eaves and ridge line, being subservient features.
20. The front elevation gable style dormer is similar in design to the existing front elevation dormer. It would increase in height by 0.5 metres and 0.8 metres in width, and therefore slightly more prominent in the streetscene. However it would not be considered as out of character or a harmful addition to the property. Dormers to dwellings on Ashridge Avenue are not a common feature as the majority of properties are 2-storey. The existing property has a prominent front dormer and the proposals are not considered harmful to the street scene.
21. Overall the proposal would have acceptable impacts on the character and appearance of the property and the street scene. The rear roof alterations and extension would not be harmfully visible to Ashridge Avenue, the side elevation dormers would be of appropriate size and would not be considered as a dominant addition to the dwelling. Therefore the proposal would comply with Policy CS41.

#### **Impact on residential living conditions**

##### **9 Ashridge Avenue**

22. The proposed dwelling sits on the shared boundary with Number 9 and would extend 2.2 metres beyond the rear elevation of no.9. Therefore the proposals will be visible from this neighbour. Although the proposal does stretch further along the shared boundary, this neighbour is set approx.. 5m to the north with an intervening garage. This limits the physical impacts of the projection of the extension beyond the rear of this neighbour and the scheme is not considered to result in an overbearing impact to this neighbour, nor result in a loss of outlook.

23. The amended plans reduced the openings to the north side elevation facing No.9 to a bathroom window and two rooflights serving a bedroom which the plans show are 1.7m above floor level. Rear facing 1<sup>st</sup> floor bedroom windows will have oblique views over adjoining gardens, however this is a common relationship within the street. There is around 35m to the nearest property to the rear in Pinewood Avenue to the east. There would be no ground floor windows facing Number 9 therefore there would be no harmful overlooking. Accordingly, the proposals have acceptable impacts on the privacy of these neighbours.

### 13 Ashridge Avenue

24. No. 13 sits to the south of the site. The proposed rear extension would sit 4.3 metres off the shared boundary with Number 13 Ashridge Avenue and would extend 2.5 metres beyond the neighbouring rear elevation. Due to the orientation, sitting and maintained ridge height, there would be no harmful overshadowing or loss of light to Number 13 Ashridge Avenue. Whilst visible to this neighbour, the extent to which the extension projects beyond the rear of No.13 and with its roof sloping away from the boundary, the scheme is not considered to result in an overbearing impact or loss of outlook.
25. The side elevation windows to the proposed dormer, roof slope and ground floor elevation would face the side elevation of Number 13 Ashridge Avenue. These windows do not serve habitable rooms and the rooflights to the 1<sup>st</sup> floor bedroom are high level. The site visit conducted by the case officer, confirmed that Number 13 does not have any existing side elevation windows facing the proposed site and therefore would not cause any harmful overlooking.
26. Overall the proposal would have acceptable impacts on the residential living conditions of neighbouring properties and comply with Policy CS41.

### Conclusion

27. The proposal has acceptable impacts on the character and appearance of the street scene. The additions would not be considered as overbearing or dominant and would be proportionate to the original dwelling. The hipped roof form to the front elevation has been maintained and is therefore complimentary to the street scene. The side elevation dormers would not harm the appearance of the dwelling or be considered as excessive in size. The assessment of residential living conditions has concluded the scheme has acceptable impacts.
28. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers. The Development Plan Policies considered in reaching this decision are set out above.

### Recommendation

- 30 It is therefore recommended that this application is approved.

### Conditions

1. The development to which this permission relates to shall be begun no 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

- P-01 Rev A
- P-04 Rev D
- P-05 Rev E

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

3. 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 and roof alterations 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).

4. The proposed skylights on the north elevation roof slope shall be of high level type (minimum 1.7m internal sill height) and shall be permanently retained as such.

