

Notice of Western BCP Planning Committee

Date: Thursday, 7 November 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=6117>

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

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

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

GRAHAM FARRANT
CHIEF EXECUTIVE

30 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)

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 10 October 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 6 November 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>

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|----|---|----------|
| a) | <p>St Peters Church Hall, 10 Chapel Road, Poole, BH14 0JU</p> <p>Parkstone ward</p> <p>APP/24/00287/P</p> <p>Outline application with some matters reserved (appearance and landscaping) to demolish Church Centre and erect 4no semi-detached houses with associated parking and access</p> | 19 - 64 |
| b) | <p>49 Foxholes Road, Poole BH15 3NB</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> | 65 - 96 |
| c) | <p>141 Blandford Road, Poole BH15 4AT</p> <p>Hamworthy ward</p> <p>APP/24/00937/F</p> <p>Variation of Condition 13 of APP/23/01476/F for demolition of existing building and construction of a single-storey building for use within Class E, with associated parking, landscape and alterations to the front boundary wall, to amend operational hours.</p> | 97 - 110 |

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

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
WESTERN BCP PLANNING COMMITTEE

Minutes of the Meeting held on 10 October 2024 at 10.00 am

Present:-

Cllr M Le Poidevin – Chair

Cllr J Clements – Vice-Chair

Present: Cllr C Adams, Cllr J Challinor, Cllr A Chapmanlaw, Cllr P Cooper,
Cllr M Dower, Cllr M Gillett (In place of Cllr P Sidaway),
Cllr S McCormack and Cllr K Salmon

36. Apologies

Apologies were received from Cllr Brian Hitchcock and Cllr Peter Sidaway.

37. Substitute Members

Notification was received that Cllr Matt Gillett was substituting for Cllr Sidaway for this meeting.

38. Declarations of Interests

Cllr M Gillett declared a conflict of interest in the application for the Club at Meyrick Park as various family members attended the club. He would not speak or vote on the application and would leave the meeting for this item.

39. Confirmation of Minutes

The minutes of the meeting held on 12 September 2024 were confirmed as an accurate record for the Chair to sign.

40. Public Issues

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

41. 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 9 October 2024 and appears as Appendix D to these minutes.

42. 49 Foxholes Road, Poole BH15 3NB

Oakdale ward

APP/24/00394/P

Demolition of existing buildings and erection of eight dwellings with associated access and parking.

The Planning Team Leader provided an update following the publication of the Committee Addendum, dated 9.10.24, and subsequent developments. The Addendum had set out a revised recommendation to defer the application for the reasons given in the Addendum. Following subsequent feedback from the Council's Biodiversity Officer on the Phase 2 Bat Survey report, Officers were now in a position to update the recommendation to grant the application, subject to a substantial number of amended/additional conditions, details of which could be provided to the Committee if desired, with the final decision being delegated to the Head of Planning (Operations).

It was noted that the Committee and wider public had not yet been able to consider the report referred to or the revised conditions proposed. In view of the potential risks involved in proceeding with the application at the meeting, Members agreed that the most appropriate course of action would be to defer consideration of the application to a future meeting.

Resolved to DEFER consideration of the application.

Voting: Unanimous

43. Land South of A35 Upton Road, Creekmoor, Poole BH17 7AG

Creekmoor Ward

APP/24/00641/F

Change of use for a new temporary indoor padel centre building for 3 years with ancillary changing café/bar and associated car parking.

In presenting the report the Planning Officer providing the following corrections to the published report:

- One letter of objection had been received, details of which were provided to the Committee together with a response from the Planning Officer in respect of any material planning issues raised.
- The consultation expiry date for the site notice was 17 September 2024, not the date of 17 August 2024 stated in the report.

Public Representations

Objectors

- ❖ Gavin Parsons

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward Councillors

❖ None registered

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, as updated by the Committee Addendum published on 9.10.24

Voting: For – 9, Against – 0, Abstain – 1

44. The Club at Meyrick Park, Central Drive, Bournemouth BH2 6LH

Talbot and Branksome Woods Ward

7-2024-9178-BI

Extension of existing car park

Public Representations

Objectors

❖ None registered

Applicant/Supporters

❖ Clare Bolton, 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 9.10.24 and subject to power being delegated to the Head of Planning (Operations) in consultation with the Chair to revise/add to the conditions in the report and the Committee Addendum, to ensure that:

- cycle parking provision accords with the Parking SPD requirements in terms of appropriate provision
- details of a scheme are submitted and approved by the LPA, including timescales, to return the existing overflow car parks to natural habitat
- a condition to secure ecological improvements be added should this have been included as referenced by the applicant's agent

Voting: Unanimous

Notes: Cllr M Gillett did not speak or vote and left the meeting for this item.

The meeting ended at 11.40 am

CHAIR

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1 The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a Planning Committee meeting. It does not therefore relate to any other item considered at Planning Committee in respect of which public speaking/questions shall only be permitted at the discretion of the Chair.
- 1.2 This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.
- 1.3 **The email address for any person who wishes to register a request to speak and / or submit a statement for the purposes of this protocol or to correspond with Democratic Services on any aspect of this protocol is democratic.services@bcpcouncil.gov.uk**

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 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
 - 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

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	St Peters Church Hall, 10 Chapel Road, Poole, BH14 0JU
Proposal	Outline application with some matters reserved (appearance and landscaping) to demolish Church Centre and erect 4no semi-detached houses with associated parking and access
Application Number	APP/24/00287/P
Applicant	Mr Paul Bloomfield
Agent	Mr Paul Bloomfield
Ward and Ward Member(s)	Parkstone Ward Councillor Crispin Goodall Councillor Emily Harman
Report status	Public Report
Meeting date	7 November 2024
Summary of Recommendation	Refuse
Reason for Referral to Planning Committee	Called in unconditionally by Cllr Harman for below reasons: 1. Committee need to be satisfied that the space now offered by the church provides sufficient community benefit as to outweigh the loss of the hall. 2. They also need to explore the decline in services offered: Which community groups have not / cannot transfer to the church space? (Brownies etc) Has the change of space allowed more groups to meet and thrive?
Case Officer	Frances Summers

Description of Proposal

1. The proposal seeks outline planning permission to demolish the existing Church Hall and replace it with four houses with associated parking. This outline application seeks approval for the detailed matters of access, layout and scale.

Appearance and landscaping are not for detailed consideration under this application but are reserved for later approval, should this application be approved.

2. The proposed development would comprise of two pairs of semi-detached, two storey houses, each with a lounge, kitchen/dining room, utility area and WC on the ground floor and with three bedrooms (including en-suite to the master bedroom) and a bathroom on the first floor. A total of four parking spaces would be provided in a communal parking area to the northern end of the site that would be accessed via a vehicular access from Chapel Road.

Description of Site and Surroundings

3. The application site is located to the eastern side of Chapel Road, occupying a corner plot at the junction with Church Road. The existing building is a single storey red brick community hall. There is open space at one end of the site and informal parking at the other end. The immediate surrounding development comprises of principally residential dwellings of varying styles, sizes and designs. The site is located immediately adjacent to Ashley Cross Conservation Area. There is an Area Tree Preservation Order (TPO No.199) that covers parts of the surrounding area, including the adjacent site at No.95 Church Road, but not the application site itself.

Relevant Planning History

4. 2022 - Demolish Church Hall and replace with a new development of six houses and associated parking - **REFUSED** but is subject to an **APPEAL** that was dismissed (APP/22/01228/P) (APP/V1260/W/23/3318201). This application was refused for the following 4 reasons:
5. Due to the lack of information provided, the inability to provide a guaranteed community benefit, and the lack of evidence to show the community facility is no longer required, the proposal is contrary to both Policy PP26 (3) criteria (a) and (b).
 - 1) The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with surrounding development. The scheme would appear overall cramped and contrived and would be of detriment to the character and appearance of the area and of the adjacent Conservation Area. The scheme would represent an

overdevelopment of the application site and would fail to provide sufficient land to preserve or enhance the residential character and appearance of the area. Furthermore, the applicant has failed to submit existing elevations to allow for full consideration of the scheme. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018).

- 2) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).
- 3) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice

from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

The Planning Inspector concluded that:

In relation to reason for refusal one –

“there is currently no planning mechanism, such as a Section 106 Agreement in place, given the unique nature of the land ownership of the appeal site, I am satisfied that other mechanisms exist to ensure that funds from the sale of the appeal site are used for specific purposes, which include the reordering project. Neither do I have any reasons to doubt the overall objectives of the Church and its commitment to the delivery of the reordering project, especially considering the level of commitment made to date in terms of works carried out at St Peter’s Church...

whilst I find that it has not been adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence, I do find that the proposed development would not result in a substantial decline in the range of facilities and services for local people and that it would deliver sufficient community benefit to outweigh the loss of the existing facility.”

In relation to reason for refusal two, the Inspector concluded the following –

“In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with housing, in an accessible location. The proposal would also not conflict with Policy PP23. Nonetheless, these benefits would be modest given the scale of the development proposed. Moreover, in view of the harm that would be caused to the significance of the ACCA and the importance given to the conservation of such heritage assets, the benefits of the proposed development would fall short of outweighing the harm I have outlined above.”

In relation to reason for refusal three and four, the dismissed appeal decision advises –

The appellant has provided a Unilateral Undertaking (UU) as part of the appeal. This secures a financial contribution towards the Strategic Access Management and Monitoring (SAMM), as sought by the Council. But as the inspector was dismissing the appeal he did not pursue this issue.

6. 2023 - Prior Notification of Proposed Demolition of St Peters Church Hall in order to allow the redevelopment of the site. APPROVED (APP/22/01732/PA).
7. 2023 - Demolish Church Hall and replace with a new development of six houses with associated parking. (APP/23/00377/P) **REFUSED** at Planning Committee for below reasons:
 - 1) The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018).
 - 2) The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with the surrounding development and the prevailing pattern of development. Overall, the scheme would appear as a cramped and contrived form of development that would be detrimental to the character and appearance of the street scenes of Chapel Road and Church Road and the surrounding area and fail to preserve the character and appearance and significance of the adjacent Ashley Cross Conservation Area. The scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018).
 - 3) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special

Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

- 4) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing

Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

8. 2023 - Demolish Church Centre and replace with a new development of 4 no houses with associated parking (APP/23/00382/P)- **REFUSED** at Planning Committee, remains **undermined at appeal**. Refused for the following three reasons:

- 1) The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018).
- 2) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee

on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

- 3) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

Constraints

9. The application site is located immediately adjacent to, but outside of the Ashley Cross Conservation Area.
10. 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.
11. The adjacent site at No.95 Church Road is subject to an Area Tree Preservation Order (TPO No.199) but this does not cover the application site itself.
12. The existing church hall constitutes an existing community facility in accordance with Policy PP26 of the Poole Local Plan.

Public Sector Equalities Duty

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

Other relevant duties

14. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
15. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
16. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council’s area for their own self-build and custom housebuilding.
17. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Consultations

18. **BCP Highways Authority:** Support the proposal subject to conditions.

19. **BCP Planning Policy Team:** Current proposed remains unchanged from the perspective of PP26 - it would still result in the loss of the church hall, a community facility. However, in a recent appeal decision on the site (APP/V1260/W/23/3318201), it was determined that the proposal would deliver sufficient community benefit to outweigh the loss of the existing facility, and that the proposal would not result in a substantial decline in the range of facilities and services for local people (part a). Whilst the inspector found that it was not adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence (part b), the policy only requires that either part a or part b is complied with, in addition to providing sufficient community benefit. Therefore, the Inspector deemed that the proposed loss of the hall does comply with PP26 of the Poole Local Plan. Planning policy therefore has no reason to object to the proposal on the grounds of PP26.
20. **BCP Conservation Officer:** Objection
21. **Waste Collection Authority:** No objection
22. **ECPS (Contaminated Land):** Department has no significant concerns, however recommended that a condition is attached to any approval to ensure sufficient control measures are implemented to prevent disturbance to local residents during demolition and construction works on site.
23. **BCP Biodiversity Officer:** No objection, if application is granted the mitigation and enhancement measures should be secured by condition. Informative suggested
24. **Dorset County Council Archaeologist:** Dorset Historic Environment Record records that an Ordnance Survey map of 1900 shows a burial ground on this site. Condition not suggested; however, applicant should be made aware. NB-applicant has been made aware.
25. **BCP Arboriculturalist:** No objection
26. **Society for Poole:** Object to the proposal which may not be sustainable given the local facilities.

