

# Notice of Western BCP Planning Committee

Date: Thursday, 10 October 2024 at 10.00 am

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



---

## 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

---

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=6116>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake on 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

2 October 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 12 September 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 9 October 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.

Anyone who has registered to speak by the deadline may, as an alternative to speaking/for use in default, submit a written statement to be read out on their behalf. This must be provided to Democratic Services by 10.00am of the working day before the meeting, 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.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

- |    |  |         |
|----|--|---------|
| a) | <p><b>49 Foxholes Road, Poole BH15 3NB</b></p> <p>Oakdale ward</p> <p>APP/24/00394/P</p> <p>Demolition of existing buildings and erection of eight dwellings with associated access and parking.</p>   | 19 - 48 |
| b) | <p><b>Land South of A35 Upton Road, Creekmoor, Poole BH17 7AG</b></p> <p>Creekmoor Ward</p> <p>APP/24/00641/F</p> <p>Change of use for a new temporary indoor padel centre building for 3 years with ancillary changing café/bar and associated car parking.</p> | 49 - 68 |
| c) | <p><b>The Club at Meyrick Park, Central Drive, Bournemouth BH2 6LH</b></p> <p>Talbot and Branksome Woods Ward</p> <p>7-2024-9178-BI</p> <p>Extension of existing car park.</p>   | 69 - 84 |

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.

This page is intentionally left blank



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

Minutes of the Meeting held on 12 September 2024 at 1.00 pm

Present:-

Cllr M Le Poidevin – Chairman

Cllr J Clements – Vice-Chairman

Present: Cllr C Adams, Cllr P Canavan (In place of Cllr M Dower),  
Cllr A Chapmanlaw, Cllr G Martin (In place of Cllr P Cooper),  
Cllr S McCormack, Cllr K Salmon and Cllr P Sidaway

28. Apologies

Apologies were received from Cllr P Cooper, Cllr M Dower and Cllr J Challinor.

29. Substitute Members

Notification was received that Cllr G Martin was substituting for Cllr P Cooper and Cllr P Canavan was substituting for Cllr M Dower for this meeting.

30. Declarations of Interests

Cllr Simon McCormack was not present for the site visit, therefore he could not take part in item 6a and he would leave the room for that item.

31. Confirmation of Minutes

The minutes of the meeting held on 15 August 2024 were confirmed as an accurate record for the Chair to sign.

32. Public Issues

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

33. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – C to these minutes in the Minute Book. A Committee Addendum Sheet was published on 11 September 2024 and appears as Appendix D to these minutes.

34. Canford Resource Park, Arena Way, Magna Road, Wimborne BH21 3BW

Bearwood and Merley ward

APP/23/00822/F

Demolition and Removal of existing structures and the erection of a Carbon Capture Retrofit Ready Energy from Waste Combined Heat and Power Facility with associated Combined Heat and Power Connection, Distribution Network Connection and Temporary Construction Compounds and associated buildings and ancillary car parking.

The Senior Planning Officer provided an update to the Committee following receipt of letter containing King Counsel's opinion on matters relating to this application, including procedural issues around the availability of documents on the online planning register. Due to the late receipt of the legal opinion and the insufficient time available for officers to consider the issues raised before the committee meeting, in the interests of fairness to all parties officers now recommended that the application be DEFERRED.

**Resolved that the application be DEFERRED in accordance with the updated recommendation set out by the officer.**

Voting: Unanimous

Notes:

This application was the subject of a Committee site visit on the morning of 12 September 2024.

35. The Saltwater Sauna, Sandbanks Promenade, Poole BH13 7PP

Canford Cliffs ward

APP/24/00236/F

Extension to existing sauna building

Public Representations

Objectors

❖ None registered

Applicant/Supporters

❖ Chris Miell, 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 by the Committee Addendum published on 11.9.24.**



Voting: Unanimous

**35.1 60 Vicarage Road, Poole BH15 3BB**

Oakdale Ward

APP/24/00631/F

Provision of a single-storey rear extension and external hardscaping

Public Representations

No speakers registered

**Resolved to GRANT permission in accordance with the recommendation set out in the officer's report.**

Voting: Unanimous

The meeting ended at 1.30 pm

CHAIRMAN

This page is intentionally left blank

## **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	49 Foxholes Road, Poole, BH15 3NB
Proposal	Demolition of existing buildings and erection of eight dwellings with associated access and parking.
Application Number	APP/24/00394/P
Applicant	Vivir Developments Limited
Agent	Chris Meil Pure Town Planning
Ward and Ward Member(s)	Oakdale: Councillor Rice Councillor Miles
Report Status	Public
Meeting Date	10th October 2024
Summary of Recommendation	<b>Grant in accordance with the details set out below in the report</b>
Reason for Referral to Planning Committee	Call in from Cllr Rice for the following reasons;  On the basis of over development and out of character for the area.
Case Officer	Claire Moir
Is the proposal EIA Development?	No

## Description of Proposal

1. Planning consent is sought for demolition of the existing buildings (one house and associated outbuildings in garden including garage) and erection of eight dwellings with associated access and parking.
2. The proposals are outline with the following matters to be agreed at this stage; access, appearance, layout and scale. Landscaping is reserved for future approval.

3. The proposal is to demolish the existing bungalow and erect 4 pairs of semi-detached houses, two to replace the existing bungalow sited slightly forward of existing, and the remaining dwellings to be located within the existing rear garden area, each pair of dwellings will sit behind the previous all facing Southeast towards Foxholes Road.
4. The access onto Foxholes Road will be similar to existing and will run along the southwestern boundary of the site. To the front of the site, houses 1 & 2 front onto Foxholes Rd. House 2 will have a front garden area and two parking spaces are proposed to the front of house 1. Within the site there are two turning/passing areas both of which provide access to parking, which will sit between houses 1 & 2 and 3 & 4, and Houses 5 & 6 and 7 & 8. There are 18 parking spaces provided in total.
5. Each house will be three storeys with the top floor contained within the roof. The properties are shown constructed in brick and timber cladding with tiled roofs.

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

6. The area within which the application site is located is predominantly residential with a mix of detached and semi-detached properties, single and two storey, in red brick or render and with red or grey roof tiles. Within Dale Valley Road there is a predominance of terrace properties. There are a small number of commercial units on Dale Valley Road and The Laurels and Pine Lodge Care Home on Foxholes Road.
7. Along Foxholes Road, dwellings follow a staggered building line with properties sat behind gardens and parking areas with low walls and hedges along front boundaries. There are exceptions with The Laurels and Pine Lodge Care Home set back a considerable depth into its plot and to the rear of properties fronting Foxholes Road. Neighbouring the application site, 47 and 47a Foxholes Road also sit in a backland position, to the rear of no.45. The footprint and layouts of dwellings varies.
8. The application site extends to 0.25ha and is currently occupied by a detached bungalow with an asymmetrical pitched roof, which sits towards the front of the site behind a grassed front lawn which is screened by a low wall and substantial hedge. The dwelling has a red brick plinth, white rendered walls and a tiled gable to the front.
9. The access and a driveway sit to the south of the dwelling leading to a detached garage and to the rear of the site is a garden of substantial depth, which borders properties on Foxholes Road, Dale Valley Road and the rear part of Poole Cemetery. The garden is landscaped with predominantly grass, the lawn towards the dwelling is more manicured. There are a number of outbuildings, mature trees and shrubs. Along the southwestern boundary where it borders the cemetery is a wooded area within the Cemetery which is exposed to the application site.
10. The application site is within the Sustainable Transport Corridor. The trees within the site are not protected by a Tree Preservation Order. The site is recorded as being at risk from surface water flooding.

### **Relevant Planning History:**

11. Application ref: 07/02368/002/F to demolish existing and erect a block of 6 flats and 1 maisonette, 2 pairs of semi-detached properties (11 in total) with associated bin and cycle stores and parking, accessed from Foxholes Road. **Granted.**
12. This scheme was never implemented and has now lapsed. It is noted that whilst there have been policy changes since this permission, the general principles regarding design, still exist and the Design Code from 2001 has not been replaced.

### **Constraints**

13. Trees on Council owned land adjacent to the site.

### **Public Sector Equalities Duty**

14. 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**

15. 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.
16. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
17. 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”.
18. 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**

19. Arboricultural Officer – Objection. The siting of the proposed development is likely to have a negative impact on trees which make a positive contribution to the character and appearance of the area. Accordingly, the proposal would be contrary to criteria (1)(b) of policy PP27 of the adopted Poole Local Plan.

20. Transport Services - Initial response to defer for amendments. The most up to date plans are supported.
21. Environment Services (Waste) - No objection.
22. Environment Services (Contaminated Land) - No objection subject to conditions.
23. Lead Local Flood Authority (LLFA) – Floor level increased to 150mm above ground due to level changes on site and potential for systems to fail in extreme storm.
24. Fire and Rescue Services - Standard advice building regs etc.

### **Representations**

25. In addition to letters to neighbouring properties a site notice was posted outside the site on 26/04/24 with an expiry date for consultation of 20/05/24. A further site notice was posted on 23/08/2024 following amended plans with an expiry date for consultation of 06/09/24.
26. 19 initial representations have been received, raising objections. 10 further representations were received following re consultation, which continued their objection to the amended scheme. The issues raised comprise the following:
  - Light and noise pollution
  - Out of character
  - Overlooking and loss of privacy of neighbours and Cemetery
  - Additional strain on water and sewage systems
  - Insufficient parking on and off site
  - Air, soil and water pollution
  - Health impacts, dust, stress etc
  - Scale is not characteristic
  - Eyesore
  - Impact on wildlife and habitats on site
  - Increased flood risk and impact on existing drainage issues
  - Reduction in permeable surfaces
  - Road network cant cope with extra vehicles
  - Design not in keeping
  - Loss of trees
  - Noise from additional vehicle movements
  - Highway safety issues, dangerous junction and nearby school
  - Loss of woodland
  - Noise impact during construction particularly on those working from home
  - No details of relocation of telegraph pole
  - Harm to buildings structures nearby
  - Cramped
  - Lack of natural light
  - Harm to views



- Loss of sunlight
- Inaccessible to emergency vehicles

Note, a number of people have raised concern regarding impact on the value of properties in the area, this is not a material planning consideration and cannot be taken into account.

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

27. The main considerations involved with this application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring privacy and amenities
- Parking/ highway safety
- Trees
- Drainage/Flood risk
- Waste
- Contamination
- Biodiversity

28. These points will be discussed as well as other material considerations below.

### **Policy context**

29. 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 (Adopted 2018)**

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP08 Type and mix of housing
- PP27 Design
- PP28 Flats and plot severance
- 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

#### **Supplementary Planning Documents**

- SPD3 Dorset Heathlands Planning Framework (2020-2025)
- SPD5 Poole Harbour Recreation SPD (2019-2024)
- SPD6 Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)
- SPD7 Parking Standards SPD (adopted January 2021)

30. 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:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

**Planning Assessment**

31. **Presumption in favour of sustainable development**

32. 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. 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.
33. 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.
34. 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%. The local plan is thus considered as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. The site will provide 7 additional units towards the supply of housing but also lies within 5 km of a European

Habitat site. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

35. The proposals would provide 8 dwellings in total, family sized homes, which would add to the overall housing stock within a sustainable location and would contribute towards the Council's housing delivery targets. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
36. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

### **Principle of development**

37. 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.
38. 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 (STC).
39. A sustainable transport corridor is defined as 400 metres either side of a road capable of extending service provision by the end of the plan period to four buses per hour (each way) or within 500 metres radius of a railway station. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car. The Local Plan sets out a need to deliver 5,000 dwellings within the STC over the plan period, constituting 36% of the total housing supply. Policy PP2 sets out that development should meet or exceed the minimum indicative density of 50 dwellings per hectare in the STC.
40. 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.
41. The proposal represents a moderate density development within the sustainable transport corridor at 32 dwellings per hectare, below the indicative density in Policy PP2. Therefore the principle of the residential development on site is acceptable, subject to its compliance with the adopted policies.

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

42. 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. Policy PP28 refers specifically to plot severances and states that residential proposals involving plot severance will only be permitted where they provide sufficient land to enable a type, scale and layout of development which would preserve or enhance an area's residential character.
43. The application site sits in an area which is predominately residential in character. The site is on Foxholes Road which is predominantly single and two storey detached and semi-detached properties, reflecting its main period of development from the inter-war period to the 1950s. However, the site also sits close to the junction with Dale Valley Road and borders the rear of properties on this road along its northeast and northwest boundaries. This part of Dale Valley Road is characterised by two storey terraced properties of an evidently different form and layout.
44. The existing dwelling sits within a staggered front building line, fronting Foxholes Road, however there are examples of backland development within close proximity to the site. The footprint and layout of dwellings and their plots varies, as does the architectural style of dwellings, although generally traditional brick and render, pitched roof and gable fronted dwellings predominate.
45. The proposals would result in a pair of semi-detached dwellings sitting to the front of the site, which would be slightly further forward than the existing dwelling but remain consistent with the staggered front building line of properties to either side. The dwellings to the rear would be a form of backland development, however this is not an uncommon feature within the area and would result in a more efficient use of land, the site currently having a substantial garden which is under used and is an anomaly in the pattern of development. The site is in a sustainable location and the proposals would therefore comply with Policies PP1 and PP2 of the Poole Local Plan 2018.
46. The design of the proposals is fairly traditional with pitched roofs and gables, although the choice of materials, brick with timber cladding and roof tiles give them a modern twist. Whilst the dwellings would appear distinctive within the streetscene they will use materials which exist within the area and would not be harmful to the wider character of the area.
47. The proposals would introduce a second floor of accommodation within their roof form, which is not a feature of the area. The dormers to properties 3-8 are fairly modest and these are set back into the site. Houses 1 and 2, which would front Foxholes Road, would be more prominent within the street scene, these dwellings would have gables front and rear with single windows in each of the front apex. However the overall height of the dwellings when compared to neighbouring properties is not dissimilar and as such with a modest window within each front gable the proposals although different would not be harmful. The overall scale and massing of the proposals is commensurate with the character of the area.
48. With regard to plot layout and plot sizes, the footprint of the dwellings is not dissimilar to others and would generally be reflective of the area, the plot sizes as a whole are on the smaller side, however they are reflective of other plots such as 47 and 47a Foxholes Road and given that the positioning of houses 1 and 2 respects the streetscene of Foxholes Road and the remaining development has a lesser visual impact on the streetscene, it can be accommodated without harm.

49. The proposals would therefore result in a development which provides sufficient land to accommodate a type, layout and scale of development with a design, massing, materials, landscaping and visual impact which although different, respects the varied existing character and appearance of the area and provides a sustainable form of development in accordance with Policies of the Poole Local Plan.