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

5. No part of the development hereby permitted shall be occupied unless the window on the northern elevation dormer as shown on approved plan P-05 revision E dated March 2024 has first been fitted with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and every such window is either a fixed light or hung in such a way as to ensure that the full benefit of the obscured glazing in inhibiting overlooking is at all time maintained. This shall thereafter at all times be retained in a manner that fully accords with the specifications of this condition.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### Statement required by National Planning Policy Framework

26 In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

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

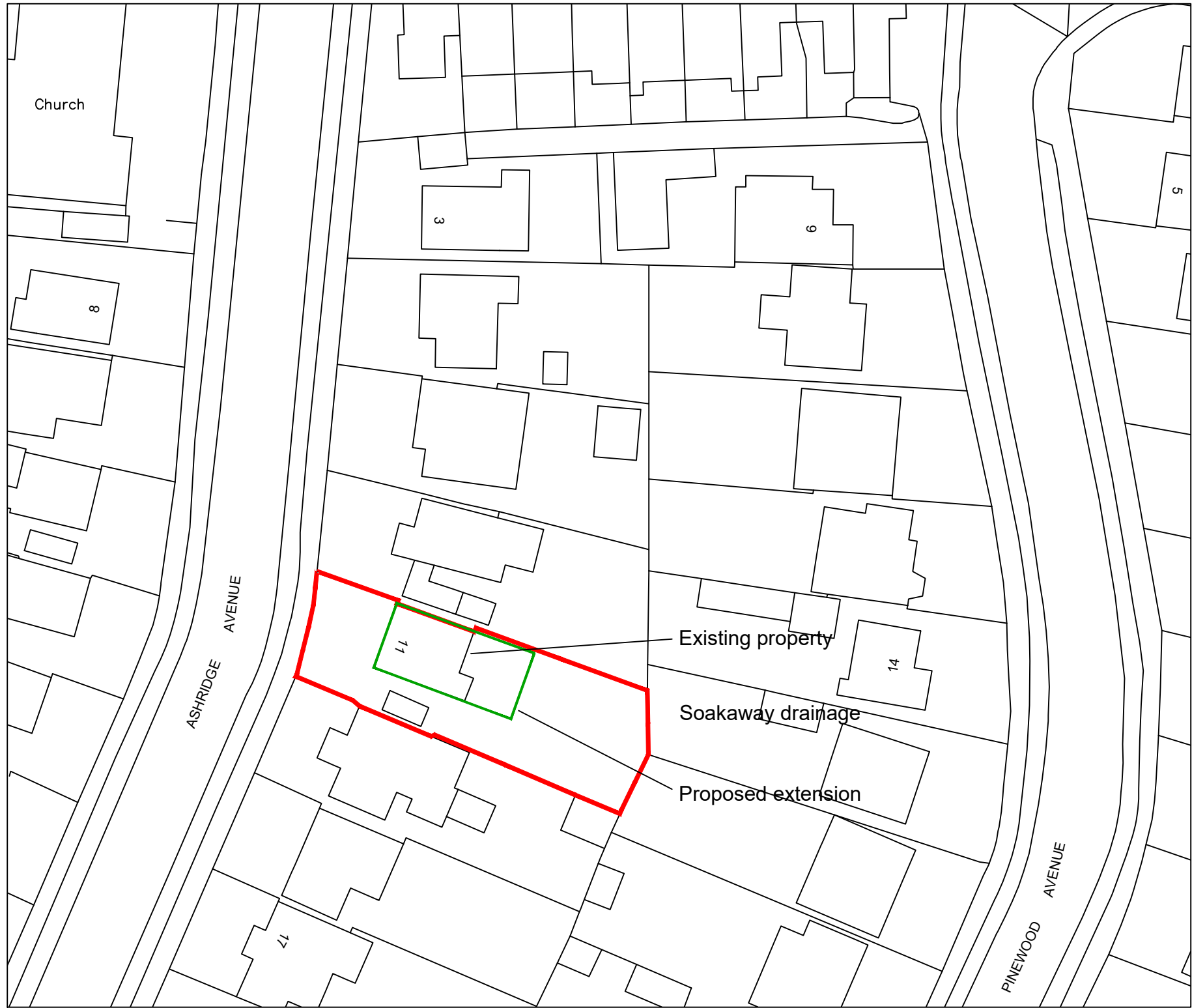
In this instance, the agent was updated of any issues after the initial site visit, and responded by submitting amended plans, which were found to be acceptable and permission was granted.