Representations

27. Site notices were erected around the site on 28th March 2024 with an expiry date of 22nd April 2024. 81 letters of representation have been received from 72 different addresses.
28. 1 comment was received that asked questions about the proposal. 21 objections were received from 15 different addresses. 61 letters were received in support of the proposed scheme from 55 different addresses. Comments received in response to the proposed development are summarised as below:
- Enhanced community benefit
 - Homes needed in the area
 - Loss of recreation facilities
 - No affordable housing
 - Insufficient parking provided
 - Narrow roads to support construction vehicles
 - Church not fit for purpose in meeting a diverse community's social needs and well being
 - No indication of installing ground source heating pumps or solar panels.
 - Burial ground on site
 - Church hall meets no community needs
 - Benefits for local businesses and residents
 - Better ongoing maintenance of the listed building
 - Improvements to church building benefits the local community
 - Church hall was underutilised, unsafe and unmaintained
 - Overdevelopment
 - Development is near a conservation area
 - Architectural style is unsympathetic
 - Additional air pollution
 - Congestion
 - Pressure for schools, GP, and primary care services
 - Financial gain benefits the remaining church
 - Scheme is contrary to policy
 - Church hall not an attractive building
 - Proposed housing in keeping with street
 - No decline in community provision

- Houses are sympathetic to the character of the area and improve streetscene
- Appropriate parking provided
- The loss of the Church Centre will impact on the provision of amenities for local children and young people
- Application does not offer clear community benefit to Lower Parkstone
- Overcrowding
- Parking pressures on the road
- Saturday operational hours unsuitable
- Waste removal lorries to not use Church Road due to width and turning restrictions
- Housing suited in popular residential area
- Homes for families provided
- Loss of privacy and overlooking
- Threat to biodiversity
- Disturbance to local residents relating to noise and increased traffic
- Pressure on the drains
- Loss of outlook and evening sunlight
- Daylight Sunlight report required
- Generating capital gain
- Contradicting information on the heritage statement
- Loss of space for children

Key Issues

29. The key issues involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development - Loss of community facility
- Principle of development - Housing in this location
- Impact on character and appearance of area
- Impact on the Conservation Area
- Impact on amenities of future occupiers and neighbouring residents
- Impact on highways and parking
- Sustainability
- Biodiversity

- Other Matters
 - SAMM/CIL Compliance.
30. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

31. Section 38(6) of the Planning 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 (November 2018).
32. Poole Local Plan (November 2018)
- PP1: Presumption in Favour of Sustainable Development
 - PP2: Amount and Broad Location of Development
 - PP7: Facilitating a Step Change in Housing Delivery
 - PP8: Type and Mix of Housing
 - PP26: Sports, Recreation and Community Facilities
 - PP27: Design
 - PP28: Flats and Plot Severance
 - PP30: Heritage Assets
 - PP32: Poole's Nationally, European and Internationally Important Sites
 - PP33: Biodiversity and Geodiversity
 - PP34: Transport Strategy
 - PP35: A Safe, Connected and Accessible Transport Network
 - PP37: Building Sustainable Homes and Businesses
 - PP38: Managing Flood Risk
 - PP39: Delivering Poole's Infrastructure
33. Emerging BCP Local Plan
34. Strategic Policy BE1: Design and high-quality places
- Policy E12: Community, sports and leisure facilities
 - Policy C6: Flood risk

- Policy C7: Sustainable drainage
 - Policy BE4: Building heights
 - Policy BE6: Heritage Assets
 - Policy BE3: Living conditions
 - Strategic Policy C1: Addressing Climate Change
 - Policy C2: Sustainable Construction
 - Policy C3: Water Efficiency
 - Strategic Policy S2: Spatial strategy and levels of growth
 - Policy BE2: Townscape
 - Strategic Policy T1: Transport strategy
 - Policy T4: Transport Infrastructure
 - Strategic Policy P24: Parkstone
35. 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 version submitted for examination, the policies are given very limited weight in the consideration of this application.
36. Other Development Plan Documents
- SPD2: Heritage Assets SPD (Adopted 2013)
 - SPD3: Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)
 - Dorset Heathlands Interim Air Quality Strategy 2020-2025 (Adopted February 2021)
 - SPD5: Poole Harbour Recreation 2019-2024 SPD (Adopted February 2020)
 - SPD6: Nitrogen Reduction in Poole Harbour (Adopted April 2017)
 - SPD7: BCP Parking Standards SPD (Adopted January 2021)

- The Storage and Collection of Waste In New Development Guidance Note
 - Ashley Cross Conservation Area Character Appraisal and Management Plan (2012)
37. National Planning Policy Framework (“NPPF”/“Framework”)
38. The policies in the Framework are material considerations which should be taken into account when dealing with applications. Of particular relevance to this current application are 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”.

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 – Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

39. 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.

Planning Assessment

Presumption in favour of sustainable development

40. The NPPF (2023) paragraph 77 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the local planning authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The Draft BCP Local Plan (Regulation 19) consultation launched on 20 March 2024 and included a policies map and allocations. The land supply position is therefore set out in relation to a four-year housing land supply. Paragraph 77 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%.
41. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a 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.
42. 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 four-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.
43. The 1 April 2024 marks the fifth anniversary of when BCP Council came into existence. As such, government planning guidance requires publication of a

single BCP Council housing land supply calculation, as opposed to a separate supply for each predecessor authority. At 1 April 2024 BCP Council had a housing land supply of **1.6 years** against a 4-year housing requirement that includes a 20% buffer (a shortfall of 8,078 homes). For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a four-year supply of homes.

44. In this instance, the scheme would provide four additional dwellings that would contribute towards the Council's housing delivery target. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
45. 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- Loss of community facility

46. The application site is an existing community facility and falls under Use Class F.2(b) – a hall or meeting place for the principal use of the local community. Therefore, it is appropriate to consider the site as a community facility, and subsequently PP26 of the Poole Local Plan needs to be applied in consideration of the proposal.
47. Policy PP26 Part 3 relates to existing community facilities and seeks to retain sites currently or last used as community facilities. These are only permitted where:
 - a) The proposals provide sufficient community benefit to outweigh the loss of the existing facility or service AND the loss would not result in a substantial decline in the range of facilities and services for local people; OR
 - b) The facility is no longer needed, and it is not feasible to support its continued existence.
48. The current proposal would result in the loss of the existing church hall building; a community facility.
49. The introduction to Part 3 of Policy PP26 requires development to provide sufficient community benefit to outweigh the loss of the existing facility or

service. The inspector determining the previous appeal (APP/V1260/W/23/3318201) stated the following: *“whilst there is currently no planning mechanism, such as a Section 106 Agreement in place, given the unique nature of the land ownership of the appeal site, I am satisfied that other mechanisms exist to ensure that funds from the sale of the appeal site are used for specific purposes, which include the reordering project. Neither do I have any reasons to doubt the overall objectives of the Church and its commitment to the delivery of the reordering project, especially considering the level of commitment made to date in terms of works carried out at St Peter’s Church.”* Paragraph 55 of the NPPF allows for Local planning authorities to require planning obligations where ‘otherwise unacceptable development could be made acceptable’, but the inspector deemed that ‘other mechanisms’ exist that could ensure the monies from the sale are used for specific purposes.

50. The Planning Policy Team originally objected to this proposal but have since revoked their objection based on the response from the inspector. The appeal decision ref: APP/V1260/W/23/3318201, represents a material consideration, which must be taken into account in determining this decision.
51. However, the Council does not consider that ‘other mechanisms’ for securing community benefit would satisfy policy tests. Though the use of ‘other mechanisms’ has been explored, these would not provide the level of certainty that is required. It is standard practice for community benefits to be captured by a planning obligation (within the S106 agreement) to give certainty to how they will be spent to offset the loss of the community facility. Without a S106 agreement in place, there is no certainty that part 1 of Policy PP26 can be fulfilled. Ecclesiastical law was quoted by the applicant stating the funds associated with the sale of the residential units must be spent within the parish, but the Council cannot consider this to be legally binding or specific enough to be certain that they this would meet the tests set out in paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations in that they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. For instance, there is no certainty that a specific amount of money will be put towards improvements that are directly related to the development and fairly and reasonable related in scale

and kind. As such, the reliance on ecclesiastical law does not provide the same certainty as a planning obligation secured by the S106 agreement.

52. With regards to Policy PP26(3a), the groups that previously used the Church Hall have mainly moved to the Church building without issue (with the exception of the guides and Scouts group that chose an alternative location within the locality). The Church has movable pews, refurbished toilets and is hoping to upgrade the existing kitchen area to serve the needs of the local groups better. It is not disputed that the church building is in better condition than the church hall.
53. The Planning Inspector, when determining a previous appeal scheme for this site (APP/V1260/W/23/3318201), stated “The inside of St Peter’s Church comprises a large, open space, which is considerably bigger than the building on the appeal site. To my mind, whilst the size and layout of the internal space may impact upon its ability to support certain activities, it provides flexibility for the space to be adapted to suit the individual user’s requirements. Moreover, given the lack of fixed pews, this would enable the space to be opened up as required. Furthermore, the provision of new toilets and improved access would further increase its attractiveness.”
54. He goes on to say “Overall, I accept that the internal arrangement of St Peter’s Church may have some limitations, but I do not find these to be so significant as to lead me to conclude that it would adversely restrict the range of activities and classes that could take place within it. As such, I find that St Peter’s Church represents a suitable facility for local people to use.”
55. However, it is not clear whether the Church could be hired out for activities, such as children’s parties and other similar activities, which are usually common activities within a Church Hall and other similar community halls. So, although it is agreed that the loss of the Church Hall would not result in a substantial decline in the range of facilities and services for local people in itself; it is also considered that it would not provide a like-for-like replacement of services that were provided in the Church Hall; and other locations within the vicinity that can readily absorb these functions and services to suit the needs of the community have not been explored to ensure there is no decline in the services currently offered.

56. Furthermore, the Church itself is also considered a community facility. As such, this proposal, which proposes a demolition of a Church Hall building, would result in a loss of a building that is considered a community facility. This is undoubtedly a physical loss, even if one community facility's activities can be completely absorbed by the other. The proposal therefore still results in a loss of a community facility.
57. With regards to the provisions of Policy PP26(3b), insufficient evidence has been submitted to conclude that the continuation of uses within the original Church Hall was not a feasible or viable option. The same stance was taken by the Planning Inspector in the same dismissed appeal (ref: APP/V1260/W/23/3318201).
58. Though the Church is capable of providing the services in its current state, the reordering project proposes potential improvements to the kitchen and an additional room for after school clubs; however, they are not required to make this building suitable to accommodate the uses that did take place in the Church Hall.
59. It is accepted that the proposal would not result in a substantial decline in provision for the local community. However, no amount of improvements to the Church building would offset the physical net loss in community facilities where two community buildings have become one. Furthermore, no community benefits have been proposed and secured in a suitable manner by way of a section 106 to offset such a physical loss.
60. As such it is not possible to conclude that the principle of this proposal meets the requirements of Policy PP26 of the Poole Local Plan (November 2018).

Principle of development - Housing in this location

61. 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.
62. 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.

63. 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.
64. 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.
65. The application site falls within a sustainable transport corridor location, as identified by the Policies Map and therefore the principle of the residential development in this location is acceptable, subject to its compliance with the adopted policies.

Impact on character and appearance of area

66. 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 relating to plot severance states that severances will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
67. The site is currently occupied by a single storey red brick community hall. It is located centrally within the site. There is an area of green open space to the south side of the site, with informal parking to the north of the site. The site is relatively flat. Surrounding residential development comprises detached, semi-detached and terraced properties.

68. The proposed scheme seeks to demolish the existing building and erect two pairs of semi-detached dwellings (a total of four dwellings). A communal parking area would be provided to the north of the site.
69. The proposed dwellings would sit forward of the building line of the dwellings to the north of the application site along Chapel Road by approximately 6.5 metres. This would result in the proposed development appearing at odds and out of character with the surrounding residential development.
70. Each plot would measure between approximately 5.8-6.6 metres in width, with the furthest south site measuring much wider given the shape of the site, and 19 metres in depth. The dwellings would measure 8.5 metres in depth, with the gardens measuring 7.5 metres in depth. A 1.2 metres gap is proposed between Houses 2 and 3.
71. The proposed area of hardstanding that would provide a communal parking area to the north of the site would be evident when travelling along Chapel Road. Again, this is considered to be at odds with the surrounding residential development along this side of Chapel Road where individual parking is located to the front of each dwelling- as previously mentioned. This pattern is also evident along the northern side of Church Road. Although it is noted there is a communal parking area to serve the development to the northwest, this is hidden to the rear of the site. In addition, as mentioned, consistency amongst the pattern of development is not as readily evident to the west of the site.
72. As outlined in the refused scheme ref: APP/23/00382/P, which sought permission for four detached dwellings, the proposed plots would still be smaller than the majority of residential development on this side of Chapel Road (eastern side). The inspector in the previous decision (ref: APP/V1260/W/23/3318201) considered at paragraph 25 "*whilst the plot sizes of existing development to the south may be comparable to those of the proposed development*", the appeal site has more in common with the development to the north.
73. Residential development to the north of the site along Chapel Road, after the junction with Church Road, comprises of detached dwellings set on long spacious plots measuring approximately 37 metres in depth and 9-10 metres in width. The gardens are also long and spacious, measuring approximately 15

metres in depth. These dwellings also benefit from parking to the site frontage. Existing residential development to the rear of the site, along the north side of Church Road is also spacious, with generously sized rear gardens and parking to the frontage.