### **Impact on occupier's and neighbouring living conditions**

50. Policy PP27 outlines that development should not result in a harmful impact upon amenity for local residents or future occupiers in terms of overshadowing, loss of light, loss of privacy and whether the development is overbearing or oppressive.
51. Houses 1 and 2 would sit in a similar location to the existing dwelling fronting Foxholes Road and sat between two storey dwellings. The main windows would be within the front and rear elevations resulting in a similar relationship to other properties within the area. Views to the front would be across the road and to the rear at an oblique angle across neighbouring gardens, which is an accepted relationship in an urban area such as this. Windows within the side elevations of these two units include a high level roof light in each which would provide light rather than views and a ground floor full length window, which would face the existing boundary fence in the case of house 1. In the case of house 2, there is no boundary treatment to the neighbour (no. 51). Condition 5 requires boundary treatments be agreed and this can ensure there is no significant loss of privacy from these side facing openings.
52. Houses 3 - 8 sit within the rear of the site all facing southeast towards Foxholes Road. As such along the northeastern boundary of the site, which borders the rear of properties on Dale Valley Road, the properties would sit side on to these dwellings, with their main front and rear elevations having oblique views towards these plots. The National Model Design Code advises that for side-on relationships such as these, a minimum separation of 10m should be achieved. There will be in excess of 20m to the rear elevations of neighbours fronting Dale Valley Road and therefore would not result in harmful overlooking or overshadowing. The windows in the side elevations facing these properties would be at ground floor and it would be reasonable to secure a form of boundary fencing by condition which would not only provide security but would also minimise any views from ground floor.
53. To the southwest of the site, the proposed dwellings would sit adjacent to the shared access which will provide a buffer to the neighbours to the south-west. A large portion of this boundary borders Poole Cemetery and as such there would be no impact on residential living conditions. This boundary is heavily screened by trees and as such reciprocal views from the cemetery to the site are significantly screened by this dense landscaping.
54. Towards the Foxholes Road end of this boundary the site borders 45, 47a and 37 Foxholes Road. The proposed dwellings and these neighbouring dwellings would sit side on to one another and with the intervening distances and lack of windows in side elevations, the proposals would not result in harmful overlooking. The boundary of 37 Foxholes Road is heavily screened by trees. To the rearmost boundary of the site views from the rear of houses 7 and 8 would be across a communal drying area to properties on Dale Valley Road and there would be in excess of 20m to the rear elevation of the block at 124 – 130 Dale Valley Road. As such, the scheme is not considered to result in harmful overlooking or overshadowing to these neighbours.

55. Within the development itself, houses 1 & 2 would have a back to front relationship with Houses 3 & 4 with the amenity space to houses 1 & 2 and parking to all 4 properties between. This results in a distance between dwellings of approximately 24.5m and from the front elevation of Houses 3 & 4 to the rear boundary of 1 & 2 approximately 18m which is sufficient to preserve the privacy and amenities of future occupiers. Between Houses 3 & 4 and 5 & 6 these would have a back to back relationship with their amenity areas between, the distance between the rear elevations is approximately 21m which is considered acceptable.
56. Houses 5 & 6 would have a front to front relationship with houses 7 & 8 with access and parking for these four units between and a distance between the front elevations of approximately 18 metres which again is considered acceptable.
57. House 4 would sit adjacent the shared boundary with 51 Foxholes Road and would have an oblique back to front relationship with this dwelling, however there would be a distance between the dwellings of approximately 20metres and at an oblique angle any overlooking would not be harmful or uncommon in an urban setting such as this.
58. The proposed driveway would run along the southeastern boundary of the site with a landscaped buffer along the boundary reducing its impact on neighbouring sites. Within the development itself, dwellings sit side on to the access which will reduce the impact of noise and disturbance from vehicles, and the ground floor side windows facing the access will provide surveillance over these areas. The two parking areas within the development would serve the units between which they sit and again this will reduce the impact of vehicles manoeuvring within the site.
59. Four of the units are 106.8 m<sup>2</sup> which is marginally below the Nationally Described Space Standard (NDSS) for a 3-bed, 6-person, 3-storey dwelling of 108m<sup>2</sup>. The remaining 4 units exceed this standard at 114m<sup>2</sup>. The Local Plan advises that;  
  
“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.”
60. As none of the units fall more than 20% below the NDSS, it is considered that the scheme complies with the Local Plan in this regard. All properties have usable and adequate private garden space and amenities such as car and cycle parking and occupiers will enjoy adequate living conditions.
61. The proposed development would by virtue of its layout, siting and relationship to neighbours including intervening distances between buildings, result in a development which preserves neighbouring privacy and amenities and is therefore in accordance with Policy PP27 of the Poole Local Plan 2018.

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

62. The Highways Authority initially raised concerns with regards to the proposed layout and the need to provide passing areas, pedestrian footways, adequate turning areas,

cycle stores and access to these. The plans were amended in response to these concerns.

63. A revised vehicle access is proposed, which will require an extension to the existing dropped crossing. The first section of the vehicle access road is wide enough to allow for two vehicles to pass each other, which will prevent vehicles having to wait on the highway and pedestrian visibility splays are shown on either side of the access, which are acceptable. The remaining vehicle access road is wide enough to allow for vehicles to safely pass cyclists and a pedestrian footway is proposed alongside the vehicle access road and is sufficient for larger service vehicles and emergency vehicles. The proposed layout can achieve an adoptable standard which can be secured by condition.
64. There are 18 car parking spaces proposed, which would equate to two spaces per dwelling and 2 additional spaces which would meet the relevant standard in the BCP Parking Standards Supplementary Planning Document (2021). Sufficient turning space is provided for turning within the site and the two passing zones/hatched areas can be conditioned to remain for such use as a shared area.
65. Parking spaces 1 and 2 which sit towards the front of the site have been set back to allow sufficient turning space for vehicles to exit the site in a forward gear. There is a 5m section of access road beyond the entrance to car parking spaces 11-18, which would enable vehicles such as delivery vehicles to be able to turn and this area has been hatched/shaded and annotated as a "turning area", so it can be conditioned to be kept clear to allow for these turning movements.
66. Electric Vehicle Charging Points are annotated on the plans. Provision of these is a requirement under Building Regs and are not a requirement to make the development acceptable. Secure and covered cycle parking has been shown for each property within their garden area and a dedicated path is shown to access these at the request of highways. This provision will be secured by condition.
67. In summary the amended scheme now complies with the requirements of the Council's highway department and Policies PP34, 35 and 36 of the Local Plan 2018 and the Councils adopted Parking Standards.

## **Trees**

68. The site is heavily screened by trees along its southwestern boundary. These trees are along the border of the Council owned Cemetery. There is no hard boundary between the sites, there is an area of tree roots and bank of soil which forms the boundary. This gives the application site a pleasant, wooded feel to the rear in an otherwise distinctly urban setting.
69. The applicant has submitted a tree constraints plan, tree protection plan, arboricultural method statement and impact assessment. Following issues raised initially they have revised the scheme, reducing it by one unit and re-siting the remaining 6 units at the rear of the site. They have also submitted revised documents which include daylight/sunlight calculations. The proposals seek to construct the access along the southwestern side of the site which will be constructed using a no dig cellular confinement system which is acceptable.



70. The dwellings themselves are sited towards the northern side of the site and have been orientated side on to the wooded area, to reduce the impact of overshadowing from trees on the main front and rear elevations, this is also preferable in terms of orientating the dwellings with the least number of windows abutting the access. The new site layout is an improvement in tree terms and addresses some of the issues previously raised, however the sunlight information demonstrates that three of the proposed plots will receive limited sunlight throughout the year due to the trees within the Cemetery.
71. The Council's tree officer remains concerned regarding the limited sunlight to three of the proposed dwellings in particular their amenity areas and the likely impact this will have on pressure to prune or fell these trees.
- "The trees have been pruned back to the boundary recently, which will currently limit foliage on them allowing more dappled light through the crowns. A trees reaction to pruning is to replace the lost leaf coverage by putting on new leaf growth increasing the density of the crown. The trees are also not yet fully mature and will increase in height reducing the amount of sunlight even further. The current sunlight on the site for three of the houses is limited and will not improve over time with the further growth and recovery of the trees. The trees are off site and overhanging branches have been pruned leaving no further control of the trees for the application site, this will put pressure on the tree owner to manage the trees for light by the residence of the houses. Due to the foreseen future pressure on the trees to be pruned or felled to improve sunlight this application cannot be supported from a tree point of view."*
72. The sunlight/daylight calculations provided by the applicant demonstrate that whilst the levels of sunlight to some of the units will be limited they will actually meet the BR209 standard as the garden areas will receive over 2 hours of sunlight on 21st March.
73. Whilst the Council's Tree Officer objects to the proposals a balance needs to be struck between the provision of adequate homes within sustainable locations and all other material planning considerations. In this instance the one remaining issue to providing 7 additional residential dwellings within a sustainable location and the social benefits and minimal economic benefits during construction, need to be weighed in the planning balance.
74. In this instance the developer has amended the scheme to reduce the impact of trees on the dwellings themselves with the loss of a unit and the reorientation of the dwellings. The concerns therefore relate to whether the provision of amenity space with limited sunlight is acceptable both to future occupiers and the potential for future pressure to fell the trees as a result. Firstly, the scheme does meet minimum requirements, and it is also likely that the market will dictate to some extent whether people choose to own property with extensive areas of shading. There are benefits in summer months and the presence of the heavily wooded area has its environmental and visual benefits in this otherwise urban setting.
75. Furthermore, the trees are Council owned and this does offer some protection. It is also noted that a previous scheme with similar issues relating to its layout was approved at the site, this was some time ago and it is appreciated that the trees may not have been as dense, however they would've continued to grow potentially to how they are now. This permission has now lapsed but remains part of the history to the site.

76. Policy PP27 requires that development responds to natural features on the site and does 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. The scheme could not be said to comply with Policy PP27 in this regard. This will be weighed in the planning balance.

### **Waste Recycling**

77. The proposed dwellings would each utilise a 240 litre capacity bin for recycling and a 180 litre capacity bin for refuse. Residents may also subscribe for the garden waste collection service, via a 240 litre wheeled bin. There is sufficient space for these to be retained at each individual property within their gardens. The collection vehicle would not enter the development in order to service the bins and as such a collection point has been demarcated at the access point sufficient for one bin per property on collection day. Collection days vary between the types of bin collection.
78. The plans are therefore acceptable from a Waste perspective.

### **Flood Risk/ Drainage**

79. The application site is mapped to show varied risk from surface water flooding. The applicant has submitted a flood risk assessment which provides some reasonable justification that risk can be managed at this stage. However, the applicant has confirmed that the finished floor levels of all of the dwellings would be raised by a minimum of 150mm above surrounding ground levels and amended plans have been received to demonstrate this.
80. The applicant has submitted a surface water drainage strategy utilising infiltration drainage via soakaways, permeable paving and bio retention. Whilst the LLFRA are broadly satisfied with the proposed approach they have recommended additional information be provided regarding a viable discharge point. Given that this is an outline planning application it would be reasonable to condition this and ensure that it is a prior to commencement condition, therefore ensuring that no development takes place prior to a solution being reached.
81. Surface water is proposed to be discharged entirely via infiltration, but no on-site ground investigation or infiltration testing has been carried out. The applicant has suggested that this is currently not possible due to site access and again this can be conditioned prior to commencement.
82. Maintenance responsibility should be more clearly established. The report currently states 'the occupier' but given the number of dwellings with shared drainage features, this should be more specific. This detail could be secured by condition.

### **Contamination**

83. The NPPF seeks to prevent new and existing development from contributing to or being put at risk from or being adversely affected by unacceptable levels of soil, air or water pollution. Where necessary, potential land contamination should be subject to adequate site investigation and remediation.

84. The application site is located in an area where there were former brick works (Kinson Pottery) and associated areas of excavation. Consequently, there is the potential for contamination to exist at the site. A full contaminated land condition is therefore attached, and it will be necessary for site investigations and potential remediation measures to be reported and dealt with prior to works at the site. The Council's Contaminated Land Officer has advised that there is no objection to the proposed development subject to the imposition of such a condition.

## Biodiversity

85. The application site currently consists of a large area of garden. The top part of this is well manicured, the lower part more unkempt with areas of grass towards the centre, banks of soil along the treed boundary with the cemetery and scrubby shrubs elsewhere. Whilst there may be some potential for existing wildlife habitat, enhancements could be achieved within the proposed scheme and a condition is attached to secure this. This will include the provision of bat and bird boxes, and bee bricks. It should also be the case that any fencing should have gaps for wildlife particularly hedgehogs and keeping any wildlife corridors open. It should be noted that this application was submitted prior to the requirements for Biodiversity Net Gain coming into force and therefore it is not subject to such considerations.

## Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing	1	@ £510	@ £181
	Proposed	8		
	Net increase	7	£3,570	£1,267
Total Contributions			£3,570 (plus 5% admin fee, min £75)	£1,267 (plus 5% admin fee, min £25)
CIL	Zone C		@ £137.78sq m	

86. 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. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.
87. 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.
88. 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.
89. Contributions are secured by a Section 106 agreement.

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

90. The proposals would result in 8 new dwellings in a sustainable location, on existing garden land which is underutilised and which, does not reflect the existing urban grain of this area. The proposals would result in a form of development which assembles sufficient land to accommodate a type, layout and scale of development with a design, massing materials, landscaping and visual impact which although different, respects the existing character and appearance of the area, maintains neighbouring privacy and amenities and provides sufficient access and parking.
91. The application is outline and as such there are a number of pre commencement conditions which will need to be addressed including additional details relating to drainage and contamination which it is reasonable to assume at this stage could be complied with.
92. Whilst the proposals would result in limited sunlight to the amenity areas of some of the new dwellings, given the history on the site and all other benefits of the scheme and the presumption in favour of sustainable development it is considered on balance that the scheme is acceptable and meets relevant policy criteria of the Poole Local Plan 2018 and NPPF.

#### **Recommendation**

104. Grant subject to Section 106 Contributions, CIL and Conditions

**Background Documents:**

Case File ref: APP/24/00394/P

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.

## RECOMMENDATION

It is therefore recommended that this application be Grant Subject TO CIL Contribution

### 1. OL010 (Submission of Reserved Matters)

No development shall commence on site until details of the landscaping (in respect of which approval is expressly reserved and are hereinafter called 'the reserved matters') have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 3 of the Town and Country Planning (General Development Procedure) Order 2015.

### 2. OL020 (Timing of Reserved Matters Submission)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission and the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved whichever is the later.