Background Documents:

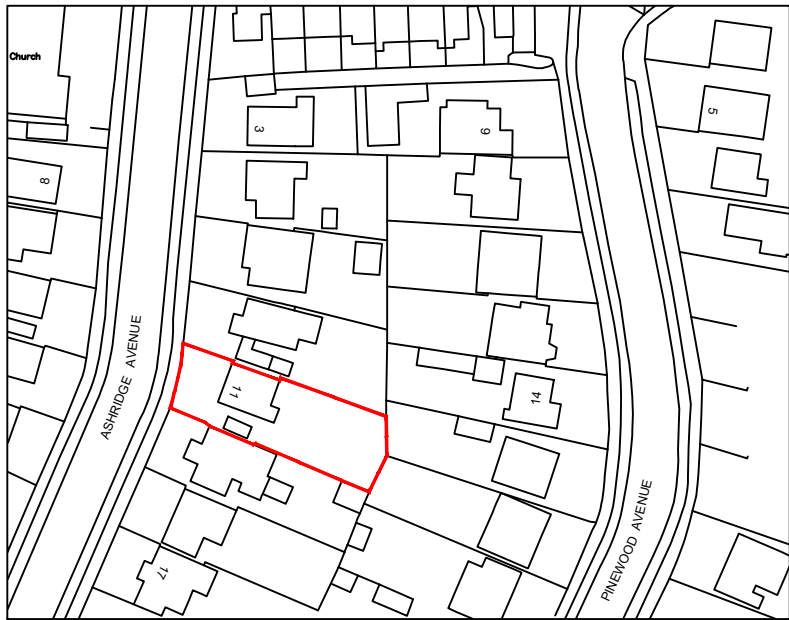
Case File – ref 7-2024-29176

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

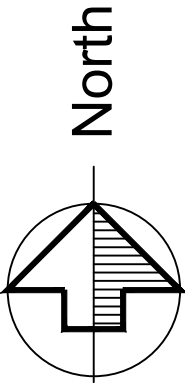
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Block Plan  
Scale 1:500



Location Plan  
Scale 1:1250



mk3designs

Client:  
Stag Conversions Ltd

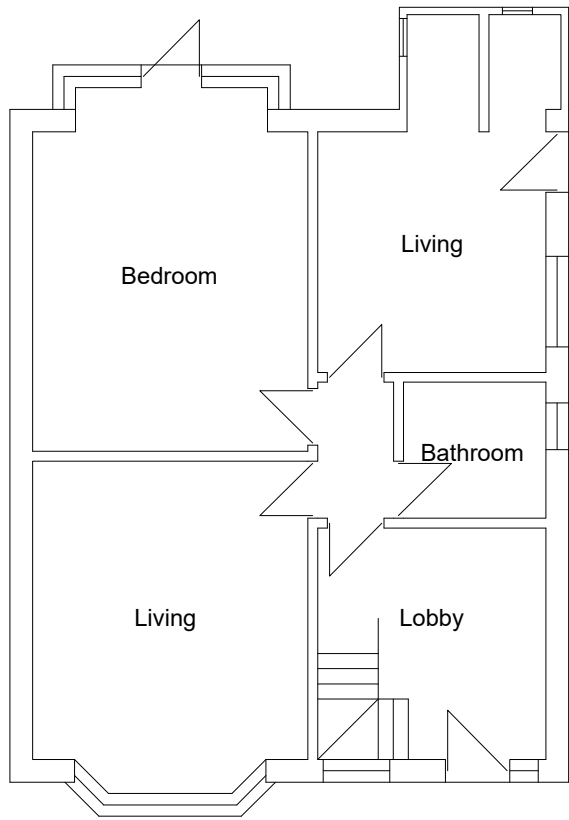
Project:  
11 Ashridge Avenue  
Bournemouth  
Dorset BH10 6BX