74. In contrast, the resultant plot sizes measure approximately 19 metres in depth and 5.8-6.6 metres in width and the proposed rear gardens measure approximately 7.5 metres in depth, approximately half that of the gardens immediately to the north along Chapel Road. There is also minimal set back from the front elevation of the dwellings to the highway and parking is provided via a communal car park within the site, rather than to the frontage. As such, these aspects are in contrast to much of surrounding development for the reasons outlined above.
75. It is acknowledged that there are smaller plots to the southwest, in particular Nos. 3-15 Chapel Road which are situated within the Conservation Area. These are small older cottages and these properties pre-date any local plan and are evident on historical mapping dating back to 1869. These dwellings also appear somewhat visually separate to the residential development to the north, with the intersection of Church Road and Chapel Road providing a junction to mark the start/end of the Conservation Area and the transition from more modern housing to the older terraced housing.
76. It is also noted that there are smaller plots on a staggered building line to the northwest; however, it is evident that this side of Chapel Road lacks uniformity, which is evident in residential development on the western side of the road, and along the north side of Church Road. As such, whilst these forms of development are acknowledged, they do not carry significant weight in the determination of this application, and it is considered that the proposed form of development would be at odds with the character and appearance of the surrounding residential development for the reasons described above.
77. There is currently a sense of spaciousness at the junction of Church Road and Chapel Road given the large grass area to the south of the site, which adds to the overall character and appearance of the area. There are concerns that this sense of spaciousness will be lost, with House 1 sitting within approximately 6 metres off the corner, and a wall lining this corner with the Conservation Area.

78. The above increase in built form, amount of hardstanding, overall layout and resultant small plot sizes would fail to satisfactorily integrate with the surrounding development. Overall, it is considered that the scheme would appear cramped and contrived and would be of detriment to the character and appearance of the area. It is further considered that the scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area.
79. With regards to the design and style of the dwellings, the proposed dwellings would be two storey in height. The proposed dwellings would be of a traditional style, which is somewhat reflective of surrounding development including materials use of buff and red brick, slate roof tiles and sash windows. There is no objection in principle to the overall appearance and design of the proposed dwellings; however, final details would have to be agreed at the reserved matters stage, should this outline application be approved.
80. The site plan indicates soft landscaping in the form of hedge planting to the front and side of the site. Whilst the details of the proposed landscaping of the site have been reserved for later consideration and therefore, they are not for consideration as part of this application, there is no objection in principle to the indicative details that are shown on the submitted site layout. However, as stated above, the final details would have to be agreed at the reserved matters stage should this outline application be approved.
81. To summarise, it is noted that following the determination of the scheme ref: APP/23/00382/P at Planning Committee in September 2023, the Committee Members did not resolve to refuse that application in line with suggested refusal reason 2 relating to overdevelopment of the site and the proposal being out of keeping with the character and appearance of the area. Such a decision represents a material consideration in determining this application. Given the Planning Committee previously accepted the principle of four dwellings on site, and this scheme is very similar in terms of layout and impact on character and appearance of the area, the Local Planning Authority therefore no longer wishes to object to the application on grounds relating to PP27 and PP28 of the Poole Local Plan 2018. Notwithstanding the above, it is the case officer's

professional judgement that the proposal is contrary to PP27 and PP28 due to the pattern of the proposed development being out of keeping with the area in particular the north side of Chapel Road and the sense of spaciousness by way of grassed area will be lost.

Heritage impacts

82. The application site is adjacent to the Ashley Cross Conservation Area, a designated heritage asset. Therefore, the proposal has the potential to impact on its setting. The Church is a Grade II listed building, another designated heritage asset though this is not technically the subject of this application, the proposal is in close proximity to it and the moving of uses will impact on it.
83. Chapter 16 of the NPPF recognizes the need to conserve heritage assets significance so they can be enjoyed for their contribution to the quality of life of existing and future generations (para 195). It is required that the impact of proposals on a heritage asset are considered to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 201).
84. Paragraph 205 requires 'great weight' to be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
85. Paragraph 206 and 207 requires clear and convincing justification of any harm or loss of a designated heritage asset or significance of an asset. Paragraph 208 requires a development proposal that leads to less than substantial harm to the significance of a designated heritage asset, to be weighed against the public benefits of the proposal.
86. Policy PP30 of the Poole Local Plan states that new development is expected to preserve or enhance Poole's heritage assets, their historic, architectural and archaeological significance, their settings in a manner that is proportionate with their significance. Development within conservation areas should enhance or better reveal the significance and value of the site within the street scene and wider setting.
87. The Council's Conservation Officer was consulted on this proposal. They advised that the Church Hall building does not contribute positively to the

character or appearance of the street scene. Also, there is no objection to the demolition of the Church Hall, as demonstrated by the approval of the Prior Notification of Proposed Demolition of St Peters Church Hall (APP/22/01732/PA), in order to allow the redevelopment of the site. Notwithstanding this, the Conservation Officer advised that the proposal amounts to 'overdevelopment' of the site.

88. The Ashley Cross Conservation Area appraisal discusses how the residential area to the north of Commercial Road, which includes the properties close to the site along Chapel Road is characterised by uniform two storey residential properties. It goes on to state that these properties are constructed of buff brick or red brick elevations under slate roofs. The properties are set back behind small front gardens usually with low, brick, front boundary walls. The Appraisal also discusses how the vast majority of buildings in the area date from the Victorian and Edwardian development. The Appraisal also lists No's 3-15 Chapel Road as a 'positive feature' of the Conservation Area.
89. As already discussed, the scheme would not integrate with the character of the area and it would represent an overdevelopment of the site. This view was supported by the Planning Inspector, as already discussed. Furthermore the Inspector concluded that the open undeveloped area to the south, whilst not a formal area of open space, makes an important contribution to the openness of this part of the street scene and as an important aspect to the setting of the Ashley Cross Conservation Area (ACCA) to the south, allowing views of the buildings along the southern side of the Church Road and the low height of the existing building helped to maintain the distinct sense of spaciousness which is important to the setting of the ACCA.
90. The Inspector concluded the proposal would cause less than substantial harm to the significance of the ACCA as a designated heritage asset at paragraph 28 of his report (APP/V1260/W/23/3318201). Given that the refused scheme removes the area of open space, presents overdevelopment of the site that is out of character with its surroundings, with a height that is unknown, the same as the previous proposal, the same principles apply to this current proposal and it is concluded that this proposal would result in a less than substantial harm to

the significance of the ACCA and that paragraph 208 of the NPPF requires the harm to be weighed against the public benefits of the proposal.

91. The community benefit, associated with the requirements of Policy PP26 of the Poole Local Plan, as mentioned in the former parts of this report, is not considered a public benefit arising from this proposal, as required by the provisions of the NPPF. This cannot form a dual function of a public benefit which could be weighed against harm to the heritage assets. This stance was also confirmed by the Planning Inspector.
92. With regards to paragraph 208 of the NPPF, the applicant has not identified any public benefit arising from the scheme. Though some minor economic and social benefits are noted, such as contribution to the housing supply, jobs arising from construction and the housing of 4 families (offered as private market housing), these benefits are temporary and of a very small scale, and they do not outweigh the harm that has been identified.
93. Therefore, the scheme is not in accordance with Policy PP30 or Chapter 16 of the NPPF and would amount to less than substantial harm to the Conservation Area.

Impact on amenities of future occupiers and neighbouring residents

94. Policy PP27 of the Poole Local Plan states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.
95. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.130).
96. With regards to the amenity of future occupiers, each dwelling would benefit from a kitchen and living room on the ground floor with three bedrooms on the upper floor. All rooms are of an acceptable size with acceptable levels of outlook and natural light, meeting the national minimum space standards for a four-

person, two storey, three bedroom dwelling. The dwellings would not benefit from a considerable amount of amenity space, given the proposed overdevelopment of the site, as mentioned above. However, in terms of external amenity, whilst more would be preferred, it is recognised that there are public green spaces, such as Ashley Cross Green in close proximity of the site - as such, in this instance it would not substantiate a refusal reason on its own in relation to amenity.

97. Given the proposed parking area to the north of the site, the dwellings would be unlikely to appear oppressive or overbearing in relation to No.12 Chapel Road given the separation distance that would be retained to the closest dwelling on Plot 4. Given the location of the highway, which separates the site from the dwellings that front the opposite side of Church Road to the south of the site, the scheme is unlikely to appear overbearing or oppressive to Nos.42 and 44 Church Road. In addition, given the separation distance that would be retained between the rear elevations of the proposed dwellings and the dwelling at No.95 Church Road to the rear (east) of the site, it is also unlikely that the proposed development would appear overbearing to that neighbouring dwelling. The scheme is also unlikely to result in any significant overshadowing or material loss of sunlight/daylight or outlook to any of these neighbouring properties given the sufficient separation distances that would be retained.
98. In terms of overlooking, the first floor window on the northern elevation of House 4 would face into the front garden area of No.12. This area is already within the public view and as such there is no overlooking concerns associated with this. In addition, this window would serve a stairwell and is marked with obscure glazing, further preventing the chance of any overlooking. Had the proposal been acceptable in all other respects, this would have been secured by condition.
99. There are numerous windows proposed at first floor level on the rear elevations which will face the side garden of No.95. There is however dense vegetation on this site, which is likely to mitigate any potential overlooking providing it is retained. In addition, there are separation distances of approximately 19 metres between the rear elevation of the proposed dwellings and the side elevation of No.95. The first floor bay windows on House 2 and 3 are also shown as obscure

glazing in the middle, with clear glass to the sides allowing oblique views of No.95 only. This would minimise potential overlooking further. Therefore, whilst it is recognised that there will likely be some overlooking to No.95, it is accepted that some levels of overlooking often exist in such urban areas and therefore it is not considered that this would result in such material harm as to warrant a refusal of the scheme on these grounds. There would be no overlooking concerns associated between the proposed dwellings. Whilst each dwelling would benefit from a window on the side elevation to serve the stairwell, this would face onto a gable wall elevation.

100. With regards to the additional pedestrian movements from the new dwellings, although noticeable to the neighbours, the associated noise and disturbance arising would be of a residential nature and scale such that it would not be so significant as to materially harm the amenities of these neighbours. In addition, it is likely that the noise and disturbance associated with the occupation of the proposed dwellings may be less than that generated by the existing Church Hall building when it is in use.
101. The impact on the residential amenities and privacy of the surrounding properties has been carefully considered and the representations referring to these issues are recognised and acknowledged. However, it is considered that the scheme is acceptable and compliant with the provisions of Policy PP27 of the Poole Local Plan (November 2018).

Impact on highways and parking

102. As mentioned, a communal car parking area is proposed to the north of the site. An existing vehicle access along Church Road would be closed and the kerbs/footway would need to be reinstated at the applicants' expense, as advised by the BCP Highway Authority. The existing vehicle access along Chapel Road would be utilised and is wide enough to allow two vehicles to pass each other, which would prevent vehicles having to wait on the highway. The access splays out by design, providing pedestrian visibility which is considered acceptable.
103. A footway is proposed along the front of the development which is considered a highway improvement. The footway would have been required to be built to

adoptable standards, secured by condition, had the proposal been acceptable in all other respects.

104. The site is on the corner of the junction between Chapel Road/Church Road and the corner section of the site has been designated as a visibility splay with no features over 0.6m permitted, which would allow for drivers to see vehicles approaching the junction from both directions. Had the proposal been acceptable in all other respects, this would have been secured by condition.
105. Four car parking spaces are proposed, which meets the requirements within the BCP Parking Standards, given the site is within a Zone B location, based on the BCP Council Parking Zones and is considered to be a relatively sustainable location, with reasonable access to public transport, including near to a mainline train station, as well as being near to services, shops and other facilities.
106. Adequate turning provision is proposed and the turning area to the front of the car parking spaces has been hatched and annotated as a “shared turning area”. Again, had the proposed scheme been acceptable in all other respects, the provision of this shared turning area and the retention of it for use as a vehicle turning area free of obstruction at all times could have been secured by condition.
107. The Parking Standards SPD outlines requirements for Electric Vehicle Charging in new development. In this instance, the provision of EV charging points are shown for each car parking space, which is acceptable and the provision of these would have been secured by condition had the scheme been acceptable.
108. Secure and covered cycle parking for three bikes is proposed for each dwelling within their rear gardens which is an acceptable level of provision for the size of the proposed dwellings in accordance with the BCP Parking Standards SPD (2021). Pathways from the front of sites 2 and 3, and from the sides of sites 1 and 4 leading to the cycle stores are proposed. This is considered to be acceptable subject to the provision of a scheme of lighting to further enhance safety that could have been secured by condition had the scheme been acceptable in all other respects.

109. To summarise, subject to the imposition of the conditions referred to above, BCP Highways Authority have advised that they support the proposal that would be in accordance with the provisions of Policies PP34 and PP35 of Poole Local Plan (November 2018) and the BCP Parking Standards SPD (2021).

Sustainability

110. Being a new build development, it will be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. Had the proposal been acceptable in all other respects, a condition to secure details of the measures to achieve 10% of the energy needs of the proposed development through renewable energy sources would have been secured accordingly to ensure that the requirements of PP37 are met.

Biodiversity

111. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
112. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
113. A Phase 1 and 2 bat report was submitted alongside the application. This advised that the building does not currently support roosting bats. It offers a number of mitigation and enhancement measures which could be implemented with the development. The Biodiversity Officer has been consulted on the scheme and has no objection to the proposals however they have recommended that if the scheme is granted permission the mitigation and enhancement measures as suggested in section 4 of the report should be secured by condition. They have also recommended an informative that if bats

are found during demolition that all work is to cease and if possible, part of structure that was removed and exposed bats put back into place. Had the proposal been acceptable in all other respects, these would have been secured by condition.