#### Reason -

This condition is required to be imposed by the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

### 3. PL01 (Plans Listing)

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

Location and Block Plan ref: 2315 01B received 14/08/2024

Site Plan ref: 2315 02C received 14/08/2024

House 1 & 2 Floor Plans ref: 2315 03 received 14/08/2024

House 1 & 2 Floor Plans ref: 2315 04 received 14/08/2024

House 1 & 2 Elevations ref: 2315 05 received 14/08/2024

House 1 & 2 Elevations ref: 2315 06 received 14/08/2024

House 3 & 4 Floor Plans ref: 2315 07 received 14/08/2024

House 3 & 4 Floor Plans ref: 2315 08 received 14/08/2024

House 3 & 4 Elevations ref: 2315 09 received 14/08/2024

House 3 & 4 Elevations ref: 2315 10 received 14/08/2024

Street scene ref: 2315 14 received 14/08/2024

Site Section ref: 2315 15A received 14/08/2024

House 5 & 6 Floor Plans ref: 2315 017 received 14/08/2024

House 5 & 6 Floor Plans ref: 2315 18 received 14/08/2024

House 5 & 6 Elevations ref: 2315 19 received 14/08/2024

House 5 & 6 Elevations ref: 2315 20 received 14/08/2024  
House 7 & 8 Floor Plans ref: 2315 21 received 14/08/2024  
House 7 & 8 Floor Plans ref: 2315 22 received 14/08/2024  
House 7 & 8 Elevations ref: 2315 23 received 14/08/2024  
House 7 & 8 Elevations ref: 2315 24 received 14/08/2024  
Arboricultural Method Statement ref: 521/AMS/2 received 14/08/2024  
Tree Protection Plan ref: RNapc/521/TPP/3 received 14/08/2024

Reason -

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

4. GN030 (Sample of Materials)

The development shall be carried out in accordance with the approved details of materials submitted to the Local Planning Authority on....

Reason -

To ensure that the external appearance of the building(s) is satisfactory and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. GN020 (Screen Fencing/Walling)

Details/a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority as part of the reserved matters under Condition 1. The boundary treatments shall be completed before the building(s) are occupied. Development shall be carried out in accordance with the approved details, maintained for a period of five years and thereafter retained.

Reason -

In the interests of amenity and privacy and in accordance with Policy PP27 the Poole Local Plan (November 2018).



6. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The 'Shared Turning Areas' as shown hatched in blue on the approved plan (ref: 2315 02C) shall remain available for the use as vehicle turning areas at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within these turning areas.

Reason -

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

7. HW080 (First 4.5 Metres Constructed)

Concurrently with the construction of the development hereby permitted, the first 4.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

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

8. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splay(s) as indicated on the approved plan (ref: 2315 02C) 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).

9. HW210 (Building Operatives Parking)

Prior to any demolition or ground clearance works details of building operatives parking shall be submitted to and approved in writing by the Local Planning Authority. Parking for building operatives must be provided in accordance with the agreed plans for the whole contract period, unless otherwise agreed in writing by the Local Plan Authority.

Reason -

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

10. TR030 (Implementation of Details of Arb M Stmt)

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).

11. TR070 (Tree Protection - Protective Fencing)

Protective fencing, conforming to specifications in BS5837:2012 'Trees in Relation to Construction', the details of which shall be submitted to, and approved in writing by, the Local Planning Authority.

Such fencing/ground protection shall be erected before any equipment, machinery or materials are brought on to the site and before any ground clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials.

The Local Planning Authority shall be advised in writing when the tree protection measures have been installed so that it can be checked on site before development commences.

[No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land].

Reason -

To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

12. NP100 (Full Contaminated Land Condition)

Prior to any ground works on site a preliminary Contamination Risk Assessment (Phase 1) shall be submitted in writing to the Local Planning Authority. The Phase 1 should be produced in accordance with 'Land Contamination Risk Management' published by the Environment Agency. The report shall develop a preliminary Conceptual Site Model (CSM) and include a comprehensive risk assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations will be required.

If a Phase 1 has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency should be undertaken. A Phase II report will be submitted and approved in writing by the Local Planning Authority prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, built environment and sensitive ecology from site condition in the context of the proposed development. The report shall be prepared by a suitably qualified person and shall include:

A detailed site investigation comprising an assessment of soil, groundwater and ground gases/vapours to establish the extent, scale and nature of contamination on the site. .

An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end users and construction workers), the built environment, controlled waters and sensitive ecology.

If the risk assessment identifies any unacceptable risks, a further remediation strategy/ plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved.

If Phase II identifies the need for remediation, a remediation strategy/plan will be submitted to and approved in writing by the Local Planning Authority prior to development works. The report shall be prepared by a suitably qualified person and the works shall thereafter be carried out in accordance with the remediation strategy/plan. No development works (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason -

In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

### 13. AA01 (Non standard Condition)

Prior to commencement of the development hereby approved, plans and particulars showing the layout, together with details of levels, sections, drainage, and lighting of the site access road, raised footways and car parking areas, shall be submitted to, and approved in writing by the Local Planning Authority, to ensure the approved access road and car parking areas are built to an adoptable standard. The development shall subsequently be implemented in accordance with the agreed details.

Reason -

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

14. AA01 (Non standard Condition)

Prior to occupation of the development hereby approved and the erection of any fences within the development, details of a scheme for biodiversity enhancements which shall include but not be limited to Bat and Bird boxes, bee bricks, hedgehog doors and highways, shall be submitted to and agreed in writing by the Local Planning Authority, thereafter implemented in full and retained thereafter.

Reason -

In order to enhance biodiversity on site and in accordance with Policy PP33 of the Poole Local Plan 2018.

15. AA01 (Non standard Condition)

Prior to the commencement of development a revised drainage strategy should be submitted to the Local Planning Authority for approval in writing.

This should include

Details of the finished floor level of the dwellings hereby approved, which shall be no lower than 150mm above the adjacent ground level

Details of a viable discharge point

On-site ground investigation or infiltration testing, the results of which should be taken into account within the final drainage strategy

Maintenance responsibility of drainage features on site

Upon approval the development shall thereafter be implemented in accordance with the agreed details and retained as such thereafter.

Reason -

To minimise future flood risk on site from surface water and rainfall and in accordance with Policy PP38 of the Poole Local Plan 2018.

## **Informative Notes**

1. IN72 (Working with applicants: Approval)

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
- the application was considered and approved without delay

## 2. IN74 (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. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.106 agreement and have been received.

## 4. IN84 (AA passed)

This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.

## 5. IN43 (Section 106 Agreement)

The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

6. IN12 (Kerb Crossing to be Raised)

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.

7. IN13 (Kerb Crossing to be Lowered)

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.bcpCouncil.gov.uk/Roads-and-transport/Dropped-kerbs/Apply-for-a-dropped-kerb.aspx>

Provision of the approved access arrangement will require that a telegraph pole will need to be relocated and the applicant is therefore advised to contact the telecommunication services company responsible for the telegraph pole, for further guidance on this matter. All works associated with the footway works, including relocation of the telegraph pole, will be at the applicants expense.

Case File ref: APP/24/00394/P

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

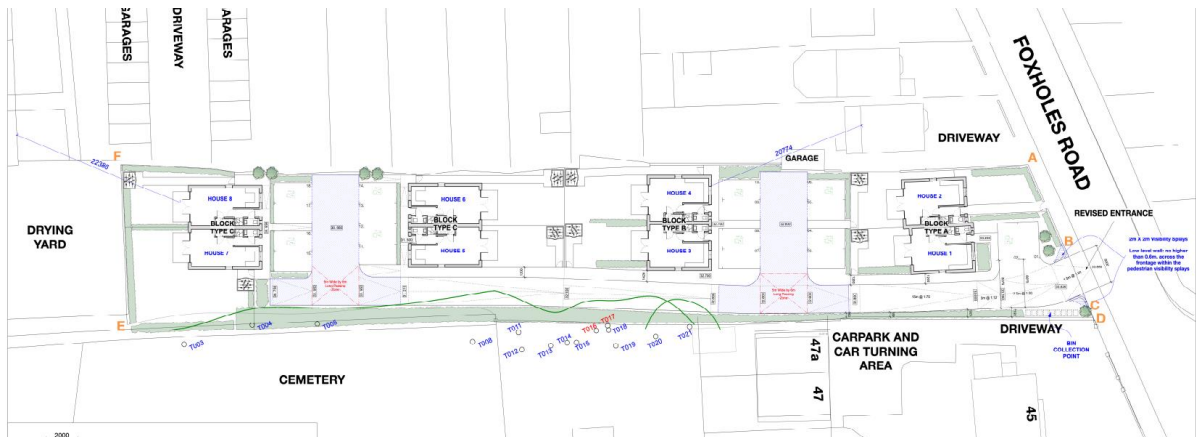
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case Officer Report Completed  
Officer: Claire Moir  
Date: 20/09/2024

Agreed by:  
Date:  
Comment:







Houses 1 & 2



Houses 3 & 4



House 3 & 4 - South-East Elevation



House 3 & 4 - North-West Elevation



House 3 & 4 - North-East Elevation  
Scale 1:500



House 3 & 4 - South-West Elevation  
Scale 1:500

## Houses 5 & 6



House 5 & 6 - North-West Elevation  
Scale 1:500



House 5 & 6 - South-East Elevation



House 5 & 6 - North-East Elevation  
Scale 1:500

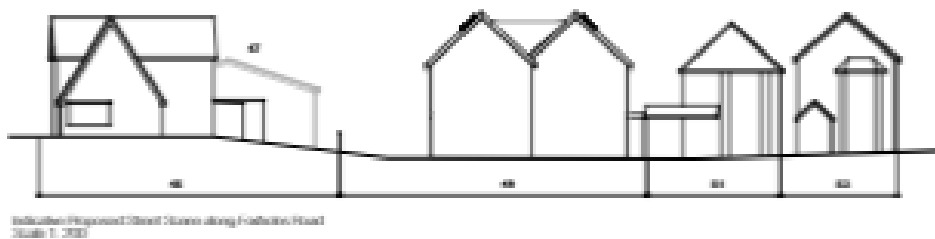
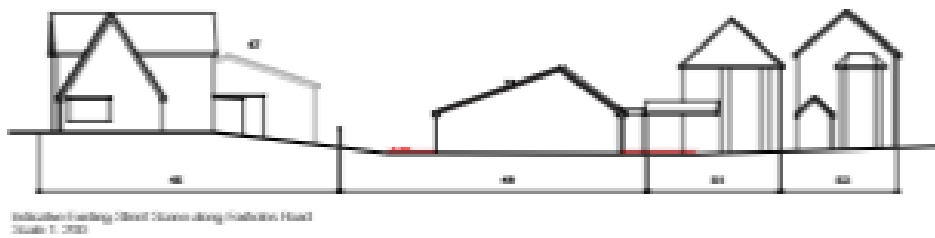


House 5 & 6 - South-West Elevation

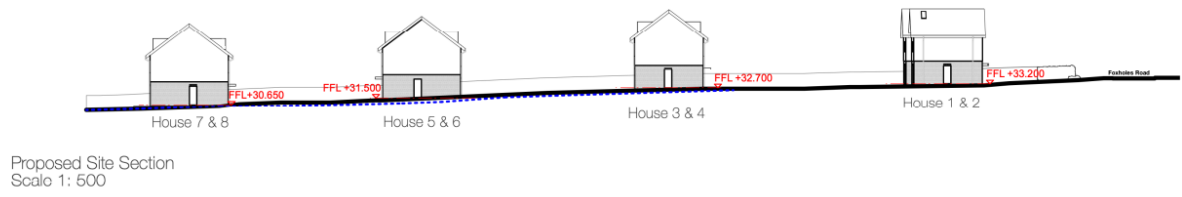
## Houses 7 & 8



## Foxholes Road Streetscene



## Section Through site





# Planning Committee

Application Address	Land South of A35 Upton Road, Creekmoor, Poole, BH17 7AG
Proposal	Change of use for a new temporary indoor padel centre building for 3 years with ancillary changing café/bar and associated car parking.
Application Number	APP/24/00641/F
Applicant	Cross Court Padel Limited
Agent	Pure Town Planning
Ward and Ward Member(s)	Creekmoor  Cllr Judes Butt Cllr Paul Slade
Report Status	Public
Meeting Date	10/10/2024
<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	Major development and on council owned land
Case Officer	Babatunde Aregbesola
Is the proposal EIA Development?	No

## 1. Description of Proposal

- Planning consent is sought for a temporary change of use of the land and erect a new temporary large indoor sport arena incorporating padel courts with ancillary changing rooms, café/bar/reception area for period for 3 years.
- The proposal is for the erection of a temporary building on the site which would form a dedicated indoor padel centre with associated operational development. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level with new car/cycle parking spaces. The temporary building would have an area of around 2080 sqm. It would have a simple rectangular footprint with a double pitched roof form. It would be an easily demountable structure without foundations. The building will consist of rigid ISO panel wall cladding which is heat insulating and low maintenance. The panels are made of two steel outer shells and a polyurethane foam core. Temporary consent is sought for a period of three years.
- The proposed temporary building is described as demountable structure without foundations and will be placed on existing tarmac area currently used as Park & Ride. The proposed development includes the installation of changing rooms with showers/wcs and a café/bar. The proposal would then utilize

remaining existing parking spaces by putting down markings for 32 car parking spaces to serve the new temporary indoor padel centre building.

5. In addition, an air-conditioning plant unit is proposed as part of the development. The submitted site plan indicates the air-conditioning unit will be located towards the south side of the building. However, there are no details of the air-conditioning unit submitted at this stage.
6. The current lawful use site is for car parking known as Creekmoor Park & Ride which is currently vacant and unused. There is a future plan to use the site for a Park and Ride operation to Poole town centre, as part of a package of measures to reduce traffic on the local road network.

7. **Description of Site and Surroundings**

8. The application site known as Creekmoor Park and Ride facility was originally built around 2003 but has seen very limited use for that purpose. It has been used for various other temporary uses over the years including a temporary fire station 2007-8 and was last used as a regional COVID-19 testing facility 2020-2022. The site has been vacant and unused since the testing facility closed in April 2022.
9. The application site is located on a narrow triangle of land between Upton Road and A350 Upton Bypass. The Creekmoor Park and Ride site comprises two adjacent large areas of tarmac hardstanding with access roads.
10. The hardstanding areas are laid out with parking spaces and punctuated by small rectangles of soft landscaping. The application site is located on towards the northwestern end of the park and ride site. To the south-east and north-east of the site are matured trees and hedging.
11. To the east is the remaining tarmac parking area of the Park and Ride site. To the south beyond a hedge is the dual carriageway A35/A350 with a field and the shore of Holes Bay beyond. To the west of the application site is a mini roundabout on Upton Road which forms one of the two entrances to the park and ride site. Beyond this the Upton Road runs alongside the dual carriageway up to the Upton Gateway Roundabout junction.

12. **Relevant Planning History:**

13. 98/34305/000/P: Outline application to form Park and Ride Site. Approved.
14. 01/34305/001/W: Option A - Reserved matters application to construct car park for Park & Ride Scheme - Phase I (West of Copse) 535 spaces with vehicle access from Upton Road/Creekmoor Lane roundabout and bus access via signal crossing on the Upton Bypass, bus shelter and small security building. (amended by plans received 15/11/01, 3/1/02 & 10/1/02 with letter dated 10/1/02). W4/10.1.02
15. APP/24/00642/A: Advertisement application for 2 large banner signs on front and rear and 3 smaller signs on the 3 sides of the entrance canopy. - currently under assessment

16. **Constraints**

17. The site is allocated as a Park and Ride facility within Policy PP36 of the Poole Local Plan.

18. **Public Sector Equalities Duty**

19. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
20. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
21. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
22. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **23. Other relevant duties**

24. 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.
25. 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”.
26. 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.
27. 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.