Title:  
Location and  
Block Plan

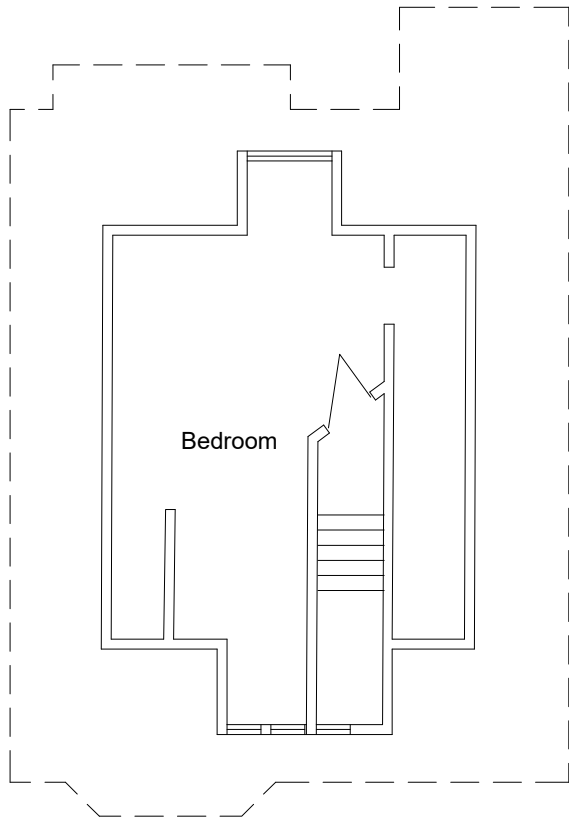
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DATE	April 2024
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Drg. No.	P-01	A
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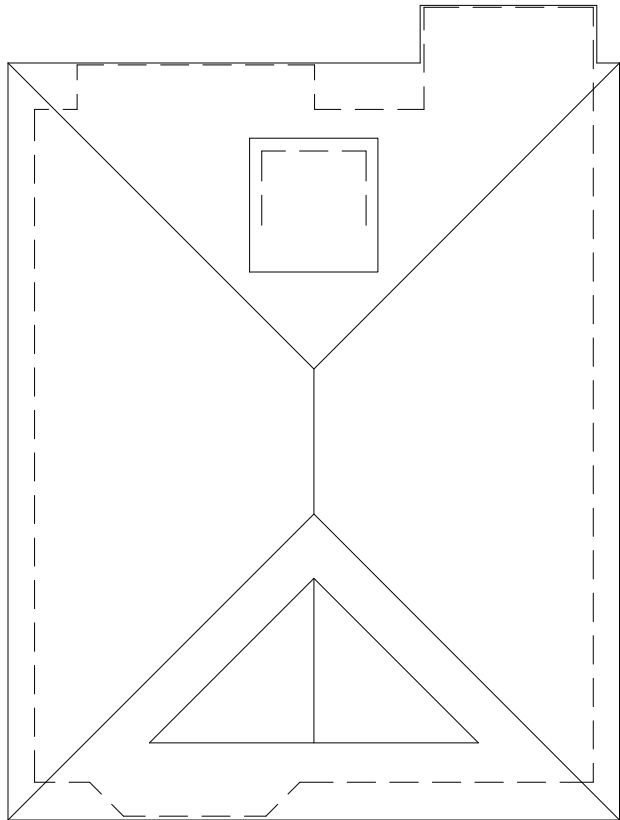
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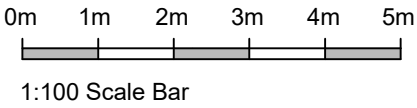
Ground Floor Plan