114. With the attachment of the conditions and informatives discussed above, it is considered that the scheme would be in accordance with PP33 of the Poole Local Plan (November 2018).

Other Matters

115. The application site is located within Flood Zone 1 and therefore is at a low risk of river or tidal flooding, whilst it is not identified as being at risk from surface water flooding. It is recognised that the scheme would introduce an increased level of hard surfacing across the site. The application form states that a sustainable drainage system (SUDS) would be used for the discharge of surface water drainage which could be acceptable, in line with the requirements of Policy PP38 of the Poole Local Plan; however, minimal information has been submitted in respect of this aspect of the proposed development. Therefore, to ensure there is adequate provision of surface water drainage infrastructure to meet the needs of the proposed development had the scheme been considered acceptable in all other respects it would have been reasonable to condition further details of the proposed SUDS scheme to be submitted to ensure the scheme is compliant with the provisions of Policy PP38 of the Poole Local Plan which seeks to ensure post-development surface water run-off does not exceed pre-development levels.
116. Bin storage areas are annotated within the rear garden of each dwelling on the site plan. On collection day, future occupiers could leave their bins at the bin collection point, as indicated on the site plan. It is noted that the Waste Team were consulted on the scheme however no comments were received. Nevertheless, the proposed arrangements for the storage of bins and for their presentation for collection are acceptable.
117. Whilst there is a Tree Preservation Order that covers part of the surrounding area, including the immediately adjacent site at No.95 Church Road to the east of the application site, it does not cover the application site itself and there are no protected trees on site. Whilst some vegetation and shrubbery would be

removed within the application site to facilitate the proposed development, there is no objection to this, although the landscaping of the site is reserved for consideration at a later stage.

118. With regards to the Biodiversity net gain (BNG), the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

119. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. As the application was submitted before 2 April 2024, this proposal is exempt from the BNG requirement.

SAMM/CIL Compliance

120. 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.

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	N/A	N/A
	Proposed	0		
	Net increase	0	N/A	N/A
Houses	Existing	0	@ £510	@ £181
	Proposed	4		
	Net increase	4	£2040	£724
Total Contributions			£2040 plus admin fee	£724 plus admin fee
CIL	Zone C		@ £137.78 per sqm	

121. 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.
122. 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.
123. The applicant has signed a section 106 agreement to ensure payment of the contributions on commencement of development. The scheme is therefore

considered in accordance with the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018) in this regard.

Planning Balance/Conclusion

124. In conclusion, the proposal does not accord with Policy PP26 in that the proposal does not satisfy the policy tests and does not provide community benefits to offset the loss of the Church Hall, and the proposal is contrary to PP27 and PP28 in relation to integrating with the character and appearance of the area.
125. Given the shortfall of number of homes delivered in Poole, paragraph 11d of the NPPF applies. Paragraph 11d requires that permission is granted unless the policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
126. The Council encourages sustainable development. This seeks to strike a balance between the economic and social benefits of new housing with any potential environmental impacts that result from the residential redevelopment of the plot and potential impact on residential amenities, and the social benefits derived by the creation of much needed housing.
127. The proposed scheme would contribute to the Council's demand for new housing; providing four residential units. Consideration has been given to the appeal decision for APP/V1260/W/23/3318201 and the Planning Committee decision for APP/23/00382/P. However, the provision of 4 homes cannot be given significant weight in the planning balance.
128. Paragraph 11 d of the NPPF then refers to footnote 7 that lists 'designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72)' as an asset of particular importance. As discussed in this report, the proposal amounts to less than substantial harm to the significance of the Conservation Area and there are no public benefits to outweigh this harm. This harm stands alone and therefore, the tilted balance, in this instance, does not apply.
129. The cumulative impacts on the community and the Conservation Area from the loss of one community facility with no community benefit to offset this loss, and

the less than substantial harm to the Conservation Area with no public benefit to offset this loss outweigh the very modest benefits arising from the proposal.

130. It is considered that the scheme has an acceptable impact on the amenities of future occupiers and neighbouring residents. It also has an acceptable impact on parking provision and highway safety.

131. However, on balance, the scheme is recommended for refusal.

Recommendation

132. It is therefore recommended that this application be **REFUSED**.

133. Reasons for refusal

1. The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018)
2. The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with the surrounding development and the prevailing pattern of development. Overall, the scheme would appear as a cramped and contrived form of development that would be detrimental to the character and appearance of the street scenes of Chapel Road and Church Road and the surrounding area and fail to preserve the character and appearance and significance of the adjacent Ashley Cross Conservation Area. The scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018). The harm that has been identified is not outweighed by a public benefit arising from the proposed scheme.

135. Informatives

1. In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants 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 how the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters.
- In this case the applicant and BCP have worked together to minimise the reasons for refusal.

2. List of plans refused

Location block plan, drawing no: 2238 41

Site plan, drawing no: 2238 42

Bike Store, drawing no: 2238 50

Floor plans, drawing no: 2238 43

Front elevation boundary treatment, drawing no: 2238 45

Front elevation, drawing no: 2238 44

Rear elevation, drawing no: 2238 46

Street Scenes, drawing no: 2238 48

Side elevation, drawing no: 2238 47

Elevation details – materials, drawing no: 2238 49 r

All received 11 March 2024

3. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 2nd January 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

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

5. 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.

136. 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: 25/10/2024

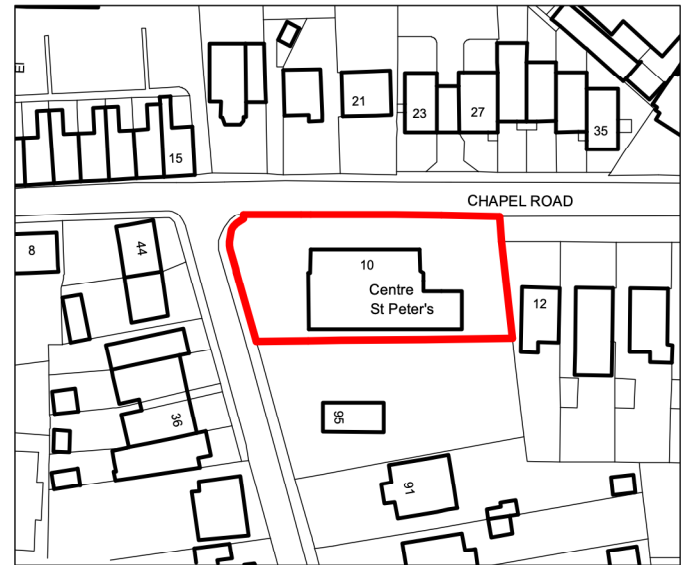
Officer: Frances Summers

Date: 25/10/2024

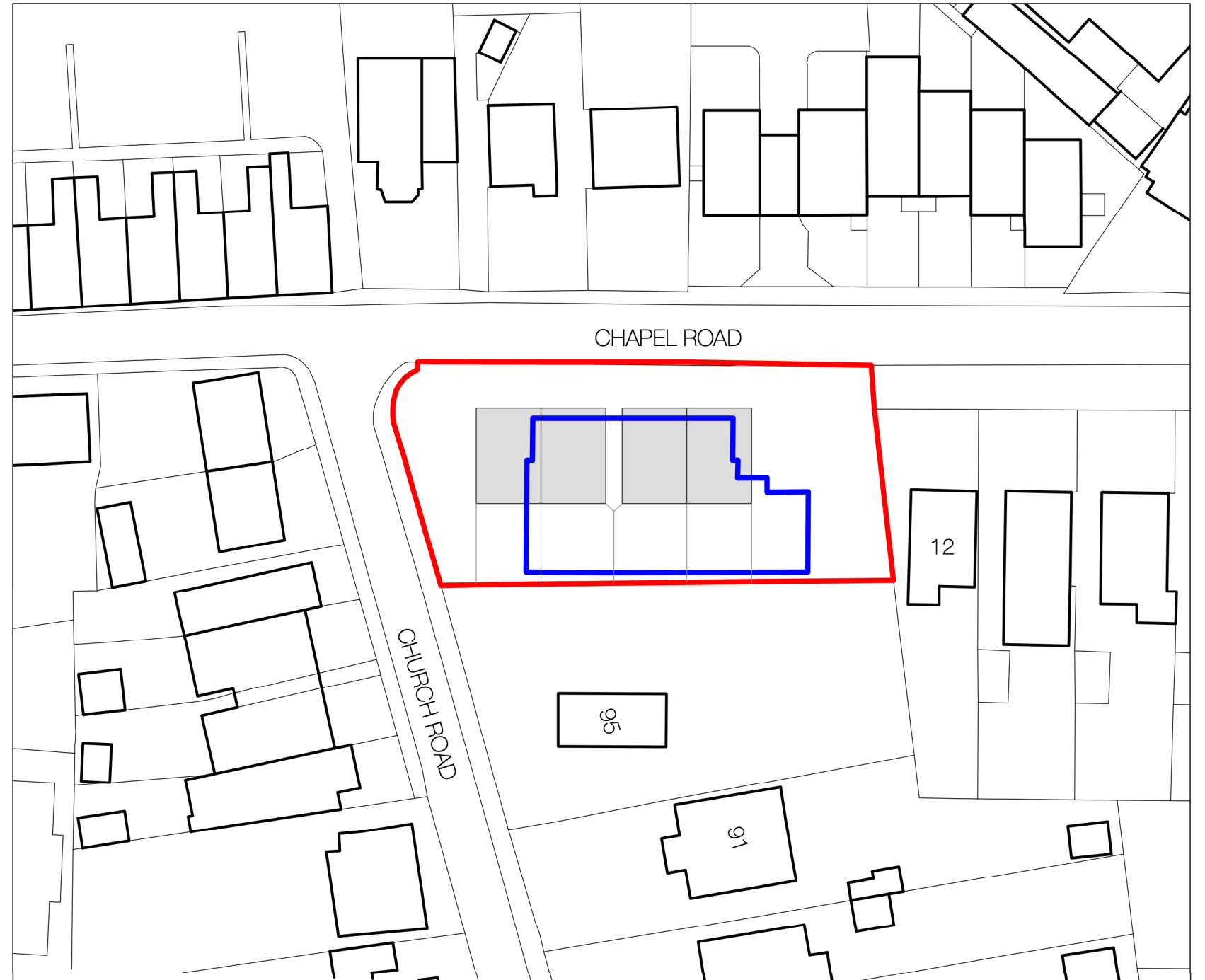
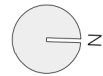
Agreed by:

Date:

Comment:



LOCATION PLAN
SCALE 1:1250@A3



BLOCK PLAN
SCALE 1:1500@A3

0 2 4 6 8 10 20m



■ PROPOSED FOOTPRINT

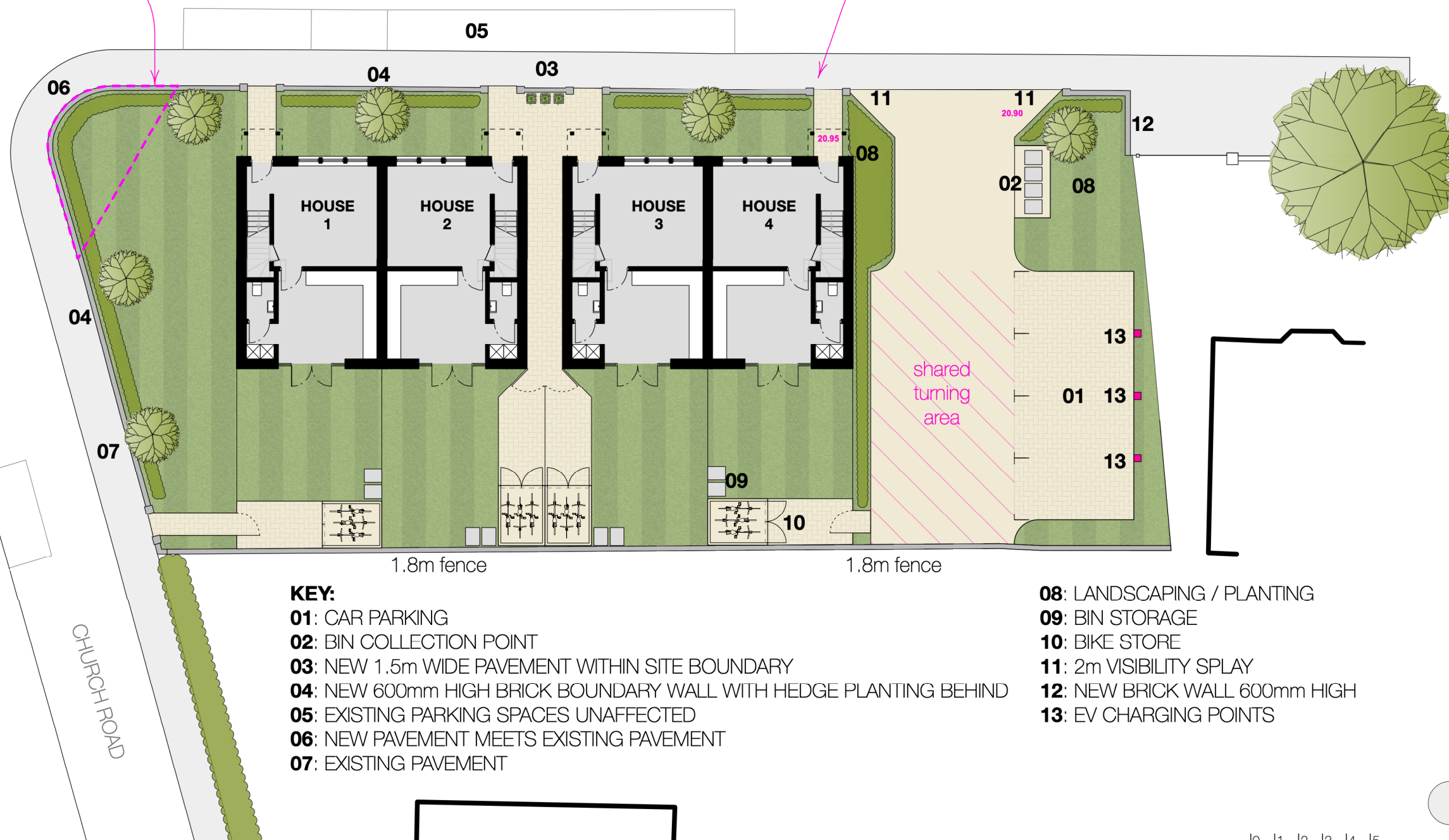
□ EXISTING FOOTPRINT

600mm high brick wall. Hedge planting behind, in pink outlined zone, to be maintained at no higher than 600mm in height so that the corner serves as a visibility splay