### **28. Consultations**

29. BCP Highway Authority: No objection following the receipt of amended plans and changes to the proposal description to include temporary use for 3 years.
30. Natural England: No objection.
31. BCP Environmental Health (noise): No objection but recommended conditions.
32. BCP Environmental Health (land contamination): No objection but recommended conditions.

### **33. Representations**

34. Site notice was posted outside the site on 23 August 2024 with an expiry date for consultation of 17 August 2024. 72 representations were received in support of the proposal on the following grounds
  - 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;
  - The proposed development would promote health and well-being;
  - Improvement of the mental and physical health of people in the community;
  - Great asset for the community;

35. No letter of objection was received against the proposal.

**36. Key Issue(s)**

37. The key issues involved with this proposal are:

- Principle of the proposed works
- Impact on character and appearance of the conservation area;
- Impact on residential amenity;
- Highway Impacts
- Sustainability considerations
- Impact on biodiversity and trees
- Flood risk and drainage considerations

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

**39. Policy context**

40. Local documents:

**41. Poole Local Plan (Adopted 2018)**

PP1 Presumption in favour of sustainable development  
PP2 Amount and Broad Location of Development  
PP26: Sports, recreation and community facilities  
PP27 Design  
PP33 Biodiversity and Geodiversity  
PP34 Transport strategy  
PP35 A Safe, Connected and Accessible Transport Network  
PP36: Safeguarding strategic transport schemes  
PP37 Building Sustainable Homes and Businesses  
PP39 Delivering Poole's Infrastructure

**42. Emerging Local Plan**

Strategic Policy S3: Healthy communities  
Policy S4: Health and wellbeing  
Policy C2: Sustainable construction and low carbon energy  
Strategic Policy BE1: Design and high quality places  
Policy BE3: Living conditions  
Policy E2: Employment supply  
Policy E12: Community, sports and leisure facilities  
Strategic Policy T1: Transport strategy  
Policy T4: Transport Infrastructure

**43. Supplementary Planning Documents:**

BCP Parking Standards SPD (adopted January 2021)

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

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

- a. Chapter 2 – Achieving sustainable development
- b. Chapter 8 – Promoting healthy and safe communities
- c. Chapter 12 – Achieving well designed places
- d. Chapter 15 - Conserving and enhancing natural environment

**46. Planning Assessment**



47. Principle of development

48. On 30 July 2024, the Government launched a consultation, which is still ongoing, on proposed reforms to the Framework and other changes to the planning system. Given the high level of uncertainty that future revisions of the Framework will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.
49. The Local Authority as part of Bournemouth Christchurch and Poole Council submitted the draft BCP Local Plan to the Secretary of State on 27 June 2024 for examination. The examination is expected to take around 12 months. If approved by the Inspectors, the BCP Local Plan will replace the current Local Plans around mid-2025. Given the high level of uncertainty that future revisions of the draft BCP Local Plan will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.
50. PP36 of Poole Local Plan (2018) states that development should not prejudice the opportunity to deliver strategically important transport schemes. Creekmoor is one of the safeguarded sites for strategic transport infrastructure.
51. In the emerging Draft BCP Local Plan, Policy T4, relating to Transport Infrastructure states “3. Buses: “The bus network must be enhanced and expanded to support greater use by: safeguarding existing park and ride sites”. In ‘Part 2 – Ward Policies – Creekmoor’, the draft policy states “the Creekmoor Park and Ride site will be safeguarded to enable the future provision of park and ride services from this location into the rest of the conurbation”.
52. The Council has recently undertaken a public consultation on Strategic Transport Priorities for the BCP Council area. The current Creekmoor P&R site is cited in scheme B3 which outlines the use of the Creekmoor site for a Park and Ride operation to Poole town centre, as part of a package of measures to reduce traffic on the local road network. The Council is looking to develop a Sustainable Travel Masterplan for the conurbation. There have also been discussions between the Council and the local bus operator as part of the Enhanced Bus Partnership in relation to using the site as a potential electric charging hub for buses and potentially other commercial vehicles on that site.
53. The new Local Plan is likely to be adopted in 2025, so if a transport scheme were to progress on the site as a result of the Local Plan adoption, then allowing for obtaining funding, formal approval and final design of any scheme then 2027 would be the likely earliest time for introduction of that scheme on the site.
54. Therefore, the application seeks a 3-year temporary consent. Such timescale is unlikely to prejudice the realistic timescale of the introduction of a strategic transport scheme on the site, as advised by the BCP Highways Authority. The renewal or extension of this permission can be considered before that 3-year date expiry date and at that time, subject to further consideration of any strategic transport proposals for the site.
55. Therefore, Highway Authority would not object to a 3-year planning permission from date of approval. Subject to this restriction, the proposal would safeguard the site for strategic transport scheme uses in accordance with Policy PP36 of the Poole Local Plan.
56. Policy PP26 of Poole Local Plan (2018) states that ‘The Council supports proposals for new sports, recreation and community facilities or the enhancement/expansion of existing facilities if they are located in areas that are easily accessible by the local community through public transport and/or safe and convenient walking and cycling routes.
57. The proposal is for the stationing of a temporary building on the site which would form a dedicated indoor padel centre. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level. The temporary building would

have an area of around 2080 sqm. It would have a simple rectangular footprint with a double pitched roof form. It would be an easily demountable structure without foundations.

58. Existing tarmac areas to the west and north of the temporary building would be used for parking for the facility with 32 parking spaces to be provided from existing facilities. Space for 20 cycles is to be provided adjacent to the building entrance. Access to the site will be from Upton Road at the adjacent mini roundabout.
59. The Council supports proposals to provide and improve community facilities and services which help to create vibrant, sustainable neighbourhoods. The proposal, therefore, would support the aims of the council to promote sport facilities within the local area.
60. In the emerging Draft BCP Local Plan, Policy E12 (b), relating to Community, sports and leisure facilities states that: "Proposals for other sport, leisure and community facilities will be supported in town, district and local centres. Where it can be demonstrated that a lack of suitable sites within these areas, the applicant must demonstrate the proposed location is sustainable and can be easily accessed by walking, cycling and public transport. Consideration should be given to the shared use, or re-use, of existing buildings and sites".
61. The location of the application site is considered suitable for the intended use because the proposed location is sustainable and can be easily accessed by walking, cycling and public transport.
62. It is acknowledged that the emerging Draft BCP Local Plan, Policy E12 (b) can be given very limited weight at this stage.
63. As such, the proposal would accord with the adopted Policies PP26 and PP36 of the Poole Local Plan and advice within section 8 of the NPPF. Therefore, the proposed development is acceptable in principle subject to compliance with policies in the remainder of the Development Plan.
64. Impact on character and appearance area
65. 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.
66. The locality may be described as an urban fringe location comprising a mix of built-up areas, woodland and other open greenspace and dominant transport infrastructure.
67. The proposal is for the stationing of a temporary building on the site, which would form a dedicated indoor padel centre. The building would house seven indoor padel courts as well as ancillary changing rooms, reception, shop and a small café/bar on a mezzanine level. The proposed structures would be modest in height and with shallow pitch roofs and as such would be no higher than the nearest built development - the houses on the northern side of Upton Road.
68. The application site is generally well screened from the surrounding areas with vegetation. The proposed structures would be modest in height and with shallow pitch roofs and, as such, they would integrate well within their context. Whilst the proposed works would be partially visible from the street scene, it is not considered that they would cause significant harm to the character and appearance of the area. There would be a lot of space around the proposed building and thus it is not considered that it would appear cramped within its setting. In addition, the proposed development is only seeking temporary use of the site, after which the land would be returned to its original form with no permanent harm caused to the character of the area.
69. The use of green walls within the external façade, as well as a green coloured roof material, would help soften the building and help integrate it into the surrounding soft landscaped features. It is

considered that the design of the proposal is appropriate to the surroundings and would not have any harmful impact on the character and appearance of the locality.

70. 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 Policy PP27 of Poole Local Plan, as well as relevant paragraph 135 of the NPPF.

71. Impact on residential amenity

72. Policy PP27 (c) outlines that is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.

73. The application site is somewhat isolated from sensitive receptors, such as residential dwellings and immediate commercial premises. The nearest dwellings are located opposite the site with some distance away (approximately 250m) from the application site, in a way that no harm is expected to be inflicted upon the nearby residential properties.

74. The potential for noise generation comes from the use of the air condition plant located towards the south of the proposed building, away from any sensitive receptor. In addition, noise is likely to come from 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. However, given the separation distance the proposal is not likely to give rise to harmful impact in terms of noise to the nearby sensitive receptors.

75. Having been consulted on the matter, the Environmental Health Officer raised no objection to the proposed scheme in terms of the generated noise impact, but recommended conditions to control the noise level of the proposed plant and equipment, as well as from the proposed building, to ensure the amenity of the residents is preserved. These conditions are secured accordingly.

76. The proposed development with padel courts is a social space adjacent to the highway and industrial units, this would not present any negative impacts on either the current use, occupiers of neighbouring dwellings or neighbouring commercial premises. As such, the development is in accordance with Policy PP27 of the Poole Local Plan.

77. Highway Impacts

78. Policy PP34 encourages new development to be located within the most accessible locations, which are capable of meeting a range of local needs and will help to reduce the need to travel, reduce emissions and benefit air quality, principally in the town centre, district and local centres, employment areas and along sustainable transport corridors.

79. Policy PP35 encourages new development to maximise the use of sustainable forms of travel; provide safe access to the highway; accord with the Parking & Highway Layout in New Development SPD.

80. The site is currently unused and for that reason, there is no conflict between the use of parking spaces between visitors of the proposed padel courts and the Park & Ride facility.

81. The proposal would utilize the existing access into the site. Having been consulted, The BCP Highway Authority advised that vehicle traffic generation by the proposed use would not have a significant impact on the highway network and the vehicle access layout off the main road is satisfactory for the intended use.

82. A detailed car park layout plan has been submitted. A total of 32 parking bays are proposed made up of 27 general car parking bays, with 3 of these being labelled as disabled appropriate and 5 separate staff car parking bays. 3 disabled bays comply with the amount required by the SPD. The internal floor area is detailed on the planning application forms as 2191 sqm.
83. The Parking Standards SPD outlines a requirement of 2 car parking spaces per 100sqm for Class E Indoor sports hall type uses in this location and this would equate to 44 car parking spaces. However, the roads around the site have parking restrictions to prevent overspill vehicle parking and the internal layout of a padel sport centre limits each court to having a limited number of users at any one time, unlike a standard indoor sports hall which could have larger team sports with a larger number of participants and spectator crowd at any one time.
84. Whilst the proposed parking provision falls short of what is expected by the Parking Standards SPD, the BCP Highway Authority considers that appropriate level of parking would be provided for the use of the padel centre, taking into consideration the number of courts being proposed. As a result, the Highway Authority consider that 32 car parking spaces would be an acceptable amount of parking if the uses on the site are limited to that applied for, which is secured by condition.
85. Under the Council's Parking Standards SPD 30% of the car parking bays (11 bays) would need to have active electric charge points with the remaining having Passive charge point provision/infrastructure installed. These EVC details are secured via planning condition.
86. The proposal is expected to provide bicycle parking at a ratio of 2.5 per 100sqm (for Class E), which equates to 55 bicycle parking spaces to encourage sustainable travel to the site especially from local based users. Cycle parking details for a minimum of 55 bicycles is therefore secured via condition.
87. In terms of pedestrian access, there is currently no footway on the application side of Upton Road to assist pedestrians to safely reach the site if they cross Upton Road at the adjacent pedestrian island point. The proposal would increase pedestrian crossing movements of Upton Road especially from users who live locally. The proposal needs to encourage sustainable modes of transport and provide safe access for pedestrians. Therefore, before the use commences on site the proposal needs to provide a new hard paved to adoptable standard footway link from the pedestrian island crossing point into the car park. The footway should be a minimum of 2m in width and include tactile paving at the Upton Road crossing point location. Full details of the pedestrian access improvements are therefore secured by planning and conditions, as requested by the Highways Authority.
88. Overall, given the temporary nature of use of the proposed development, and taking account to the above-mentioned conditions, the proposed development would be in line with the provisions of the Policies PP34, PP35 and PP36 of the Poole Local Plan.
89. Sustainability considerations
90. Policy PP37 of the Poole Local Plan identifies that proposals for new residential and commercial development must contribute to tackling climate change and they would be required to meet the latest Building Regulations, therefore achieving a high level of energy efficiency and sustainability. Furthermore, in line with the provisions of Policy PP37, proposals for commercial development would also be required to meet a 'very good' BREEAM rating.
91. Given the temporary nature of the proposed development, it is not considered to be financially feasible to include the on-site renewable technologies on site, and such a requirement would be overly onerous in proportion to the scale of the proposed scheme.
92. Similarly, for the same reasons, it is considered that the proposal would not be likely to meet the policy required BREEAM rating.

93. Whilst this situation would result in the proposed scheme being contrary to Policy PP37, the obvious benefits of delivering a sport facility in this location would outweigh the lack of renewables offered by the proposed scheme.

94. Impact on biodiversity and trees

95. Policy PP33 of Poole Local Plan encourages new development to conserve and preserve biodiversity interest. In accordance with the requirements of Policy PP33 of the Poole Local Plan new development should seek to incorporate ecologically sensitive design features to secure a net gain in biodiversity on site.

96. The proposed scheme does not offer any biodiversity enhancement, nor does it result in the loss of any high value or high volume of biodiversity in the area. The application site relates to an existing hardstanding area and the development would not result to removal of trees or hedgerows. As such, there are no protected species within the application site and there is no harm likely to occur to any protected species in this instance.

97. Having regard to the temporary nature of the proposal and its location and the state of the site, it is considered that the provision of biodiversity enhancement on site would not be practical and proportionate to the proposed scheme. The obvious benefits of delivering a sports facility in this location would outweigh the lack of biodiversity enhancement required by Policy PP33 of the Poole Local Plan.

98. In terms of Biodiversity Net Gain, the proposed development would be exempt from BNG on the basis that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. Therefore, no further action is required in terms of BNG as it relates to the application site.

99. There are trees and hedging along the south and east boundary to the application site. However, the proposed development would be set some distance away from the trees and hedging in a manner that no harm is expected to occur to the trees and hedging as a result of the development proposed. Notwithstanding this, a condition is secured to provide protective fencing around the perimeter of the site, to ensure the existing hedges and trees are protected from the development.

100. Therefore, the development proposed is considered not been detrimental to the trees and hedging and would accord with Policy PP27 in this regard.