First Floor Plan



Roof Plan



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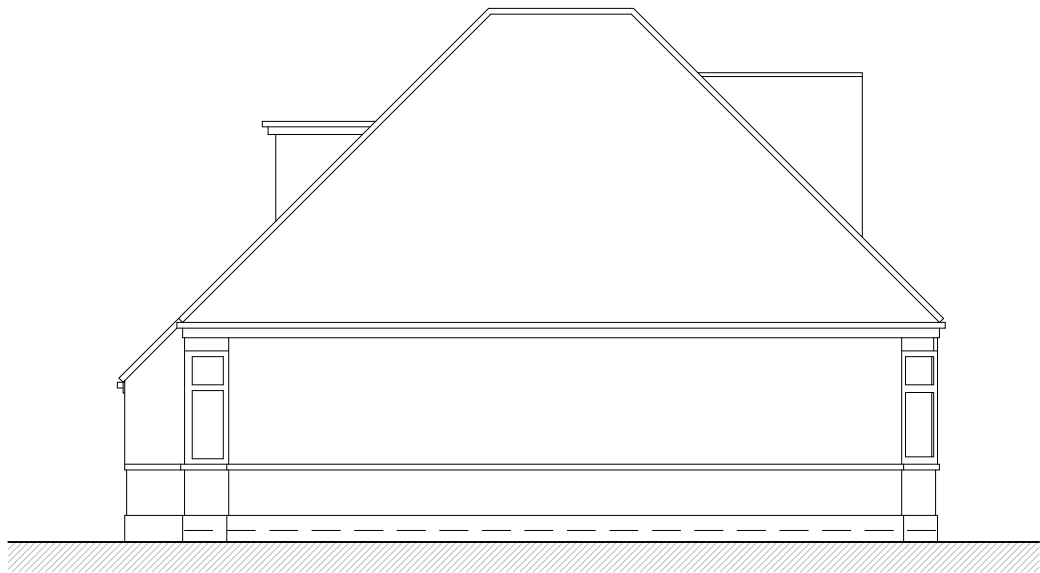
Client: Stag Conversions Ltd

Project: 11 Ashridge Avenue  
Bournemouth  
Dorset BH10 6BX

Title: Existing Plans

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DATE	March 2024			
SCALE	1:100@A3			

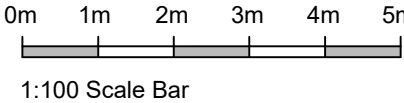
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Side (North Eastern) Elevation



Front (North Western) Elevation



Side (South Western) Elevation



Rear (South Eastern) Elevation

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Client: Stag Conversions Ltd