New pavement formed within site boundary and provided to BCP Council

CHAPEL ROAD

58



KEY:

- 01: CAR PARKING
- 02: BIN COLLECTION POINT
- 03: NEW 1.5m WIDE PAVEMENT WITHIN SITE BOUNDARY
- 04: NEW 600mm HIGH BRICK BOUNDARY WALL WITH HEDGE PLANTING BEHIND
- 05: EXISTING PARKING SPACES UNAFFECTED
- 06: NEW PAVEMENT MEETS EXISTING PAVEMENT
- 07: EXISTING PAVEMENT

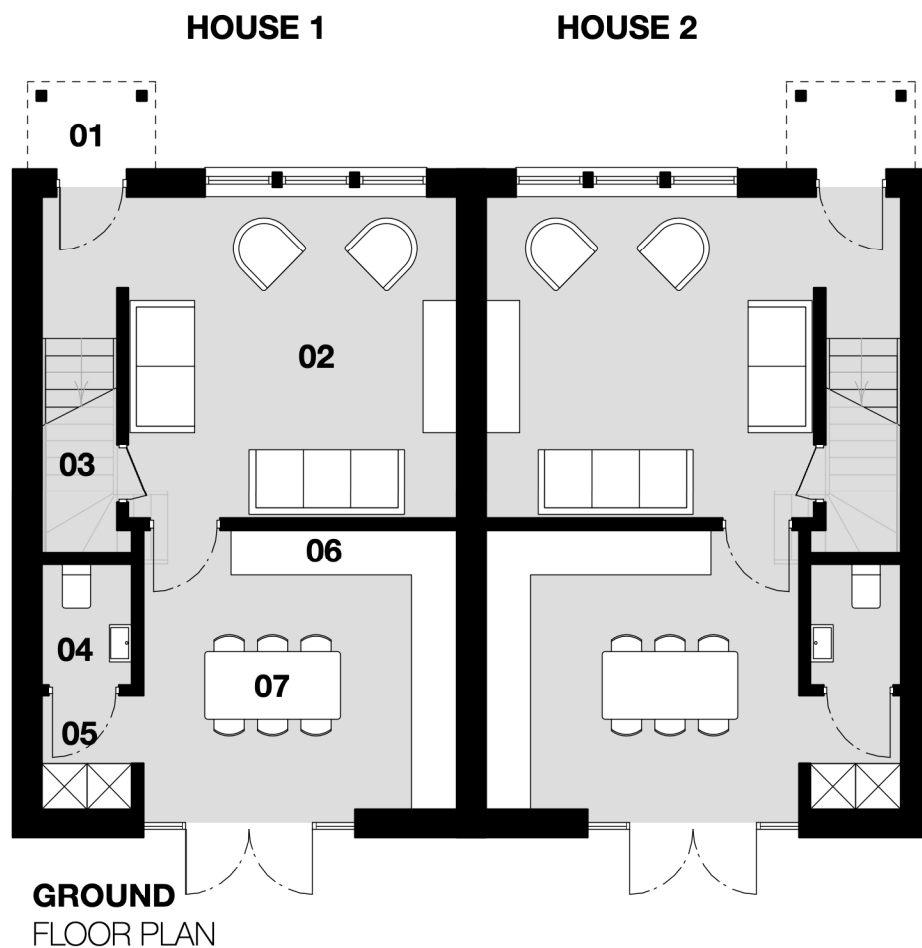
- 08: LANDSCAPING / PLANTING
- 09: BIN STORAGE
- 10: BIKE STORE
- 11: 2m VISIBILITY SPLAY
- 12: NEW BRICK WALL 600mm HIGH
- 13: EV CHARGING POINTS



0 1 2 3 4 5 10m

ROOM KEY:

- 01:** COVERED PORCH
- 02:** LOUNGE
- 03:** UNDER STAIRS STORE
- 04:** WC
- 05:** UTILITY
- 06:** KITCHEN
- 07:** DINING

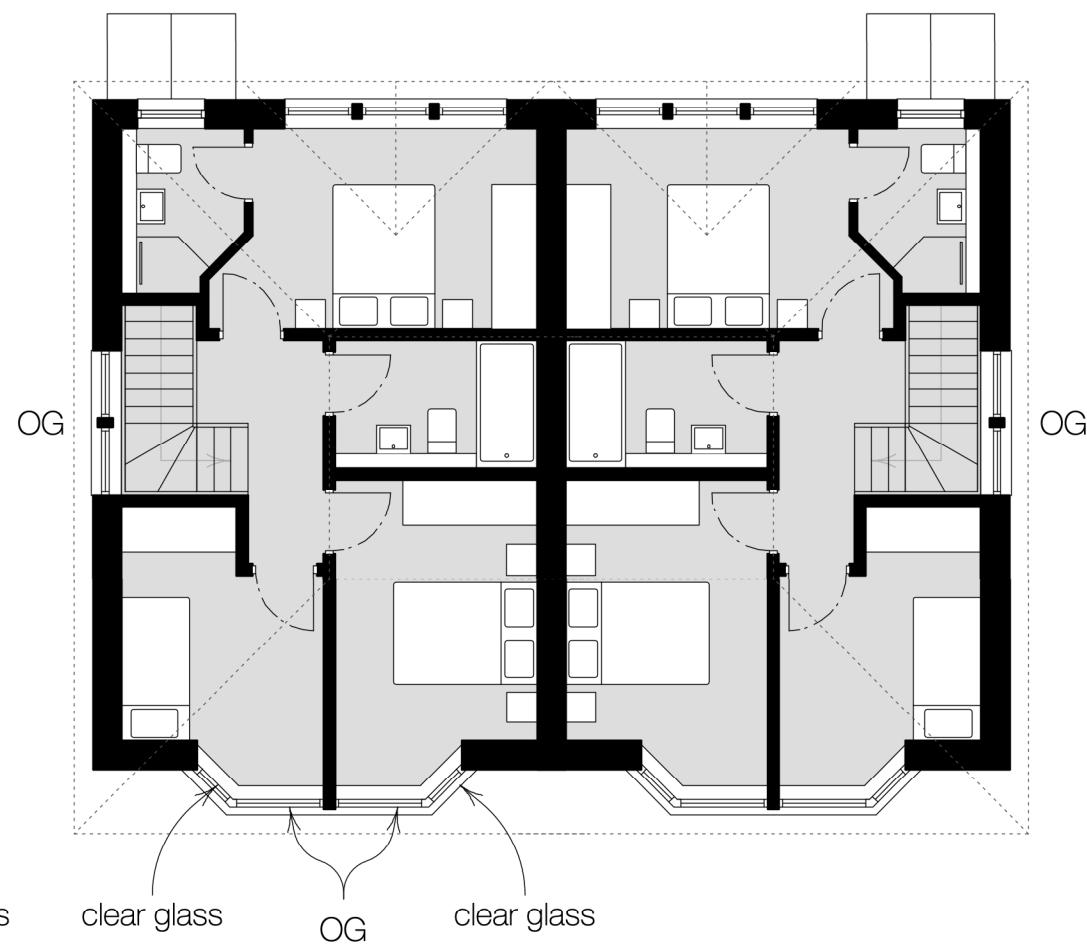
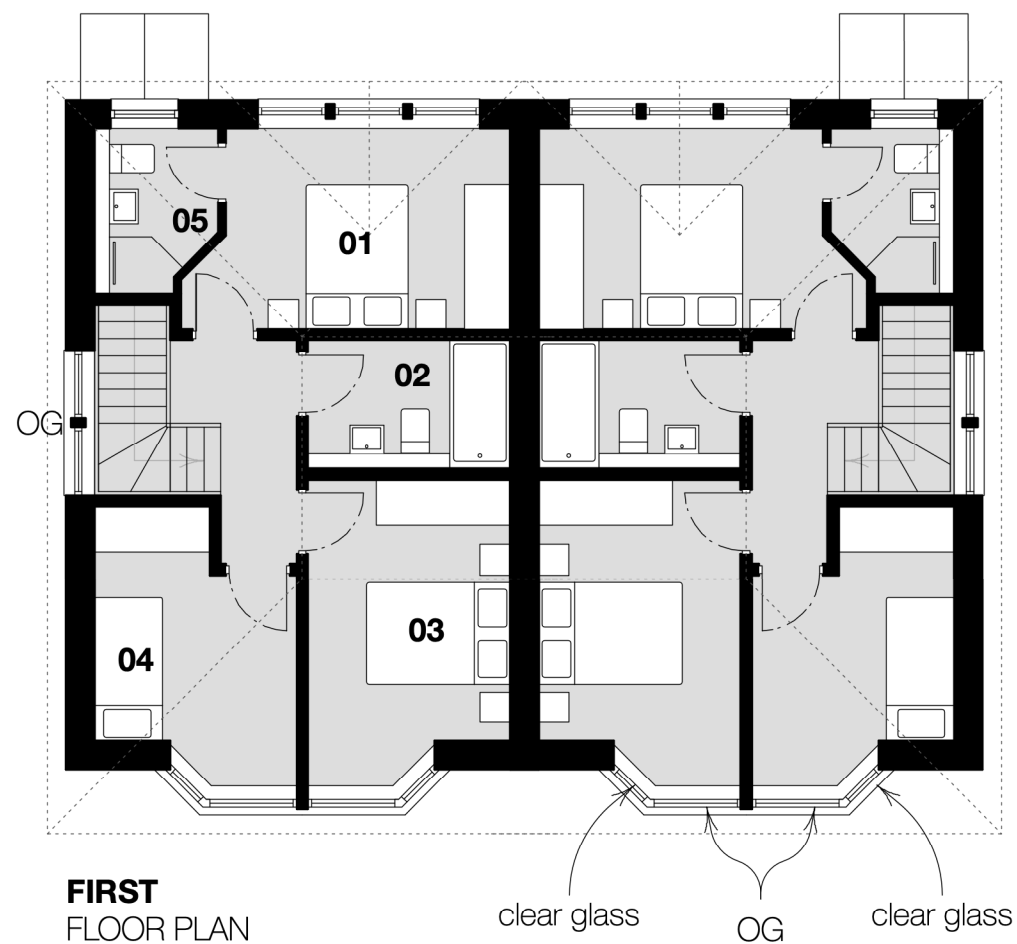


OG: obscure glazed window

ROOM KEY:

- 01:** MASTER BEDROOM
- 02:** BATHROOM
- 03:** BEDROOM TWO
- 04:** BEDROOM THREE
- 05:** ENSUITE

FLOOR AREA:
959sqft



0 | 1 | 2 | 3 | 4 | 5 10m







OG: obscure glazed window



HOUSE 1 & 3 SIDE ELEVATION
SOUTH



HOUSE 2 & 4 SIDE ELEVATION
NORTH

OG: obscure glazed window

12
CHAPEL ROAD



CHAPEL ROAD

44
CHAPEL ROAD

64

17
CHAPEL ROAD



CHAPEL ROAD

CHURCH ROAD

95
CHURCH ROAD

91
CHURCH ROAD



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 Miell Pure Town Planning
Ward and Ward Member(s)	Oakdale: Councillor Rice Councillor Miles
Report Status	Public
Meeting Date	7 th November 2024
Summary of Recommendation	Grant in accordance with the details set out below in the report
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. Outline planning permission is sought for the demolition of the existing buildings (one bungalow and associated outbuildings in garden including garage) and the erection of eight dwellings with associated access and parking.
2. The proposals are submitted in outline and this application seeks approval of the detailed matters of access, appearance, layout and scale at this stage. Landscaping is not for detailed consideration under this application but is reserved for later approval, should this outline application be approved.