101. Flood risk and drainage considerations

102. The application site is located within Flood Zone 1, and it is not considered to be at increased risk of surface water flooding. There are no concerns about the impact of the proposed scheme on existing drainage and water infrastructure in the vicinity of the site as there is expectation that the proposed development could be accommodated in a manner that would not lead to any issues with drainage or surface water flooding.

103. In terms of the land contamination, the proposed development site is within 30m of an area of potentially infilled ground gases. Furthermore, LPA records indicate the presence of former fuel tanks at the former Creekmoor Service Station, 36 Upton Road. In addition, there have been several site investigations within 250m of the proposed development, indicating the presence of elevated concentrations of ground gases.

104. The Council's Environmental Health Officer advised that as the proposed development includes the installation of changing rooms with showers/toilets and also a café/bar, the development would include the installation of services which could create potential pathways for the migration

of contaminants and ground gases. Although the application advises that this is a temporary building (3 years), no details of the proposed drainage have been submitted at this stage. Consequently, it is considered there is the potential for contamination to exist which could affect future users of the proposed development site.

105. The Environmental Health Officer therefore advised that drainage details should be submitted prior to commencement of the development to ensure the site and adjacent land is protected accordingly. This condition has been secured.

106. **Planning Balance**

107. 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 provide economic benefits during construction and promote healthy living among residents within the district 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. It would have acceptable impacts on neighbouring living conditions. Conditions can be secured to address other aspects of development, making it policy compliant.

108. Having recognised the collective benefits of the proposed scheme and considering the non-compliance with the provisions of Policies PP33 and PP37 of the Poole Local Plan, 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.

109. **Recommendation**

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

**Conditions**

1. This permission is limited to the period of 3 years starting from the date of this Decision Notice. Upon the expiry of this period of time, the temporary building hereby permitted, shall cease to operate. Within a month of the expiry of this permission, the building, along with all associated services (cycle stores, plant equipment, EV charging points and any other paraphernalia associated with its operation), shall be removed from the land and the land shall be restored to its previous state.

The Local Planning Authority shall be advised in writing when the reinstatement of the site has been completed so that it can be checked on site.

Reason – In order to preserve the land allocation of the site, in accordance with the provisions of Policy PP36 of the Poole Local Plan (November 2018). 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:

Proposed Elevations, Floor Plans & Location received on 07 Jun 2024

Roof Plan received on 07 Jun 2024

Site Location Plan received on 07 Jun 2024

Amended Car Parking Plan received on 24 Sep 2024

Site plan with air conditioning plant location received on 24 Sep 2024

Acoustic Report – Noise Impact Assessment received on 24 Sep 2024

DE Minimis Exemption Statement received on 02 Sep 2024

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

3. Prior to commencement of the development hereby approved, the details of a minimum 2m wide footway link linking the site to the existing Upton Road central island pedestrian crossing point shall be submitted to the LPA for written approval. Those details shall include details of construction, drainage and surfacing of the footway which shall be built to Local Highway Authority adoptable standards. The approved works shall be fully implemented prior to the approved use commencing.

Reason: To ensure safe access to the site in accordance with Local Plan Policy PP35.

4. Details of bicycle parking to accommodate a minimum of 55 bicycles shall be submitted to the Local Planning Authority for written approval prior to the first operational use of the development hereby permitted. The details shall accord with the Council's Parking Standards SPD. The approved details shall be implemented prior to the approved use commencing and shall remain available for bicycle parking use until the expiry of the planning consent, as stated by Condition 1.

Reason: To encourage sustainable travel and to ensure appropriate amounts of bicycle parking are available in accordance with Local Plan Policy PP35).

5. At all times the use of the building shall be restricted to indoor sport, recreation, or fitness centre under use class E(d) and the ancillary use areas as detailed on the approved plans (Proposed Elevations, Floor Plans & Location, Site Location Plan, Roof Plan and amended Car Parking Plan).

Reason: To ensure appropriate amounts of vehicle parking are available for uses on the site in accordance with Local Plan Policy PP35).

6. The development hereby permitted including the café, padel courts hereby approved shall only be used between the hours of 07:00 – 22.00 Monday to Friday. 07.00 – 21.00 Saturday and 08.00 – 21.00 Sunday and Bank Holidays.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy PP27 of Poole Local Plan (2018).

7. Within 3 months of the commencement of the development details of the provision of 11 active Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval 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 first use of the development hereby permitted. 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.

8. The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be always retained and kept available for those purposes.

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

9. No part of the development hereby permitted shall be commenced unless the following paragraphs (i) to (iii) (inclusive) have first all fully been complied with:

### **Preliminary Contamination Risk Assessment (Phase I)**

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

### **Site Investigation**

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

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

c) A Phase II report will be submitted and approved in writing by the Planning Authority prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include :

i. A detailed site investigation comprising an assessment of soil, groundwater and ground gases / vapours to establish the extent, scale and nature of contamination on the Site (irrespective of whether this contamination originates on the Site).

ii. An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end-users and construction workers), the built environment, controlled waters and sensitive ecology. iii. If the risk assessment identifies any unacceptable risks, a further remediation strategy / plan will be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

### **Remediation Scheme**

a) Remediation will be required if the Phase II establishes the presence of a significant pollutant linkage. If required, a remediation strategy / plan will be submitted to and approved in writing by the Planning Authority prior to development works. The report shall be prepared by a suitably qualified and competent person and the works thereafter will be carried out in full accordance with the remediation strategy / plan. No development works (other than investigative works) shall commence on-Site until such a time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Planning Authority.

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

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

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy PP27 of Poole Local Plan (November 2018).

## **10. Reporting of Unexpected Contamination**



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

b) Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved

11. At no time shall the level of noise emitted from any part of the application site to which this development relates including the building hereby permitted shall exceed:  
Between (07.00 – 22.00) Monday – Friday and (07.00 – 21.00) Saturday – Sunday (including bank holidays) 5 dB(A) as determined by BS4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound. at any other time 5 dB(A) as determined by BS4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound, in both cases when measured from any boundary of the application site.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy PP27 of Poole Local Plan (November 2018).

12. Protective fencing, conforming to specifications in BS5837:2012 “Trees in Relation to Construction”, shall be erected around the retained hedges and trees within the parameter of the site, before any equipment, machinery or materials are brought on to the site and before any ground clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason - To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

13. Prior to the commencement of development, a scheme for the provision of drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be implemented in accordance with the approved scheme prior to the first use of the development hereby permitted.

Reason - To ensure the provision of a satisfactory means of surface water disposal and to avoid potential land contamination and in accordance with PP38 of the Poole Local Plan (November 2018).

**14. Informative:**

Works in connection with construction and design of the new footway required by planning condition attached to this proposal shall be subject to a S278 Highways Agreement.

**Statement required by National Planning Policy Framework (APPROVALS)**

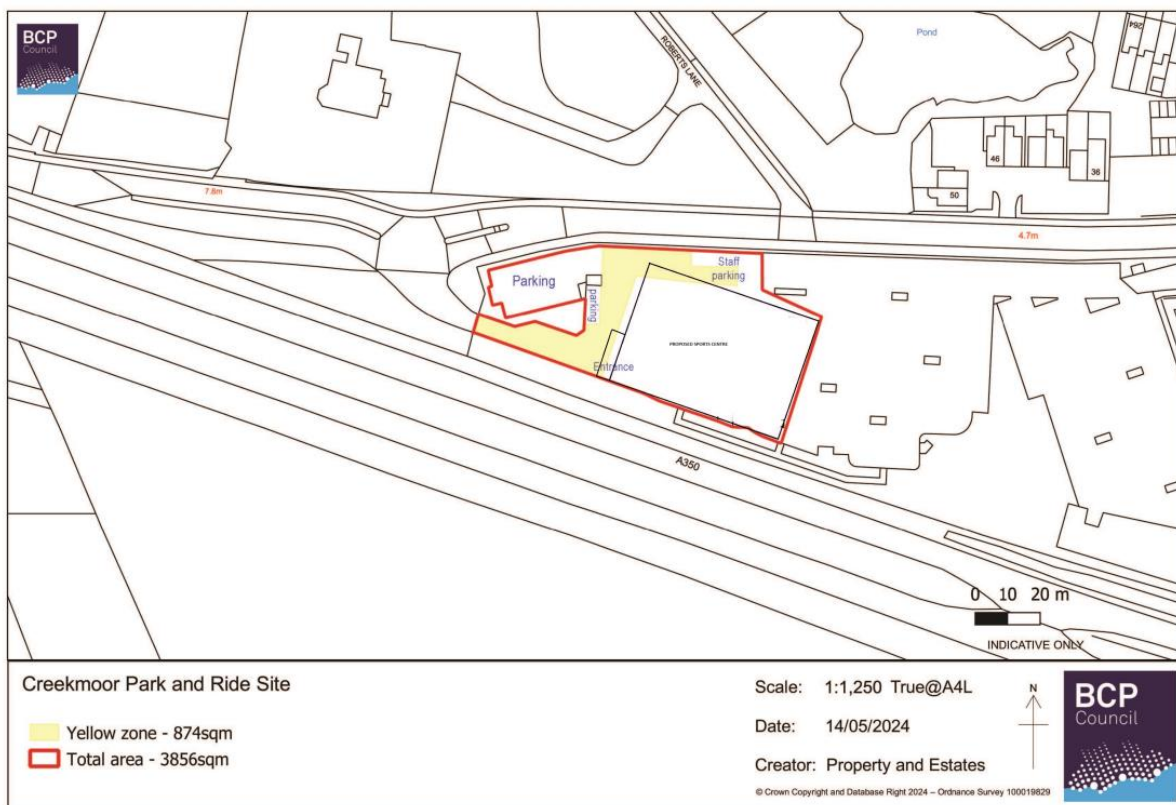
In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, 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 matter relating to BNG. Revised plans were provided to address concerns raised by the Highway Authority Officer. The application scheme satisfied planning policy and other material considerations and was progressed to a recommendation of approval.

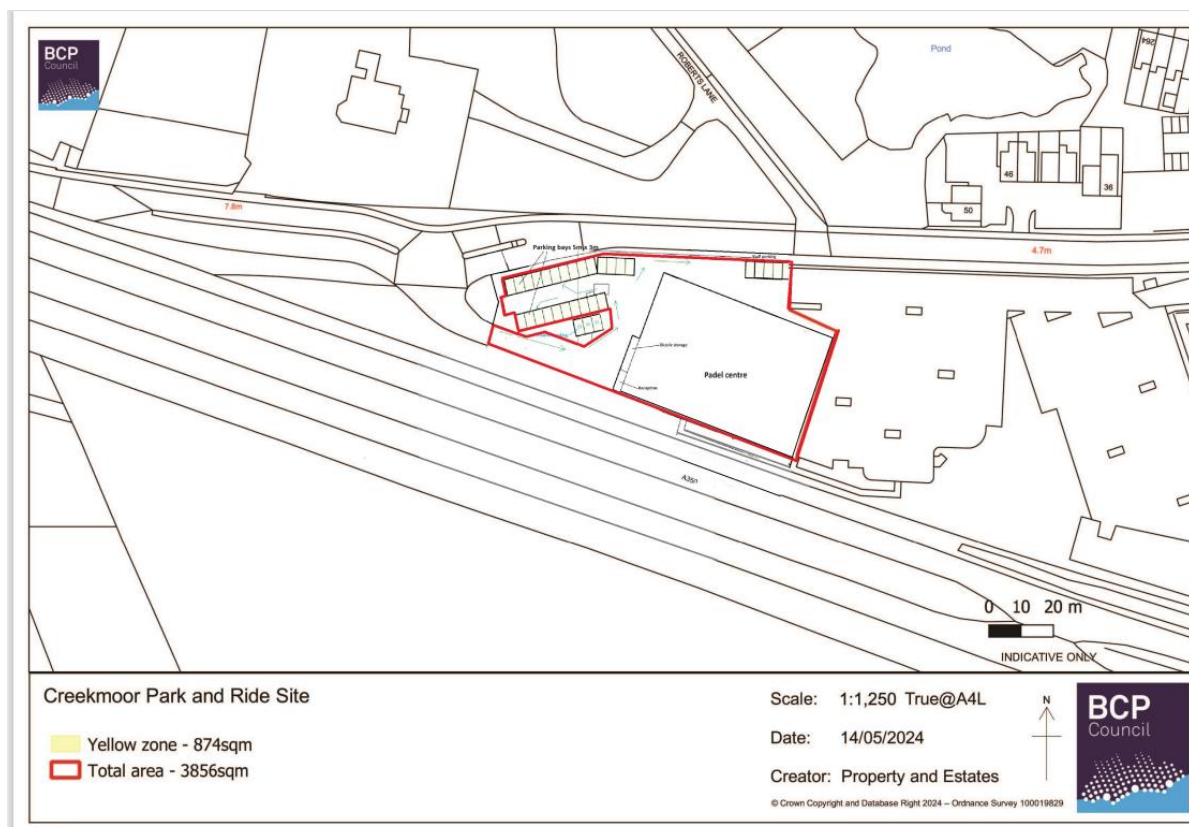
### **Background Documents:**

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.