Project: 11 Ashridge Avenue  
Bournemouth  
Dorset BH10 6BX

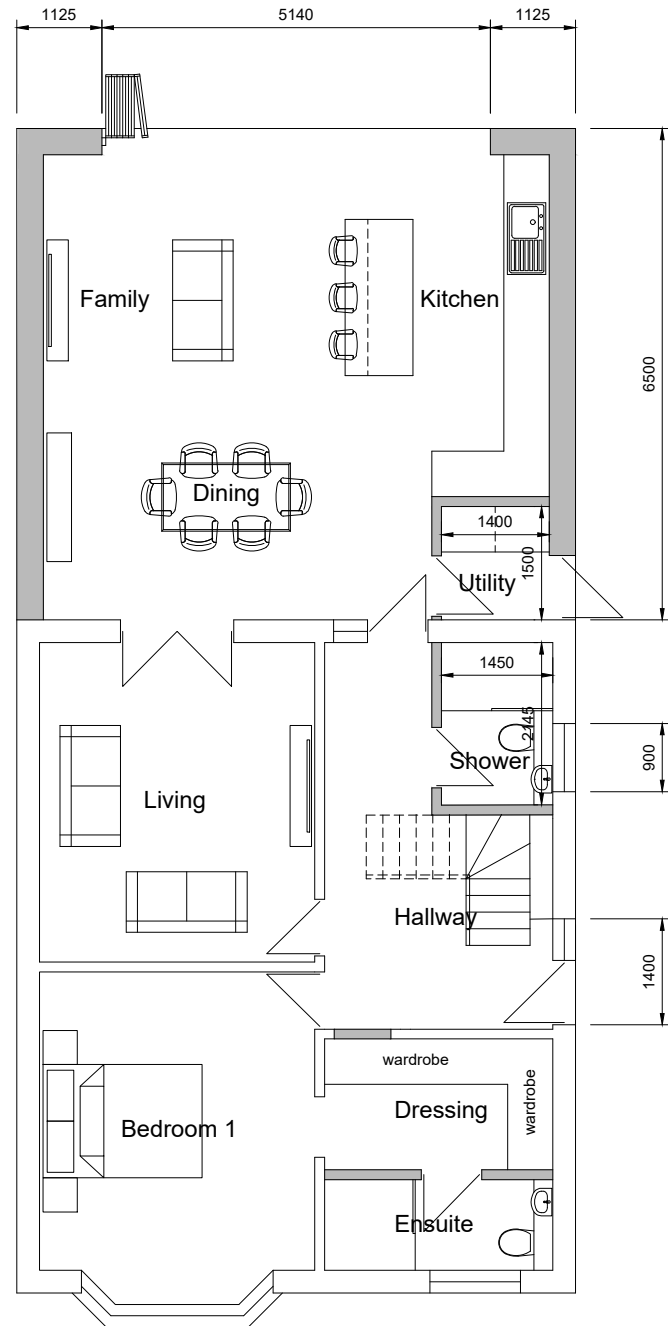
Title: Existing Elevations

DRAWN	MK
DATE	March 2024
SCALE	1:100@A3

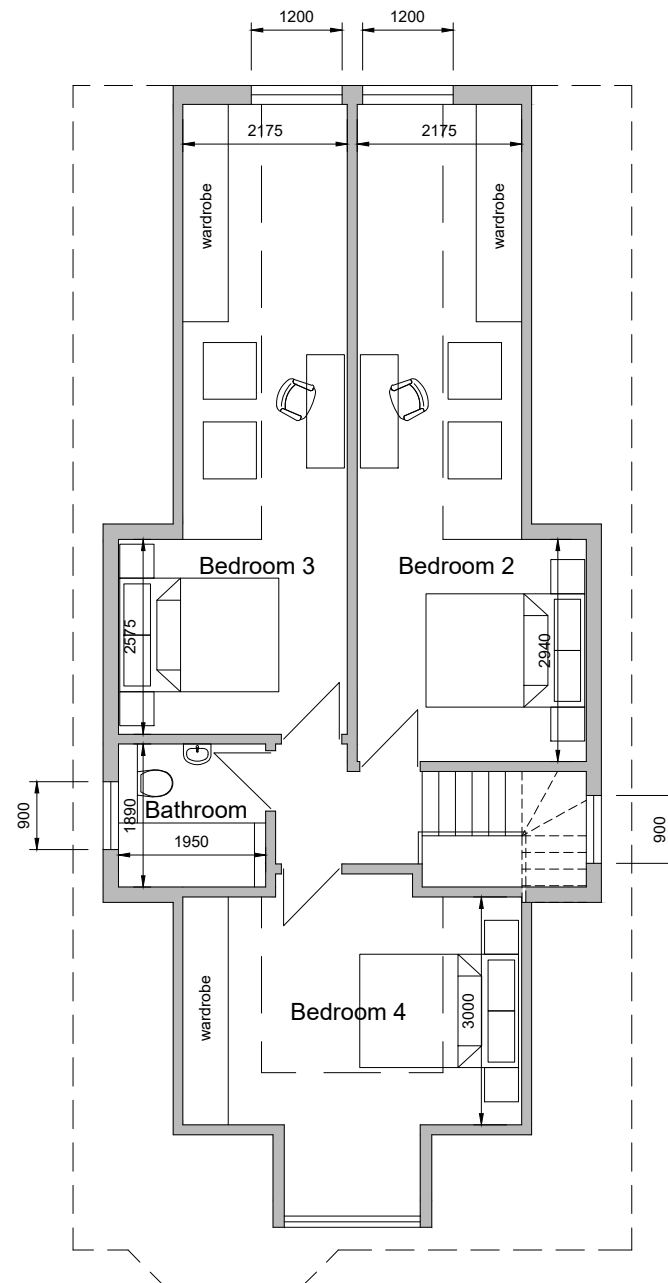
Drg. No. P-03 A



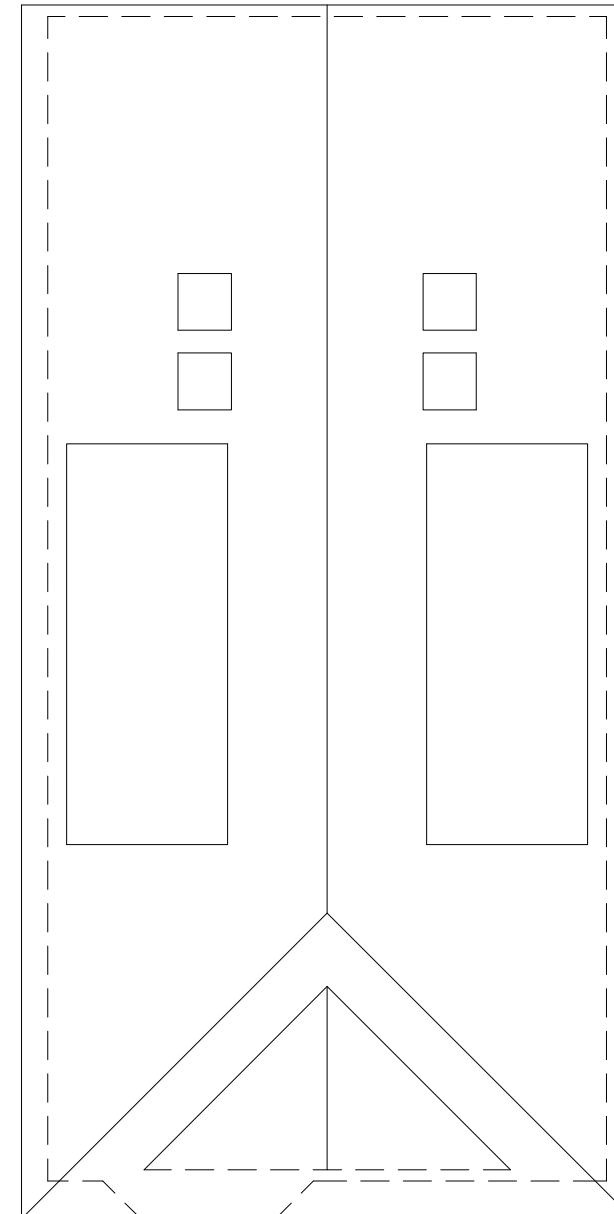