3. The proposal is to demolish the existing bungalow and erect 4 pairs of semi-detached houses, two of which would replace the existing bungalow sited, albeit that they would be sited slightly forward of the siting of the existing bungalow, whilst the remaining dwellings would be located within the existing rear garden area with each pair of dwellings sited behind the previous pair.
4. The access onto Foxholes Road would be similar to that which currently exists and would run along the southwestern boundary of the site. To the front of the site, Houses 1 & 2 would front onto Foxholes Rd. House 2 would have a front garden area whilst two parking spaces are proposed to the front of House 1. Within the site there would be two turning/passing areas both of which would provide access to parking areas that would be sited between Houses 1 & 2 and 3 & 4, and Houses 5 & 6 and 7 & 8. There would be 18 parking spaces provided in total.
5. Each dwelling would be three storeys with the top floor of accommodation contained within the roof space (2-storey to the eaves level with the second floor accommodation provided within the roof space). The properties are shown to be 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 of single and two storey scale, that are finished in red brick or render and with red or grey roof tiles. Within Dale Valley Road there is a predominance of terraced 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, Nos. 47 and 47a Foxholes Road also sit in a backland position, to the rear of No.45 Foxholes Road. 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 elevation.
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, whilst the lawn towards the dwelling is more manicured. There are a number of outbuildings, mature trees and shrubs within the existing rear garden. 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. 2008 - Demolish the 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. **Approved** (Application Ref: 07/02368/002/F).
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. BCP 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 (November 2018).

20. BCP Highways Authority – Support subject to the imposition of conditions.
21. BCP Environment Services (Waste) - No objection.
22. BCP Environment Services (Contaminated Land) - No objection subject to the imposition of conditions.
23. Lead Local Flood Authority (LLFA) – Recommend that the finished floor levels of the proposed residential dwellings be raised a minimum of 150mm above surrounding ground levels due to the topography of the site. The submitted surface water drainage strategy utilising infiltration drainage via soakaways, permeable paving and bioretention is broadly acceptable but it is suggested that some additional information regarding a viable discharge point and infiltration testing is provided.
24. Dorset and Wiltshire Fire and Rescue Service - Standard advice regarding Building Regulations matters, access and water supply for fire fighting, and provision of domestic sprinkler protection etc.
25. BCP Biodiversity Officer – Support subject to the imposition of conditions to secure bat and protected species mitigation measures and biodiversity enhancement measures.
26. Natural England – No objection, subject to all bat mitigation measures being secured by condition and SAMMs contributions being secured to mitigate any potential recreation impacts on Dorset Heaths and Poole Harbour
27. The Society for Poole – Object. The proposed development fails to respect the character and constraints of the neighbourhood due to the scale of the proposals representing overdevelopment of the site and resulting in dangerous implications for road users.

Representations

28. In addition to letters to neighbouring properties, a site notice was posted outside the site on 26/04/2024 with an expiry date for consultation of 20/05/2024. A further site notice was posted on 23/08/2024 following the submission of amended plans with an expiry date for consultation of 06/09/2024.
29. 19 representations have been received in response to the original period of consultation, raising objections. 10 further representations have been received following the further period of consultation following the submission of amended plans, which continue to raise 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 cannot 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

It is noted that a number of people have raised concern regarding the impact of the proposed development on the value of properties in the area. However, this is not a material planning consideration and cannot be taken into account in the determination of this application.

Key Issues

30. The main considerations involved with this application are:

- Presumption in favour of sustainable development
- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring privacy and amenities
- Parking/ highway safety
- Impact on trees
- Drainage/flood risk
- Waste
- Contamination
- Biodiversity

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

Policy Context

32. 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 (November 2018).

33. Poole Local Plan (Adopted November 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

34. Emerging BCP Local Plan

- Policy S3 Healthy communities
- Policy S4 Health and wellbeing
- Policy BE1 Design and high-quality places
- Policy BE3 Living conditions
- Policy NE3 Biodiversity
- Policy T1 Transport strategy
- Policy T3 Creation or alteration of a vehicular access onto a road
- Policy T4 Transport Infrastructure
- Policy C7 Sustainable Drainage (SuDs)
- Policy P23 Oakdale

35. The Local Planning 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 Local Plan Inspector, 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 version submitted for examination, the emerging policies of the BCP Local Plan are given very limited weight in the consideration of this application.

36. 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)

37. National Planning Policy Framework (December 2023)

38. The policies in the Framework are material considerations which should be taken into account when dealing with applications. Of particular relevance to this current application are 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”.

Section 5 - Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 – Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

39. 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.

Planning Assessment

Presumption in favour of sustainable development

40. The NPPF (2023) paragraph 77 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the local planning authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The Draft BCP Local Plan (Regulation 19) consultation launched on 20 March 2024 and included a policies map and allocations. The land supply position is therefore set out in relation to a four year housing land supply. Paragraph 77 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%.
41. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a 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.
42. 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 four-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.

43. 1st April 2024 marks the fifth anniversary of when BCP Council came into existence. As such, government planning guidance requires publication of a single BCP Council housing land supply calculation, as opposed to a separate supply for each predecessor authority. At 1st April 2024, BCP Council had a housing land supply of **1.6 years** against a 4-year housing requirement that includes a 20% buffer (a shortfall of 8,078 homes). For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a four-year supply of homes.
44. In this instance, the proposed development would provide seven additional dwellings that would contribute towards the Council's housing delivery target. For this planning application the benefits provided from the supply of 7 additional residential units is considered to carry significant weight in the planning balance.
45. 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.

Principle of Development

46. 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.
47. 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).
48. 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.
49. 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.
50. 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.
51. 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

52. 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.
53. The application site sits in an area which is predominately residential in character. The site is located on Foxholes Road which is characterised by predominantly single and two-storey, detached and semi-detached properties, reflecting its main period of development from the inter-war period to the 1950's. 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.
54. 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.
55. The proposals would result in a pair of semi-detached dwellings sitting to the front of the site, which would be sited slightly further forward than the existing bungalow that is to be demolished but would 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).
56. 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, would give them a modern twist. Whilst the dwellings would appear distinctive within the street scene, they would use materials which exist within the area and would not be harmful to the wider character of the area.
57. The proposals would introduce a second floor of accommodation within the roof form of the proposed dwellings, which is not a feature of the area. The dormers to the proposed dwellings on Plots 3-8 are fairly modest and these dwellings 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 to the front and rear elevations 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.
58. 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 in the vicinity of the application site, such as Nos.47 and 47a Foxholes Road, and given that the positioning of Houses 1 and 2 respects the street scene of Foxholes Road and the remaining development has a lesser visual impact on the street scene, it can be accommodated without harm.

59. 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 PP27 and PP28 of the Poole Local Plan (2018).

Impact on occupier's and neighbouring living conditions

60. 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.
61. Houses 1 and 2 would sit in a similar location to the existing dwelling fronting Foxholes Road and would be sited between two storey dwellings to either side. The main windows would be positioned 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 public realm of Foxholes 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 a source of light rather than views and a ground floor full length window, which would face towards the existing boundary fence in the case of House 1. In the case of House 2, there is no boundary treatment to the neighbour at No. 51 Foxholes Road. Condition 5 requires boundary treatments be agreed and this can ensure there is no significant loss of privacy from these side facing openings.
62. Houses 3 - 8 sit within the rear of the site with their front elevations facing in either a south easterly or north westerly direction. As such, along the north eastern boundary of the site, which borders the rear boundary of the properties fronting onto 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 would be in excess of 20m to the rear elevations of the neighbouring properties fronting Dale Valley Road and therefore the proposal would not result in harmful overlooking or overshadowing. The windows in the side elevations of the proposed dwellings 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 the ground floor windows.
63. To the southwest of the site, the proposed dwellings would sit adjacent to the shared access which would 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.
64. Towards the Foxholes Road end of this boundary the site borders Nos.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 the side elevations, the proposals would not result in harmful overlooking. The boundary of No.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 Nos.124 – 130 Dale Valley Road. As such, the scheme is not considered to result in harmful overlooking or overshadowing to these neighbours.

65. 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 these dwellings of approximately 24.5m and from the front elevation of Houses 3 & 4 to the rear boundary of Houses 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 private amenity areas sited in between. The distance between the rear elevations of these dwellings is approximately 21m which is again considered acceptable.
66. Houses 5 & 6 would have a front to front relationship with Houses 7 & 8 with the access and parking spaces for these four units sited between them that would provide a separation distance of approximately 18 metres between the front elevations of these dwellings. Again, this is considered acceptable.
67. House 4 would sit adjacent the shared boundary with No.51 Foxholes Road and would have an oblique back to front relationship with this dwelling, however there would be a separation distance between these dwellings of approximately 20metres and at an oblique angle any overlooking would not be harmful or uncommon in an urban setting such as this.
68. 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 internal access road which will reduce the impact of noise and disturbance from vehicles, whilst the ground floor side windows facing the access road would provide surveillance over these areas. The two parking areas within the development would serve the units between which they sit and again this would reduce the impact of vehicles manoeuvring within the site.
69. Four of the units measure 106.8 m² which is marginally below the Nationally Described Space Standard (NDSS) for a 3-bed, 6-person, 3-storey dwelling of 108m². The remaining 4 units exceed this standard at 114m². 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.”*
70. As none of the units fall more than 20% below the NDSS, it is considered that the scheme complies with the Poole Local Plan in this regard. All properties would have usable and adequate private garden space and amenities, such as car and cycle parking, and the future occupiers would enjoy adequate living conditions.
71. 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

72. 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 submitted plans have been amended in response to these concerns.
73. A revised vehicle access is proposed, which would 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 would 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 length of the vehicle access road is wide enough to allow for vehicles to safely pass cyclists and is sufficient width to allow access for larger service vehicles and emergency vehicles, whilst a pedestrian footway is also proposed alongside the vehicle access road. The proposed layout can achieve an adoptable standard which can be secured by condition.
74. 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 SPD (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.
75. 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". This area can be conditioned to be kept clear of any obstruction at all times to allow for these turning movements.
76. 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 can be secured by condition.
77. In summary, the amended scheme now complies with the requirements of the Council's Highways Authority and Policies PP34, PP35 and PP36 of the Poole Local Plan (2018) and the Council's adopted Parking Standards SPD (2021).

Impact on Trees

78. The site is heavily screened by trees along its southwestern boundary. These trees are located along the border of the Council owned Cemetery. There is no hard boundary between the sites, but 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 portion of the site in an otherwise distinctly urban setting.
79. The applicant has submitted a tree constraints plan, tree protection plan, arboricultural impact assessment and method statement. Following concerns raised to the proposed development as it was originally submitted, the scheme has been revised reducing it by one unit and re-siting the remaining 6 units at the rear of the site. Revised documents which include daylight/sunlight calculations have also been submitted. The proposals seek to construct the access along the southwestern side of the site that would be constructed using a no dig cellular confinement system which is acceptable.

80. The proposed 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 shading 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 internal access road. 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 would receive limited sunlight throughout the year due to the trees within the adjacent Cemetery.

81. The Council's Arboricultural 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."

82. The sunlight/daylight calculations provided by the applicant, however, demonstrate that whilst the levels of sunlight to some of the units would be limited, they would actually meet the BR209 standard as the garden areas would receive over 2 hours of sunlight on 21st March.

83. Whilst the Council's Arboricultural Officer objects to the proposals, a balance needs to be struck between the provision of adequate homes within a sustainable location and all other material planning considerations. In this instance, this one remaining issue to providing 7 additional residential dwellings within a sustainable location with the associated social benefits and economic benefits during construction, need to be weighed in the planning balance.

84. 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 prune and/or 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 a 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.

85. 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 have continued to grow potentially to how they are now. This permission has now lapsed but remains part of the history to the site.

86. 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. In the opinion of the Council's Arboricultural Officer, the scheme could not be said to comply with Policy PP27 in this regard due to the potential for future pressure for the pruning and/or removal of trees. This must be weighed in the planning balance.

Waste Recycling

87. 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. The provision and retention of the bin collection area can be secured by condition.
88. The proposed development is therefore acceptable from a Waste perspective.

Flood Risk/Drainage

89. 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. The applicant has also confirmed that the finished floor levels of all of the dwellings would be raised by a minimum of 150mm above surrounding ground levels to reduce any risk of surface water flooding and amended plans have been received to demonstrate this.
90. The applicant has also 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 and that on-site ground investigation and infiltration testing is carried out.
91. The applicant has stated that ground investigation/infiltration testing is currently unachievable due to the existing bungalow being occupied with existing structures that are in use blocking access for a piling rig to provide borehole samples. It has also been stated that the drainage consultant has explored the on-file strata maps and as a result are confident that the proposed design is feasible. Having regard to the above considerations, on balance, it is considered that it would be reasonable to condition that details of the surface water drainage scheme are secured prior to the commencement of development to ensure that there is adequate provision of surface water drainage infrastructure to meet the needs of the proposed development.
92. In addition, it has also been recommended that 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 can also be secured by condition.
93. Having regard to the above considerations, the proposed development would accord with the provisions of Policy PP38 of the Poole Local Plan (2018).

Contamination

94. 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.
95. 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 proposed to be imposed, and it will be necessary for site investigations and potential remediation measures to be reported and dealt with prior to the commencement of any demolition and construction 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

96. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
97. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
98. 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, biodiversity enhancements could be achieved within the proposed scheme and a condition is attached to secure this. This would include, but not be limited to, the provision of bat tubes/boxes, 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.
99. With regards to the Biodiversity Net Gain, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
100. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. One such exemption from Biodiversity Net Gain is a planning application for development that was made prior to mandatory Biodiversity Net Gain coming into effect on 12 February 2024. In this instance, this current application was submitted prior to this date and therefore the proposed development is not subject to the requirement to deliver at least 10% biodiversity net gain.
101. In support of the proposed development, the applicant has submitted a Phase 1 Bat Survey Report which recommended that 2no dusk emergence and re-entry surveys be undertaken, as the existing bungalow, that is proposed to be demolished, is of moderate

potential for bat roosting due to the number of gaps behind hanging tiles on the property.