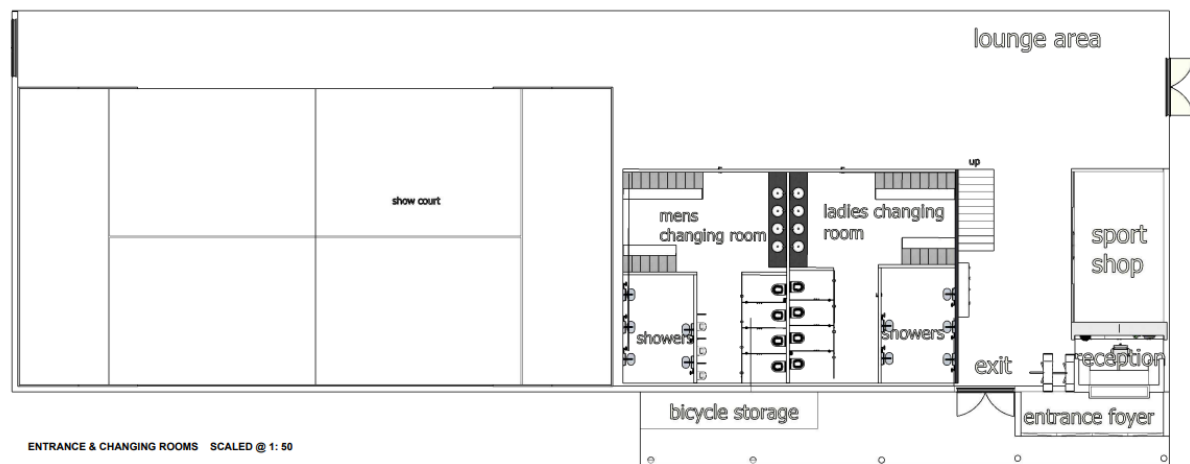
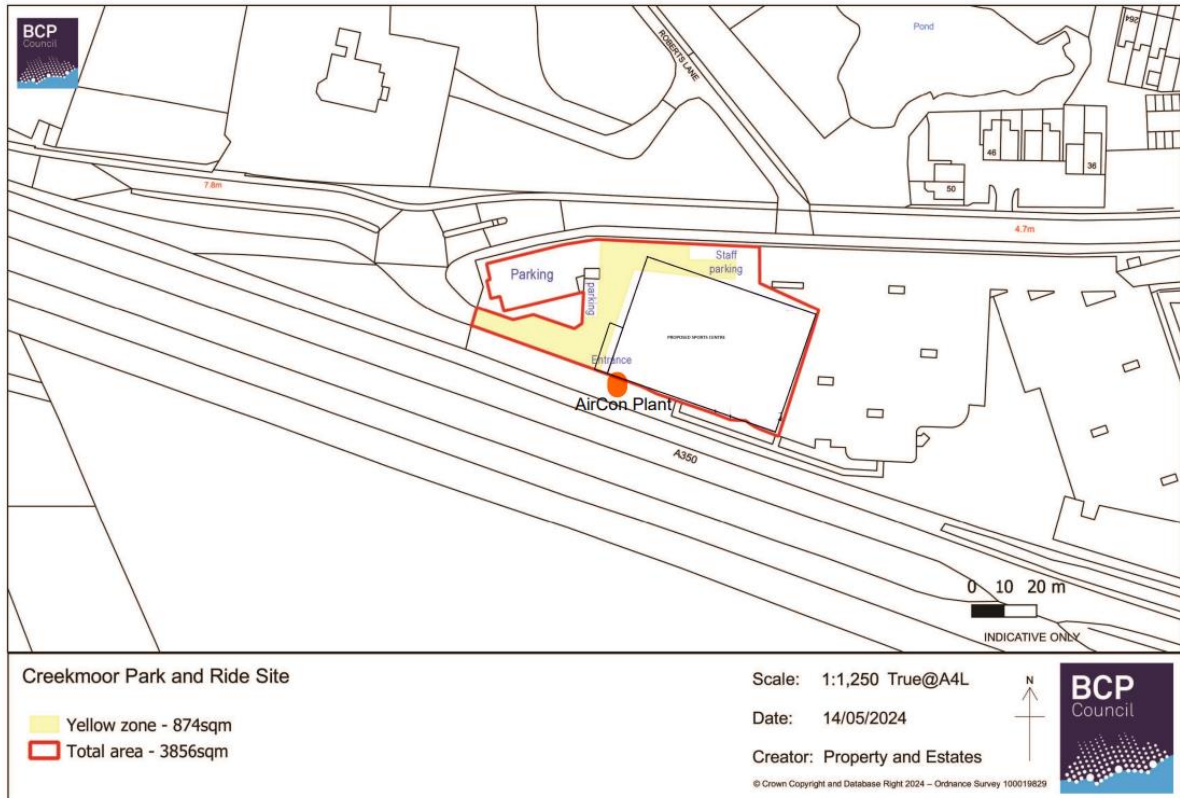
Case Officer Report Completed  
Officer: Babatunde Aregbesola  
Date: 24/09/2024

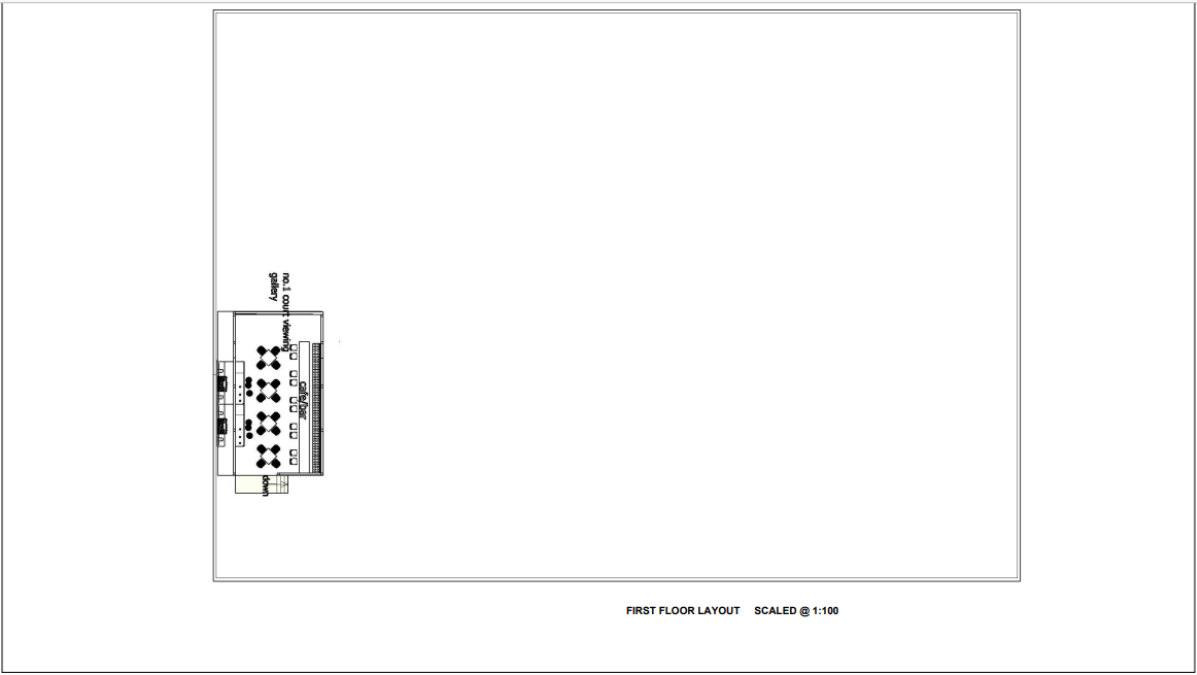


KPI 4673

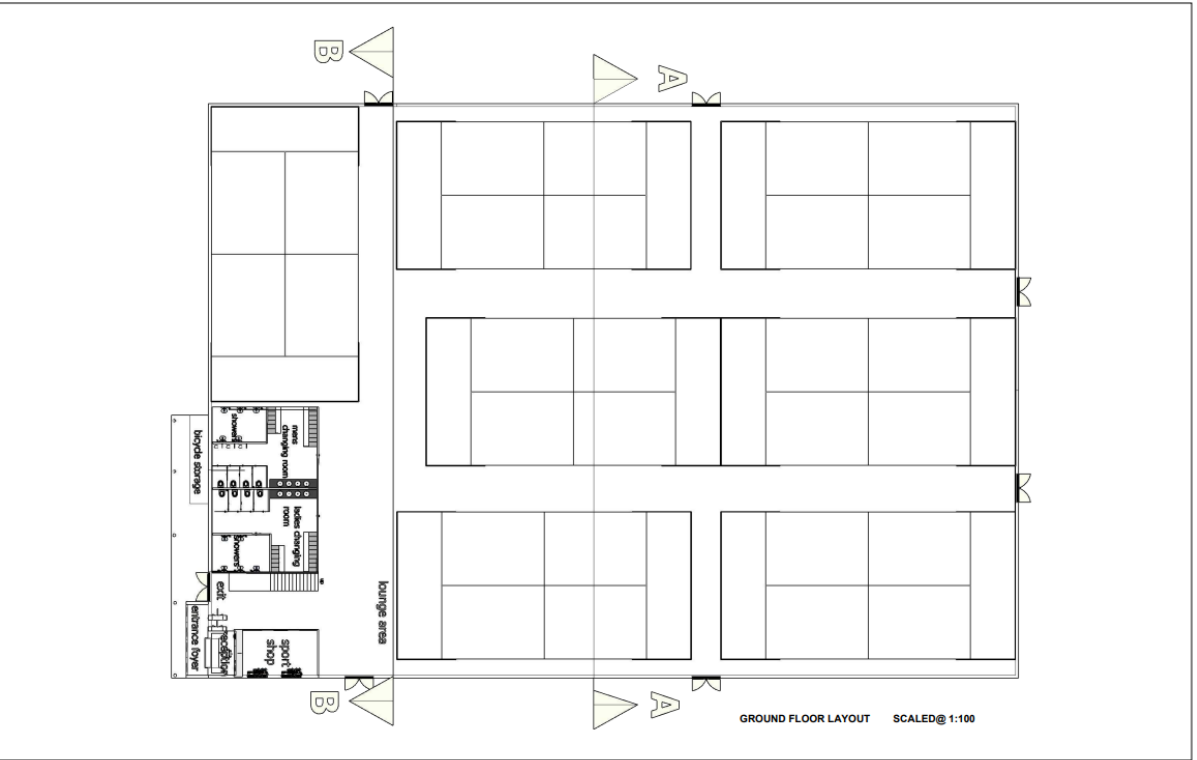


KPI 4673





<p>AJC Architectural Services</p>	<p>Blueprint Winall Valley Rd Winchester SO21 8LD Wickham Cottage Horton BH21 7BE e-mail: ajg.andrews@ajc.com m: 07864861542 t: 0800 4489191</p>	<p>Cross Court Padel Ltd Upton Rd Poole BH17 7AG Temporary Indoor Sports Facility</p>	<p>Planning Application 3 of 6</p>	<p>03 A</p>
---------------------------------------	--	---	------------------------------------	-----------------



<p>AJC</p>	<p>Blueprint Winall Valley Rd Winchester SO21 8LD</p>	<p>Cross Court Padel Ltd Upton Rd</p>	<p>Planning Application 4 of 6</p>	<p>04 A</p>
------------	---	---	------------------------------------	-----------------



<b>AJC</b> Architectural Services	Bluepoint Winstall Valley Rd Winchester SO23 9LD Wickham Cottage Horton BH21 7JE e-mail: ajc.andrew@ajc.com m: 07840401842 t: 0800 6880191	Cross Court Padel Ltd Upton Rd Poole BH17 7AG Temporary Indoor Sports Facility	Planning Application	5 of 6

A 05

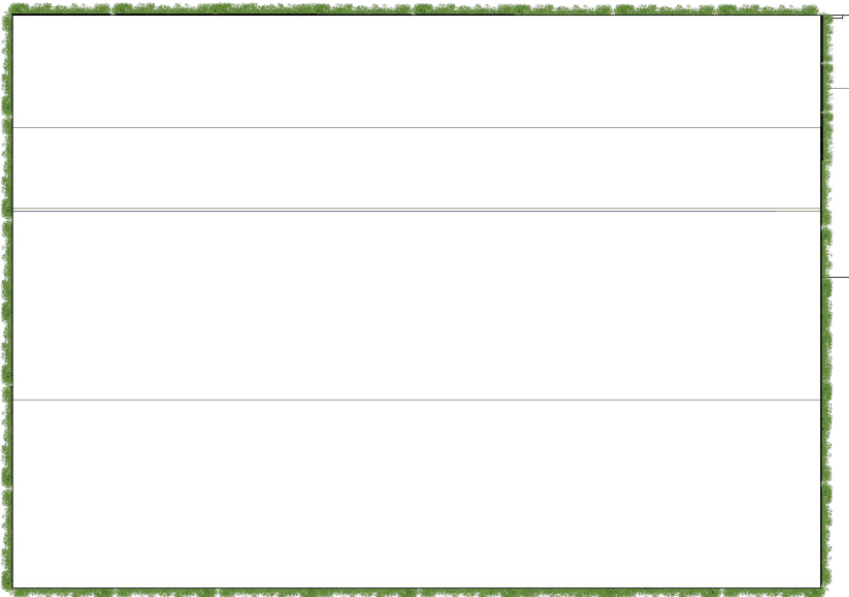




Street Scene



Internal View



ROOF PLAN SCALED @ 1:100

AJC  
Architectural Services

Basepoint Winall Valley Rd Winchester SO23 0LD  
Wickham Cottage Horton BH21 7JE  
e-mail: [ajc.architects@ajc.com](mailto:ajc.architects@ajc.com)  
m: 07760461342  
t: 01000 4385191

Cross Court Padel Ltd  
Upston Rd  
Poole  
BH17 7AG  
Temporary Indoor Sports Facility

Planning Application



A1  
A1

This page is intentionally left blank





# Planning Committee

Application Address	The Club at Meyrick Park, Central Drive, Bournemouth, BH2 6LH
Proposal	Extension of the Existing Car Park
Application Number	7-2024-9178-BI
Applicant	TCC operations Ltd
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	Talbot & Branksome Woods  Cllr Philip Broadhead Cllr Matthew Gillett Cllr Karen Rampton
Report Status	Public
Meeting Date	10 October 2024
<b>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	Referred for consideration by the Director of Planning & Transport as BCP Council is the owner of the land.
Case Officer	Steve Davies
Is the proposal EIA Development?	No

## Description of Proposal

1. The proposal involves the extension of the existing Car Park which serves the Golf Course and Leisure Centre. It also provides parking for visitors to the park. The application site currently provides about 122 car parking spaces, including 4 disabled spaces but with the growing demand at the club, the current car park is often overcrowded. The proposal was to increase the car park to a total of 177 car parking spaces. However, following initial concerns the number of additional spaces has been reduced and now a total of 163 spaces and 6 disabled would be provided if the proposal were implemented. Echelon parking is now proposed so that the depth of the car park has been reduced. Also, the proposal does not include new lighting, and the surface is to be laid as hogging which is a more natural non-tarmac surface. The additional parking area is seen as an overflow car park. A 3.6m high safety fence is proposed to replace the existing fence to stop golf balls from the second tee going directly into the car park. This would replace the existing fence.