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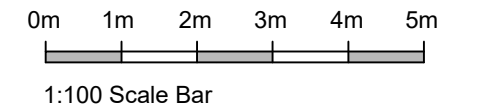
Ground Floor Plan



First Floor Plan



Roof Plan



mk3designs

Client: Stag Conversions Ltd

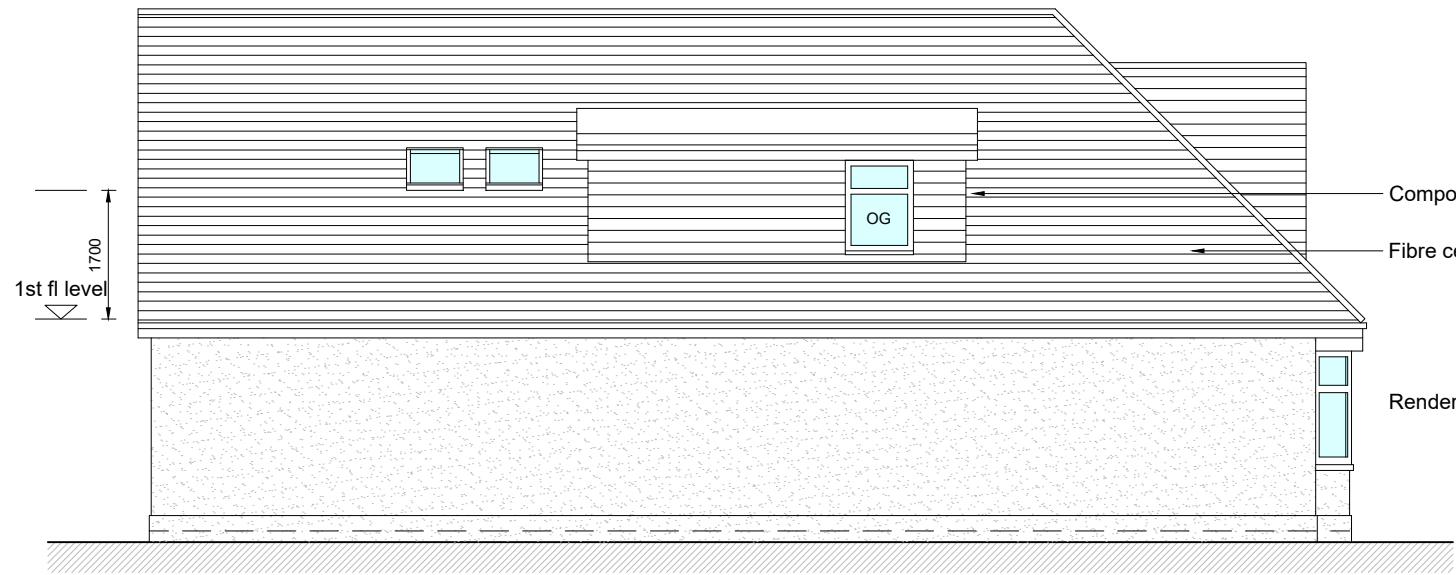
Project: 11 Ashridge Avenue  
Bournemouth  
Dorset BH10 6BX