102. Those further surveys have been undertaken and a further Bat Survey Report (Phase 2) has been submitted which identifies that the existing bungalow is used for day roosts by common pipistrelle bats and therefore the developer would require a bat mitigation licence from Natural England. This report also sets out proposed bat mitigation measures.
103. Government guidance relating to 'How to assess a planning application when there are bats on or near a proposed development site states:
Before granting planning permission, the Local Planning Authority must:
- make sure any mitigation or compensation conditions that are to be imposed do not conflict with the requirements of a bat mitigation licence; and
 - be confident that Natural England will issue a licence.
104. Following further consultation with the Council's Biodiversity Officer, it is considered that the proposed mitigation measures for bats and other protected species as set out in the submitted Phase 2 Bat Survey Report are acceptable and subject to their implementation there would be no adverse impact on protected species. The implementation of these measures can reasonably be secured by condition.
105. It should be noted, that if outline planning permission is granted the developer would have to apply to Natural England for a European Protected Species (EPS) licence (bat mitigation licence) that would have to be issued prior to the commencement of the development to ensure that the works are lawful. It is the responsibility of the applicant to arrange an application for the EPS licence. Whilst Natural England has advised that it would be the responsibility of its' licencing department to issue a bat mitigation licence and has referred to its standing advice relating to the impact of development on protected species, it has been advised that all mitigation measures in the Phase 2 Bat Survey Report should be secured by condition. Furthermore, following consultation with the Council's Biodiversity Officer, it is considered that there is a reasonable expectation that a bat mitigation licence would be granted.
106. It is therefore concluded that subject to conditions and the applicant obtaining a European Protected Species (EPS) mitigation licence from Natural England, that bats and other protected species would not be harmed as a result of the proposed development. As such, it is considered that the proposed development would accord with the provisions of Policy PP33 of the Poole Local Plan (2018).

Sustainability Issues

107. Being a new build development, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. The current proposal has been supported by a statement which simply states that it is considered that 10% of the predicted energy needs of the proposed dwellings could be met from the use of photovoltaic panels. In the absence of any firm commitment to the provision of renewable energy sources to meet this requirement, it is appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy source in accordance with the requirements of Policy PP37 of the Poole Local Plan (2018).

Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SMM	Poole Harbour Recreation SMM
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	

108. 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.

109. 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.

110. 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.

111. Contributions are secured by a Section 106 agreement.

Planning Balance / Conclusion

112. The proposals would result in the delivery of 8 new dwellings (net gain of 7 dwellings) in a sustainable location, on existing garden land which is underutilised and which, does not reflect the existing urban grain and pattern of development 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.

113. With regard to impact on protected species, the proposed scheme is acceptable subject to condition of the mitigation and enhancements proposed and additional detail regarding these.

114. The application is in outline and as such there are a number of pre-commencement conditions which would 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.

115. 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 that the scheme is acceptable and meets the relevant policy criteria of the Poole Local Plan (2018) and the provisions of the NPPF.

Recommendation

115. Grant subject to a Section 106 to secure Dorset Heaths and Poole Harbour SAMMs Contributions and Conditions

Conditions

1. OL010 (Submission of Reserved Matters)

No development shall commence on site until details of the landscaping of the site (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. OL080 (Submission of Reserved Matters (3 Years))

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and the development, hereby permitted, shall be begun before the expiration of 2 years from the final approval of reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. PL02 (Plans Listing – Outline)

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

Location and Block Plan (Drawing No: 2315 01B) - received 14/08/2024;

Site Plan (Drawing No: 2315 02D) - received 27/09/2024;
 House 1 & 2 Floor Plans (Drawing No: 2315 03) - received 14/08/2024;
 House 1 & 2 Floor Plans (Drawing No: 2315 04) - received 14/08/2024;
 House 1 & 2 Elevations (Drawing No: 2315 05) - received 14/08/2024;
 House 1 & 2 Elevations (Drawing No: 2315 06) - received 14/08/2024;
 House 3 & 4 Floor Plans (Drawing No: 2315 07) - received 14/08/2024;
 House 3 & 4 Floor Plans (Drawing No: 2315 08) - received 14/08/2024;
 House 3 & 4 Elevations (Drawing No: 2315 09) - received 14/08/2024;
 House 3 & 4 Elevations (Drawing No: 2315 10) - received 14/08/2024;
 Street Scene (Drawing No: 2315 14) - received 14/08/2024;
 Site Section (Drawing No: 2315 15B) - received 27/09/2024;
 House 5 & 6 Floor Plans (Drawing No: 2315 17) - received 14/08/2024;
 House 5 & 6 Floor Plans (Drawing No: 2315 18A) - received 08/10/2024;
 House 5 & 6 Elevations (Drawing No: 2315 19) - received 14/08/2024;
 House 5 & 6 Elevations (Drawing No: 2315 20) - received 14/08/2024;
 House 7 & 8 Floor Plans (Drawing No: 2315 21) - received 14/08/2024;
 House 7 & 8 Floor Plans (Drawing No: 2315 22A) - received 08/10/2024;
 House 7 & 8 Elevations (Drawing No: 2315 23) - received 14/08/2024;
 House 7 & 8 Elevations (Drawing No: 2315 24) - received 14/08/2024;
 Materials (Drawing No: 2315 25) – received 08/10/2024;
 Arboricultural Method Statement (Ref: 521/AMS/2) dated 26 July 2024 and prepared by Richard Nicholson Arboricultural Planning Consultant - received 14/08/2024;
 Tree Protection Plan (Drawing No: RNapc/521/TPP/3) - received 14/08/2024; and
 Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd – received 18/10/2024.

Reason -

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

4. GN030 (Sample of Materials)

The development, hereby approved, shall be carried out in accordance with the external material finishes detailed on the approved Materials Plan (Drawing No: 2315 25) and shall thereafter be retained as such.

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 treatments to be erected shall be submitted to the Local Planning Authority as part of the first submission of reserved matters pursuant to Condition No.1 above. The boundary treatments shall thereafter be erected in accordance with the approved details and prior to the first occupation of any of the dwellings hereby approved, and thereafter be maintained and retained in perpetuity.

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

(Drawing No: 2315 02D) 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 that shall have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings, hereby approved, shall not be first occupied until such time that the first 4.5 metres of the access measured from the nearside edge of the carriageway has been laid out, constructed, hardened and surfaced in accordance with the approved 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).

8. HW060 (Closure of Existing Access)

A scheme to close the section of the existing access (which is to be made redundant) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerbs, and reinstate the footway to the section of the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall be completed in accordance with the approved scheme prior to first occupation of any of the residential units hereby approved.

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. 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) (England) Order 2015 (as amended) or any order revoking and re-enacting that order with or without modification, the land designated as visibility splays as indicated on the approved plan (Drawing No: 2315 02D) 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).

10. Highway Construction Details

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 and thereafter retained as such.

Reason -

To ensure that the access road and car parking areas are constructed to an adoptable standard in the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

11. 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 approved details for the whole contract period, unless otherwise agreed in writing by the Local Planning 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).

12. HW230 Permeable Surfacing

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

Reason -

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

13. Surface Water Drainage Strategy

Notwithstanding the submitted details, prior to the commencement of any of the dwellings, hereby approved, a revised Surface Water Drainage Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Surface Water Drainage Strategy must 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; and
- details of a maintenance schedule and maintenance responsibilities of the on-site drainage features and infrastructure.

The Surface Water Drainage Strategy shall be fully implemented in accordance with the approved details and made operational and available for use prior to the first occupation of any of the dwellings, hereby approved, and shall thereafter be maintained in accordance with the approved details of the maintenance schedule and maintenance responsibilities and retained in full working order at all times.

Reason: To prevent the risk of flooding on site or elsewhere from surface water run-off by ensuring the provision of a satisfactory means of surface water disposal and in accordance with PP38 of the Poole Local Plan (November 2018).

14. 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 (Ref: 521/AMS/2) dated 26 July 2024 and prepared by Richard Nicholson Arboricultural Planning Consultant and as shown on the approved Tree Protection Plan (Drawing No: RNapc/521/TPP/3), 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).

15. TR070 (Tree Protection – Protective Fencing)

No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to the application site of any equipment, materials and machinery for use in connection with the implementation of the development save as is necessary for the purposes of this condition, unless all barriers and ground protection for the purposes of any retained tree have first been provided in accordance with the approved details as shown on the approved Tree Protection Plan (Drawing No: RNapc/521/TPP/3) dated 28/07/2024 ("the Approved Tree Protection Measures"). The Approved Tree Protection Measures shall thereafter be retained as approved until both the development has been completed and all equipment, machinery and surplus materials relating to the construction of the development have been removed from the site, unless an alternative time is provided for in the Approved Tree Protection Measures.

Within the areas secured by the Approved Tree Protection Measures, until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Approved Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is identified as to be retained [in the Approved Tree Protection Measures (Drawing No: RNapc/521/TPP/3) dated 28/07/2024.

Reason –

To ensure that trees to be retained on site are protected throughout the development and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

16. NP100 (Contamination)

Prior to the commencement of any ground works, demolition or construction works on site a preliminary Contamination Risk Assessment (Phase 1) shall be submitted to, and approved in writing by, the Local Planning Authority. The Phase 1 Assessment 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 the Phase 1 Assessment 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 shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any ground works, demolition or construction works on site.

The Phase II report must 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 Phase II report identifies the need for remediation, a remediation strategy/plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any ground works, demolition or construction works on site. The report shall be prepared by a suitably qualified person and the works shall thereafter be carried out in accordance with the approved remediation strategy/plan.

If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any ground works, demolition or construction works other than that required to carry out the implementation of the approved remediation scheme, 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 the implementation of the approved remediation scheme, 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 unencountered 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 of any ground works, demolition or construction works in the affected area. The development shall thereafter be carried out in accordance with the approved details.

Following completion of the implementation of the above remediation works a Verification Report demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved must be submitted to, and approved in writing by, the Local Planning Authority.

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).

17. GN162 (Renewables)

Prior to first occupation of the dwellings hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall thereafter be implemented in full prior to the first occupation of any of the dwelling, hereby approved, and shall thereafter be maintained and retained.

Documents required by the Local Authority include:

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

Reason -

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

18. Provision of Bin Collection Point

Prior to the first occupation of any of the dwellings, hereby approved, the bin collection point, as shown on the approved plans, shall be constructed and made available for use and shall thereafter be maintained, retained and kept available for use as such at all times.

Reason –

In the interests of the visual amenities of the site and to ensure that the development is provided with adequate refuse and recycle provision in the interests of the amenities of the future occupants of the approved development in accordance with Policy PP27 of the Poole Local Plan (November 2018).

19. Biodiversity Enhancement Measures

Notwithstanding the submitted details, no part of the development, hereby permitted, shall be constructed above the ground floor slab level and no boundary treatments within the development shall be erected until such time that details of the biodiversity enhancement measures have been submitted to, and approved in writing by, the Local Planning Authority.

The biodiversity enhancement measures shall be in general accordance with the details set out in Section 5.6 and Appendix C of the Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd (received 18/10/2024) and shall include, but not be limited to, the provision of bat boxes, tubes and tiles; bird boxes; bee bricks and hedgehog doors and highways; and shall also include details of the technical specifications, number, location and siting of the proposed biodiversity enhancement features that are to be installed.

No part of the development shall be first occupied until such time that the approved biodiversity enhancement measures have been fully implemented in their entirety in accordance with the approved details and they shall thereafter be maintained in such a condition as to enable them to continue to fully function for their intended purpose(s) and be retained.

Reason - In order to provide the enhancement of the biodiversity interests of the site and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (December 2023).

20. Ecological Mitigation Measures

The development hereby approved shall be carried out in strict accordance with the mitigation measures as set out in Section 5.5 and Appendices C and D of the Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd (received 18/10/2024) and a licence for development works affecting bats shall be obtained from the Statutory Nature Conservation Organisation (Natural England).

The avoidance, mitigation and compensation measures shall be implemented in their entirety in accordance with the approved details and in accordance with any measures detailed in the licence obtained from Natural England; and all permanent avoidance, mitigation and compensation measures shall be made available for use prior to the first occupation of any of the dwellings, hereby approved, and shall thereafter be maintained in such a condition as to enable them to continue to fully function for their intended purpose(s) and be retained.

Following the implementation/installation of the approved avoidance, mitigation and compensation measures, a verification report that demonstrates the implementation of the approved measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved.

Reason –

To ensure the provision of appropriate avoidance, mitigation and compensation measures in order to protect the protected species and ecological features that are present within the site and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (December 2023).

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; and
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.

2. IN72 (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.asp>

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.bcpccouncil.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 applicant's expense.