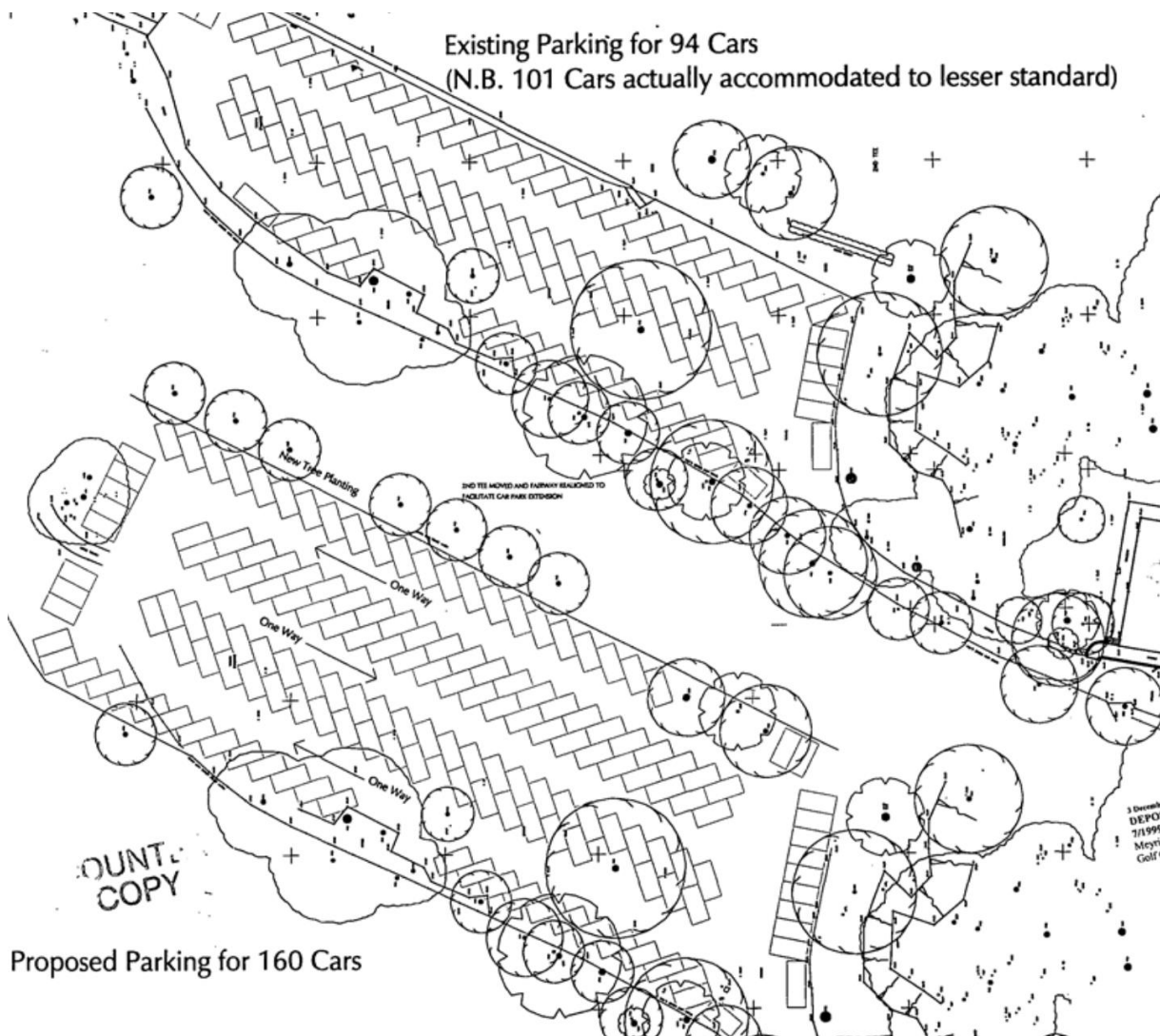
- 2 The proposal also involves the removal of the two small overflow car parks which are located either side of the driveway off Central Drive. These car parks are poorly located and not completely safe for staff to use from the golf course/leisure centre and are often subject to anti-social behaviour issues.

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

- 3 Existing golf course, leisure club and public park. The application site lies within the park and is accessed off Central Drive. It forms part of the Meyrick Park and Talbot Woods Conservation Area which is an area where there are residential properties surrounding the golf course particularly to the immediate south across the 18<sup>th</sup> fairway.

### **Relevant Planning History:**

- 4 Approval was granted in January 2000 for an extension to the existing clubhouse to form a swimming pool and the formation of fitness suite and the erection of new club building and extension of the car park. The approval included an extension to the car park which was never implemented. See approved plan below.



## **Constraints**

- 5 The following constraints have been identified.

Conservation Area

Tree Preservation Order

Site of Nature Conservation Interest (SNCI); SZ09/048 Meyrick Park, cited for its heathland and acid grassland habitats.

## **Public Sector Equalities Duty**

- 6 In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Other relevant duties**

- 7 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. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.
- 8 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.
- 9 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”.
- 10 Conservation Area: 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 – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Consultations**

- 11 Highway Officer – *“The existing development which comprises of a health club, hotel and 18-hole golf course is to remain unaltered in scale, the applicant seeks only to increase the associated onsite car parking provision. The applicant has confirmed that the existing car park is frequently overcrowded thereby displacing parking onto surrounding roads causing increased competition for spaces with local residents and town centre visitors.*

*Owing to the growth of the business and increased demand for onsite facilities, particularly the golf course, additional staff and visitor car parking is required. Given the requirement to take golf equipment to/from the site, sustainable travel modes can be difficult and*

*inconvenient to use for golfers thus reduced levels of car parking are not likely to facilitate modal shift but instead displace parking on-street. Consequently, the provision of sufficient car parking within the site is appropriate and is considered to be a betterment of existing conditions.*

*For context, in accordance with the BCP Parking Standards SPD (2021), the site is actually located within parking zone D and as local community use, offering outdoor leisure/sports, indoor swimming etc, a car parking provision of 4 spaces/100m<sup>2</sup> could be considered appropriate. For a site comprising of 0.74 hectares, this would amount to the provision of circa 280 spaces. Consequently, an increase in parking to 177 spaces is acceptable [now that the number of spaces has been reduced to 163 the site would still be in the range of appropriate parking quantum for this use in this location]*

*Moreover, the provision of an additional two disabled bays and the introduction of electric vehicle charging infrastructure at 15 spaces represents an improvement of existing site conditions and is welcomed.*

*The proposed access, turning and parking arrangements for the extended car park area are acceptable whilst no alterations to existing access arrangements to/from the public highway are required.”*

- 11 Biodiversity Officer/Dorset Wildlife Trust – The application was submitted prior to the requirement to provide Biodiversity net gain. However, the proposal does have an impact on a local nature reserve, so the ecological impact is important. There were initial concerns as the proposals involves the loss of important acid grassland. The biodiversity officer has been in liaison with Dorset Wildlife Trust as their expert input is critical given the local nature reserve status. There were initial objections because of the loss of the grassland. However, the applicant is proposing to reinstate the lower car parks to natural habitat. Also, they have now agreed to carry out significant ecological enhancements to other sites needing upgrade and reinstating important grassland on other parts of the golf course which they manage.
- 12 Heritage Officer – *“the proposed scheme would not be acceptable in heritage terms, as it would result in elements which would be at odds with the open sylvan nature of the golf course which provides a strong positive contribution to the character and appearance of the CA.*

*Hence, the scheme would result in less than substantial harm to the significance of the CA, which has not been minimised or justified, considering additional parking could be provided elsewhere or alternative, sustainable means of transport could be explored to avoid the need for extending the car park. It is considered the benefits outlined in the Planning, Design and Access Statement (Including Heritage Statement) would be partially private to the club and would therefore be of insufficient public merit to outweigh the identified harm.”*

- 13 Drainage/Flooding – *“The proposed car park extension is outside the area mapped at risk from surface water, however it is proposed in an area which is currently greenfield and therefore poses a risk of increasing surface water. The car park must be designed to ensure no increase in surface water runoff from pre-development. We recommend the applicant considers how areas of proposed planting may be utilised for drainage through the use of tree pits and bioretention in addition to permeable paving materials for hard surfaces.*

*Should you be otherwise minded to grant permission, we recommend the inclusion of a surface water drainage condition prioritising the use of SuDS ‘at surface’ (such as*

bioretention and permeable materials), to ensure no increase in flood risk and protect water quality.”

- 14 Arboricultural Officer – “The area of land proposed for the car park extension is protected by a Woodland Tree Preservation Order and the Meyrick Park and Talbot Woods Conservation Area.

*There are however limited trees to this area and the impact will not be particularly high. The trees have limited visual amenity and transplanting and mitigating planting is feasible. Low quality trees are proposed for removal and young / maturing trees of good quality are proposed for transplanting to areas of land adjacent to the proposed new car park.*

*I consider the trees proposed for transplanting will be feasible and I support this proposal. I raise no objections to the loss of poor quality / low quality trees subject to suitable mitigating tree planting which is feasible. T33 is mentioned in the report as a tree for transplanting but this is not detailed on the plan. I believe this tree can be transplanted and this should be part of the transplanting scheme. Tree pruning proposed is considered to be minor and of no harm. Tree protection proposed is suitable.*

*I support the proposals for improving the growing conditions of retained trees and protecting them from vehicular impacts. I raise no objections to this proposal subject to a condition requiring compliance with the submitted arboricultural method statement and tree protection plan, a condition for a detailed constructional arboricultural method statement in accordance with section 2 page 10 of the arboricultural report, a condition for a detailed soft landscaping scheme that includes full details for tree transplanting, new and mitigating tree planting and maintenance for a five year period.”*

## **Representations**

- 15 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 12<sup>th</sup> March 2024. A press notice expired on the 15<sup>th</sup> March 2024.
- 16 A representation has been received from a member of the general public setting out the following concerns.

*“Current parking is ample and never full. In addition there is excess parking down the lane which is never used. A ridiculous proposition to develop on a public park.  
Why not encourage people to travel by other more sustainable means. Rather than driving to a gym. Are they not local?”*

## **Key Issues**

- 17 The main considerations involved with this application are:

- Impact on character and appearance of the Conservation Area
- Impact on residential amenity
- Biodiversity issues
- Transport Issues

These points will be discussed as well as other material considerations below.

## **Planning Policy Context**

## 18 Bournemouth Local Plan Core Strategy (2012)

CS1:	NPPF and Sustainable Development
CS6:	Delivering Sustainable Communities
CS18:	Increasing Opportunities for Cycling and Walking
CS29:	Protecting Tourism and Cultural Facilities
CS30:	Green Infrastructure
CS31:	Recreation, Play and Sports
CS38:	Minimising Pollution
CS39:	Heritage assets
CS41:	Quality Design

## 19 Bournemouth District Wide Local Plan (2002)

Policy 4.4 – Development in Conservation Areas  
Policy 7.10 – Indoor and Outdoor Sport and Recreation Facilities  
Policy 4.25: Landscaping

## 20 The National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.

Including the following relevant paragraphs:  
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 6 – Building a strong, competitive economy;  
Section 8 – Promoting healthy and safe communities;  
Section 12 – Achieving well-designed spaces;  
Section 15 – Conserving and enhancing the natural environment.  
Section 16 – Conserving and enhancing the historic environment.

## Planning Assessment

## Principle of development

- 21 A key objective of the Bournemouth Core Strategy through the policies as set out above seek to ensure sustainable communities through good quality development, supporting tourism, recreation and protecting spaces for recreation, walking and general enjoyment. Conserving the Natural and Historic environment is also a key objective.
- 22 Whilst there are concerns with the incursion of the car park into the historic and ecologically rich parkland the leisure use and car park are already established within the park. The proposal is an ancillary element. There are no strict policies such as green belt which would prohibit any development affecting the openness of the park nor any protected species or habitats that cannot be translocated.
- 23 On the basis of the above, and notwithstanding the issues of ecology and the relationship to the heritage assets as discussed below, the proposal is considered generally acceptable in principle and can be agreed in accordance with policy if sufficient weight is given to the benefits of the scheme.

## Impact on character and appearance of the area including the impact on the Meyrick Park and Talbot Woods Conservation Area

- 24 The golf course is set within an historic Victorian park and the course is home to the oldest public golf club in the country.

The Meyrick Park/Talbot Woods Conservation Area Appraisal states:

- *The golf links take up the majority of the area of green space comprising Meyrick Park, however, it is accessible to the public and contributes a great deal to the natural and verdant setting of the conservation area. The clubhouse and associated buildings are not on prominent view but integrate well into the surrounding landscape of the golf course.*

- 25 The impact is a key issue as the larger car park would intrude into the green parkland. At present the car park is somewhat tucked away behind trees when viewed from most directions apart from the North across the fairway. It would now become a more apparent feature from long views from the NW along and approaching the second fairway. However, tree planting and landscaping is proposed to soften the impact on the setting. The original proposal was for a newly tarmacked car park with lighting. This was not considered acceptable, and the proposal is now for a hogging surface without lighting as it is to be seen as an overflow car park. Whilst the car park is needed for peak times for the majority of the time visitors to the club would park in the first part of the existing car park which is closer and more convenient with a better surface.
- 26 Although the applicant has indicated that the enlarged car park is essential to avoid parking congestion anecdotal evidence suggests that for many times during the day the current car park is sufficient. However, currently they also rely on the overflow car parking for staff during busy periods. However, this more remote car park does present safeguarding issues. The proposal is to close this car park and return the land to parkland. This would have benefits to the character and appearance of the Conservation Area and can be offset against any harm that the extended park might create.
- 27 The proposal would result in the loss of part of the fairway of the second hole but it would not otherwise affect the layout of the course. Any car park in this setting could be considered an intrusive element especially when full of cars, however, this is already a feature of this part of

the park. The heritage officer has some valid concerns. However, with landscaping and tree planting the impact can be mitigated and overall given that this part of the park is already “developed” it is not considered that the harm to the conservation area is significant or overwhelming. Also, an important factor is that when consent was granted for the leisure centre in 2000 the larger car as now proposed was approved. It is not clear why it was never constructed or the circumstances at the time but when approved the impact on the Conservation Area would have been a consideration.

- 28 On the basis of the above, it is considered that the harm to the Conservation Area is less than substantial and with landscaping would not be significant and not in conflict with policies CS39 and CS41 regarding impact on heritage assets and design in public spaces.

#### Impact on amenity

- 29 The car park extension is further away from the residential properties to the south than the existing car park and as no additional lighting is proposed the impact on residential amenity is considered to be negligible. There is a potential for it to be busier with more cars and activity, but the larger car park would ease congestion, shunting and shuffling of cars during busy periods. On this basis, it is considered that the proposal wouldn't cause harm to amenity and would accord with policies CS38 and CS41 of the Bournemouth Core Strategy.

#### Impact on ecology

- 30 As set out above discussions have taken place between the Councils Biodiversity Officer, Dorset Wildlife Trust and the applicant's Ecologist. The proposal results in the loss of important acid grassland within a Site of Nature Conservation Interest (SNCI). Although this would be lost the applicant is proposing significant other gains including bat boxes, bird boxes, replacement hedgerow, new and transplanted trees and new landscaping. Also, they have agreed to create a new tract of managed grassland elsewhere in the park. This would result in a mown fairway being reclaimed to its natural grassland state. Overall, there would be significant ecological enhancements to the park and conditions are recommended below to ensure that the new grassland and other ecological benefits are implemented and managed appropriately in the future. On this basis, the proposal would be compliant with planning policy CS30 of the Bournemouth Core Strategy.

#### Transport Issues

- 31 As set out above the Transport Officer supports the proposal. The proposal in itself does not require additional parking or other transport benefits to be implemented. Looking at the parking guidelines the existing use would now require additional car parking numbers and hence the reason for the submission by the applicant. The proposal would give the congested car park more breathing space and the provision of EV charging points is a benefit to the area. On this basis, the proposal would be compliant with planning policies CS16 and CS18 of the Bournemouth Core Strategy.

#### Summary

- 32 In terms of impacts the proposal would inevitably have some impact on the setting and character of the Conservation Area and its parkland setting. There would be some tree loss and loss of acid grassland within the SNCI. However, the provision of additional parking with EV charging points would be of benefit to the operation of this important sport and recreational facility by providing a more convenient parking area. It would also remove the



overflow parking areas which have the potential for anti-social behaviour and provide a safer parking area for staff who currently park there.