Title: Proposed Plans

DRAWN	MK
DATE	March 2024
SCALE	1:100@A3

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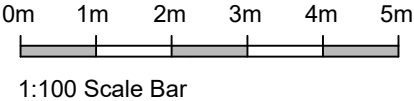


Side (North Eastern) Elevation



Front (North Western) Elevation

Composite cladding  
Fibre cement tiles  
Render entire ground floor



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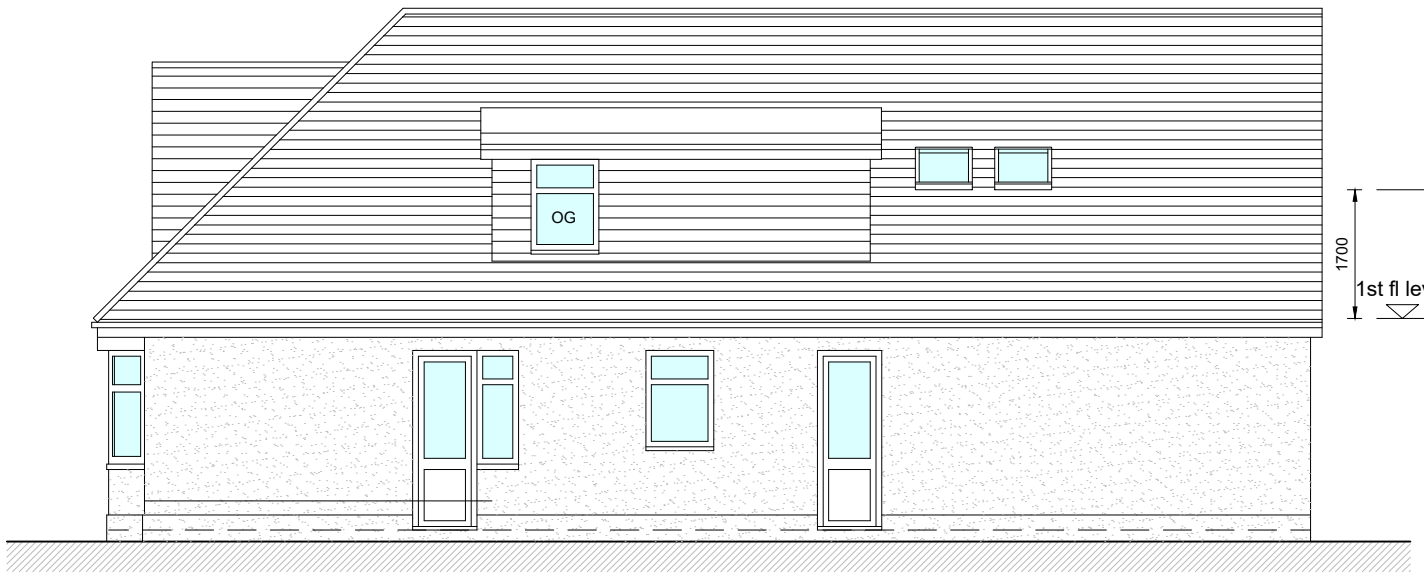
Client: Stag Conversions Ltd

Project: 11 Ashridge Avenue  
Bournemouth  
Dorset BH10 6BX

Title: Proposed Elevations

DRAWN	MK
DATE	March 2024
SCALE	1:100@A3

Drg. No. P-05 E



Side (South Western) Elevation



Rear (South Eastern) Elevation

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