### **Planning Balance / Conclusion**

- 33 As set out above it is considered that the proposal is on balance acceptable in terms of impact. The concerns about impact on the setting of the Conservation Area and the SNCI can be mitigated with landscaping and enhanced stewardship of the other areas of grassland elsewhere in the park. Policy CS39 seeks to protect heritage assets from harmful development but for the reasons set out above it is considered that the impact is not significant and there is the opportunity to return car parking areas elsewhere in the park back to their original natural parkland setting. The new parking would be beneficial for sports and recreation reasons and would provide additional parking for members of the general public that use the park for exercise and dog walking. There is unlikely to be any increase nuisance to local residents. Also the NPPF in paragraph 208 affords the opportunity to consider whether identified harm is outweighed by public benefits.
- 34 Many of the core strategy policies and specifically CS6 and CS31 seek to ensure sustainable communities through good quality development, supporting tourism/recreation and protecting spaces for recreation, walking and general enjoyment.
- 38 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 and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

### **Recommendation**

- 39 **GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision

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

The development hereby permitted shall be carried out in accordance with the following approved plans: 0364/001 rev A, location plan 0364/003,

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

#### **2. Drainage**

Any new or replacement hard surfaced area(s) 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 curtilage of the property.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

### **3. Prior agreement on car park surfacing**

Details and/or samples of the proposed car park surfacing and design of all ancillary engineering elements of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the new development and the parkland setting in accordance with Policy CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **4. Landscaping**

Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works in accordance with the strategy submitted with the application shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e) programme of implementation. The approved soft landscape scheme shall be implemented in full prior to the occupation use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **5. Landscape Maintenance**

Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **6. Arboricultural Method Statement Implementation**

The tree protection measures as detailed in the arboricultural method statement dated 18 January 2024 and prepared by Barrells shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

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).

Landscaping

Management Plan to enhance SNCI

Car park to remain as overflow with hogging surface and no lighting.

Prior closure removal lower overflow car parks and reinstatement to natural environment and measure to prevent future car parking.

Provision of electric charging points

Arboricultural method

Info note re wildlife and countryside act.

### **Statement required by National Planning Policy Framework**

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 applicant was not provided with pre-application advice, but the application was dealt with following discussions with the applicant and subsequent amendments.

### **Background Documents:**

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

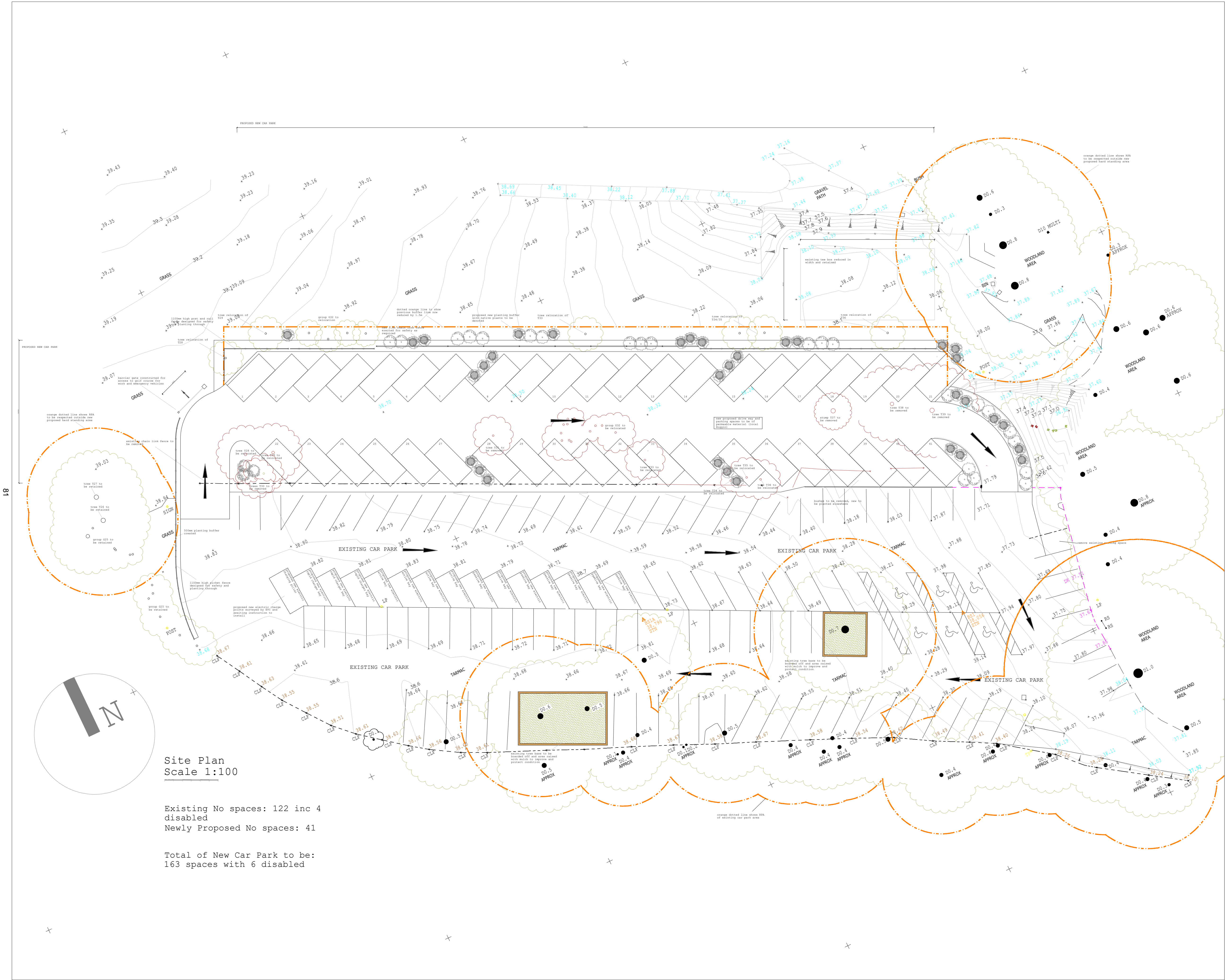
Notes.

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

Reference to published works is not included.

This page is intentionally left blank





Red line denotes trees to be removed as per tree report

Green line denotes trees to be repositioned

Proposed Lighting position

Orange dotted line denotes tree preservation zone see tree report

Site Plan  
Scale 1:100

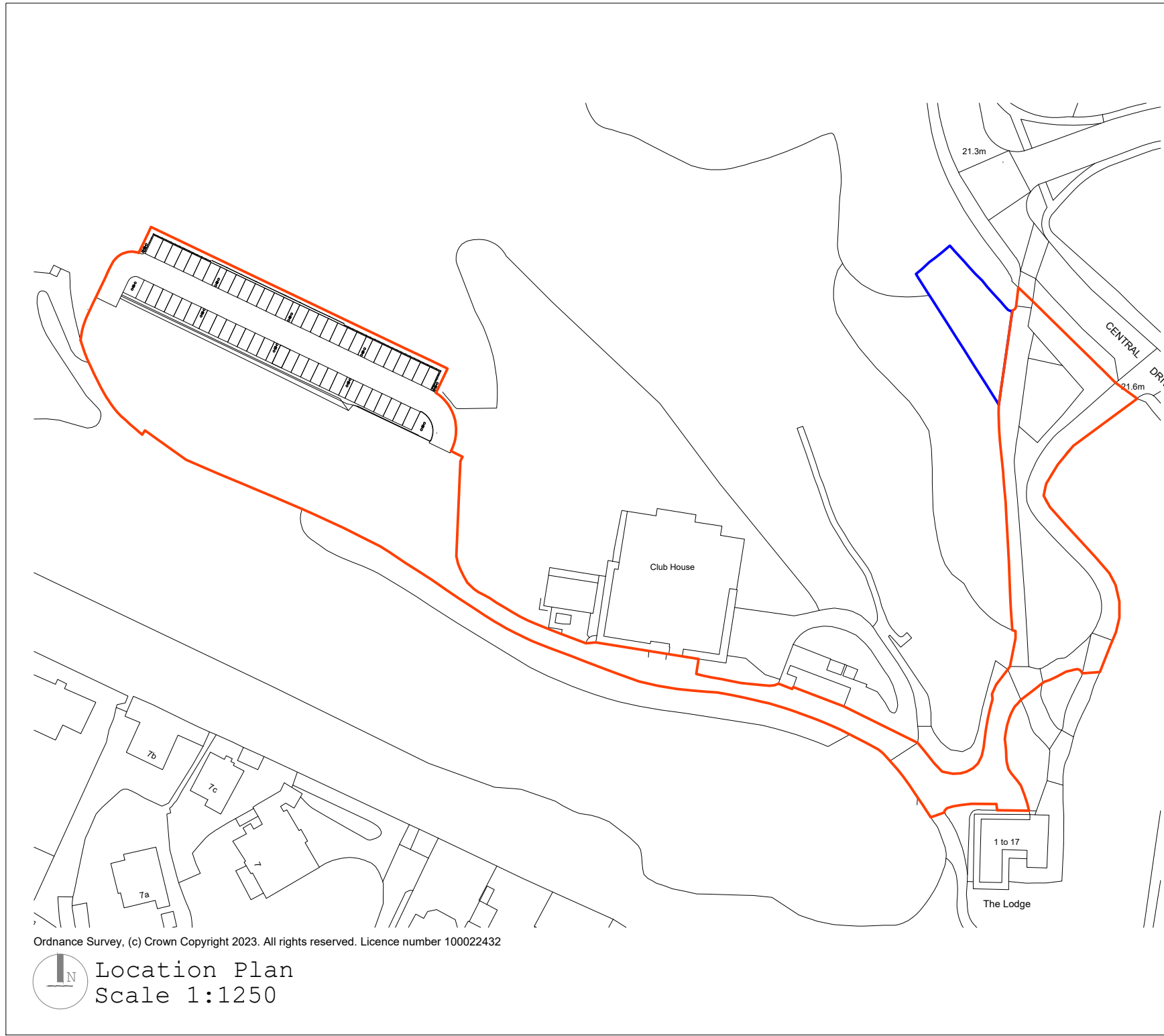
Existing No spaces: 122 inc 4 disabled  
Newly Proposed No spaces: 41

Total of New Car Park to be:  
163 spaces with 6 disabled

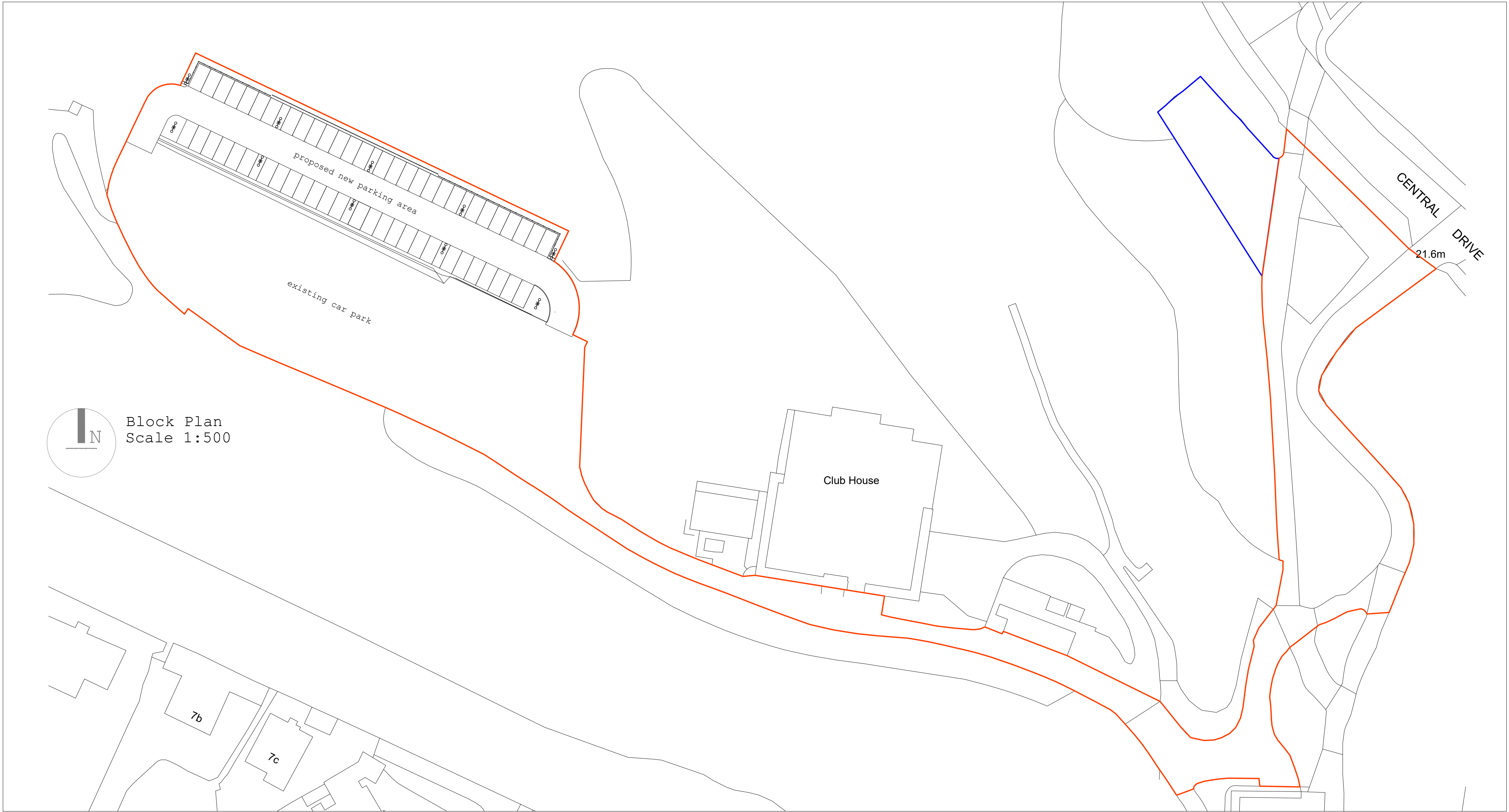
A	car park design and layout amended to reflect client's requirements and planning officer's advice	26/10/24
James Munday T. 07769974730		
PROJECT: The Club at Meyrick Park Central Drive Bournemouth BH2 6LH Proposed New Car Park		
DRAWING TITLE: Site and Location Plan		
DRAWING NO: 0364/001	REV: A	SCALE: DATE: DRAWN: A2 10/23 jm

This page is intentionally left blank





- Notes
1. Do not scale from drawing all dimensions to be used for detail to be measured on site.
  2. Land survey performed by others.



A Blue line added for lower car park subject to planner meeting				
James Munday T. 07769974730				
PROJECT: The Club at Meyrick Park Central Drive Bournemouth BH2 6JH Proposed New Car Park				
DRAWING TITLE: Location and Block Plan				
DRAWING NO:	REV:	SCALE:	DATE:	DRAWN:
0364/002	A	A2	10/23	jm

This page is intentionally left blank