Background Papers:

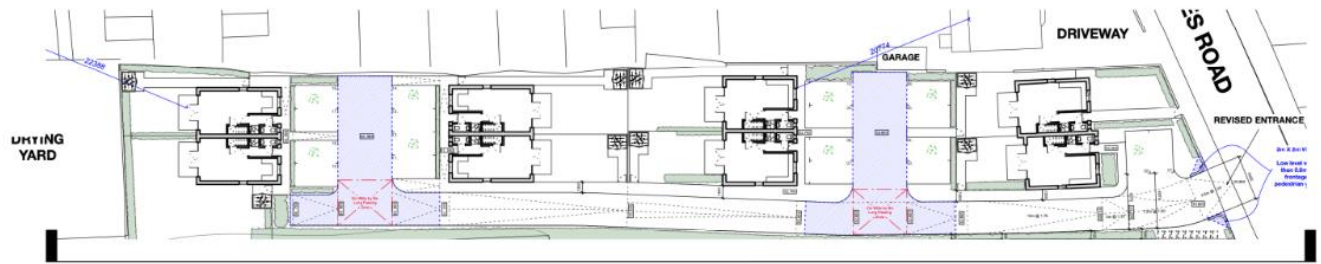
Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related

consultation responses, representations and documents submitted by the applicant in respect of the application.

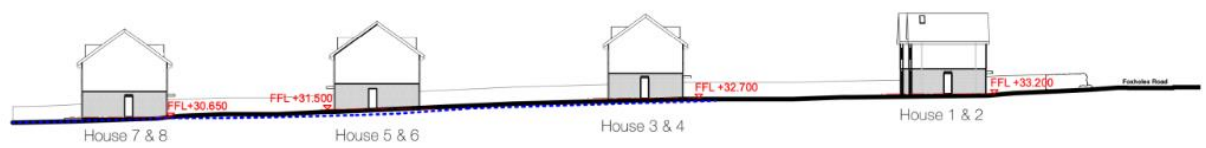
Notes: This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.

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Site Plan and Section

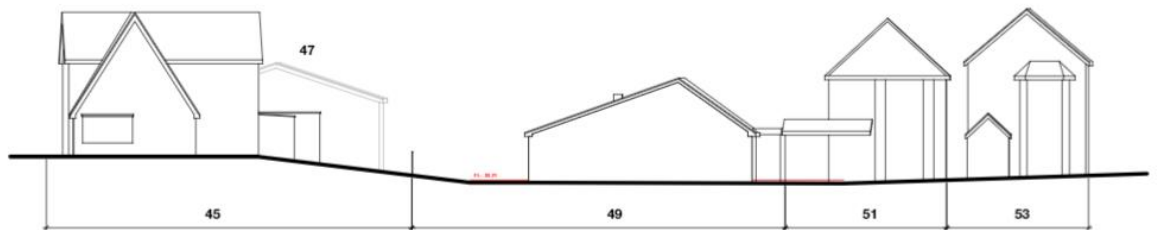


Proposed Site Section key plan
Scale 1: 500

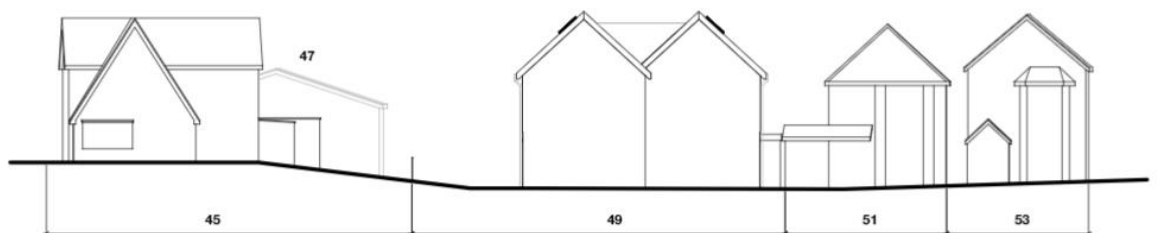


Proposed Site Section
Scale 1: 500

Foxholes Road Streetscene



Indicative Existing Street Scene along Foxholes Road
Scale 1: 200



Indicative Proposed Street Scene along Foxholes Road
Scale 1: 200

Houses 1 & 2



House 1 & 2 - South-East Elevation
Scale 1: 100



House 1 & 2 - North-East Elevation
Scale 1: 100



House 1 & 2 - North-west Elevation
Scale 1: 100



House 1 & 2 - North-east Elevation
Scale 1: 100

Houses 3 & 4



House 3 & 4 - South-East Elevation
Scale 1: 100



House 3 & 4 - South-West Elevation
Scale 1: 100



House 3 & 4 - North-East Elevation
Scale 1: 100



House 3 & 4 - North-West Elevation
Scale 1: 100

Houses 5 & 6



House 5 & 6 - North-West Elevation
Scale 1: 100



House 5 & 6 - North-East Elevation
Scale 1: 100



House 5 & 6 - South-East Elevation
Scale 1: 100



House 5 & 6 - South-West Elevation
Scale 1: 100

Houses 7 & 8



House 7 & 8 - South-East Elevation
Scale 1: 100



House 7 & 8 - South-West Elevation
Scale 1: 100



House 7 & 8 - North-West Elevation
Scale 1: 100



House 7 & 8 - North-East Elevation
Scale 1: 100



Planning Committee

Application Address	141 Blandford Road, Poole, BH15 4AT
Proposal	Variation of Condition 13 of APP/23/01476/F for demolition of existing building and construction of a single-storey building for use within Class E, with associated parking, landscape and alterations to the front boundary wall, to amend operational hours.
Application Number	APP/24/00937/F
Applicant	Ms Evans
Agent	Terrance O'Rourke
Ward and Ward Member(s)	Hamworthy Cllrs Julie Bagwell, Peter Cooper and Brian Hitchcock
Report Status	Public
Meeting Date	7 November 2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Called in to Planning Committee by Councillor Cooper due to a concern of negative impacts on local residents and businesses in the vicinity due to traffic noise late at night, anti-social behaviour due to alcohol consumption from the store (loitering in the alleyway at night), noise from deliveries at anti-social hours. Unacceptable noise, light pollution, traffic and anti-social behaviour are going to be a real issue.
Case Officer	Frances Summers
Is the proposal EIA Development?	No

Description of Proposal

1. This application seeks planning permission for a variation of condition 13 of planning permission APP/23/01476/F to increase the opening hours from 8:00am and 10:00pm Mondays to Saturdays and 9:00am and 6:00pm on Sundays, and at no time on Bank Holidays, to 07:00-23:00 7 days a week and Bank Holidays.
2. As this is an application to which section 73 of the Town and Country Planning Act 1990 (as amended) applies, it requires consideration only of the conditions subject to which planning permission should be granted. However, in doing this, wider issues affecting the grant of permission need to be taken into account and the assessment made in the context of the development plan and other material considerations as the application results in a fresh planning permission. In this particular case, one

material consideration is that fact that there exists a recently granted planning permission which represents a fallback position. Accordingly, the focus of this report will be on the proposed changes arising from the current application to that previously granted.

3. This S73 application seeks to amend Condition 13 of planning permission APP/23/01476/F. The development permitted under APP/23/01476/F has commenced by way of the demolition of the commercial unit.
4. As the development has commenced, Condition 1 (3-year time condition) of the original planning consent ref: APP/23/01476/F, has been omitted from the condition list attached to this report.

Description of Site and Surroundings

5. The site is located on the southern side of Blandford Road in Hamworthy, Poole. The previous two storey brick building with corrugated metal lean-to that occupied the site has been demolished and the previous planning permission (APP/23/01476/F) has commenced. Prior to this, the site has been used for light industrial purposes within what is now Use Class E for over 40 years. The building took up the entire width of the site and was set well back into the site behind a hard surfaced parking area to the front of the building with a rear section that was overgrown. To the front there is a pumping station in the north-east corner that is an Edwardian building with historical value and the site is overgrown and uncared for.
6. The site is adjacent to a locally listed wall. This wall was placed on the local list in 2013 for both its architectural interest and historic social interest. It is therefore a non-designated heritage asset.
7. A group of mature trees are located directly north-west of the site entrance on Blandford Road and are protected by a group Tree Preservation Order (TPO). A single mature tree is located to the south-east of the site and is also protected by a TPO.
8. Vehicular access is from Blandford Road to the north.
9. The surrounding area is characterised by residential properties, which include a combination of terraced and semi-detached properties on Blandford Road to the north, east and west, townhouses and apartments in Broomhill Way to the south and single storey sheltered accommodation in The Old Rope Walk to the west.

Relevant Planning History

10. APP/23/00976/J – Certificate of lawfulness for existing use or operation to confirm the authorised use of 141 Blandford Road as light industrial within Class E. **Approved 4/12/2023.**
11. APP/23/01476/F – Demolition of existing building and construction of single-storey building for use within Class E, with associated parking, landscape and alterations to the front boundary wall. **Approved 25/06/2024.**

Constraints

12. The trees on site are covered by a Tree Preservation Order (TPO Ref: 31/2006). The trees just outside of the south-eastern corner of the site are also protected and are covered by TPO Ref: 74/2003.
13. Old Roman Road runs through the site. The wall at Old Ropewalk on Blandford Road is locally listed and there is an Edwardian building of historical value abutting the boundary of 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. 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.
16. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Consultations

17. BCP Highways Authority – No objection to the revised scheme.
18. BCP Arboricultural Officer – No objection to the revised scheme
19. BCP Environmental Health (Noise) – No objection provided deliveries take place during the following hours 08:00-22:00 7 days a week and Bank Holidays.

Representations

20. Site notices was posted outside the site on 11 September 2024 with an expiry date of 7 October 2024. 18 representations were received raising the following issues:
 - Original hours are reasonable, the extra evening hours are unsociable – ‘not when most people are up and about’. The extra hour will result in traffic noise and light flashes from cars manoeuvring in the car park;
 - Potential for late night antisocial behaviour already going to be an issue;
 - Litter from take outs;
 - Unnecessary level of commercial activity incongruous residential area;
 - Quality of life impacted;
 - Impacts on elderly people living in Old Rope Walk;
 - No need for extra hours;
 - The Coop, about 500m to the north of the site is open until 11pm. It has a much larger car park and better access from the main road;
 - Another shop 110yards away is open later and earlier so no requirement for another shop;
 - Objects to opening times with convenience store down the road open 7.30-9.30pm. Opening hours for Sundays and bank holidays are unacceptable;
 - Deliveries should be done during already approved hours;
 - Car Park should not be allowed to be used outside of operating hours;
 - Site notices were blown away in the wind;
 - Site notice is dated 11/09/24 and deadline is 15/09/2024;
 - Concerns about highway safety;
 - Right hand manoeuvre into new car park means near lights will backwash through and bring the junction to a stand still;
 - Issues of environmental contamination during demolition; and
 - Supports store but questions whether it is necessary given developments at Sydenhams and Carters quay with retail allocations.

Key Issues

21. The key issues involved with this proposal are:
- Principle of development
 - Neighbouring amenity
 - Highways safety
 - Other considerations
22. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

23. 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 (November 2018) and The Poole Quays Neighbourhood Plan (February 2017).
24. Poole Local Plan (November 2018)
- PP01: Presumption in favour of sustainable development
 - PP02: Amount and Broad Location of Development
 - PP16: Employment area
 - PP22: Retail and main town centre uses
 - PP27: Design
 - PP34: Transport strategy
 - PP35: A Safe, Connected and Accessible Transport Network
25. Poole Quays Forum Neighbourhood Plan (February 2018)
- PQF 1: Public realm
 - PQF 3: High quality design
 - PQF 4: Transport network investment and sustainable travel choice
 - PQF 5: Walking, cycling and public transport improvements
 - PQF 6: Hamworthy centre and Blandford Road
26. The Local Planning 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 version submitted for examination, the emerging policies are given very limited weight in the consideration of this application.
27. National Planning Policy Framework (“NPPF” / “Framework”) December 2023

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

For decision-taking this means:

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

Section 12 - Achieving well-designed and beautiful places

Paragraph 131 –

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Paragraph 135 -

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; ...
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; ...
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Section 15 - Conserving and enhancing the natural environment

Paragraph 191 -

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions ...In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason...”.

28. 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.

Planning Assessment

Principle of Development

29. A previous application (Ref: APP/23/01476/F) was submitted for ‘Demolition of existing building and construction of single-storey building for use within Class E, with associated parking, landscape and alterations to the front boundary wall’. This application was approved under delegated powers in June 2024.
30. The principle of the proposed development of the site has been established by the earlier approval of planning permission APP/23/01476/F. The case officer’s report details the assessment that was considered in coming to that decision. Taking into account the early stages of the national and local policy context (documents being at early stages of consideration) it is therefore considered that the principle of the development on site remains acceptable, in accordance with Policies PP16 and PP22 of the Poole Local Plan and Policy PQF6 of the Poole Quays Forum Neighbourhood Plan, subject to the compliance of the revised scheme with other relevant adopted policies. This is discussed below.

Impact on neighbours

31. Paragraph 96(b) of the National Planning Policy Framework (December 2023) requires decisions to be made that create places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas. Section 12 aims to achieve high quality place making and paragraph 135 (f) again reiterates inter alia the creation of places that are safe.

32. Policy PP27 of the Poole Local Plan (November 2018) encourages 'a good standard of design...in all new developments, including extensions and external alterations to existing buildings.' The policy sets out a range of criteria to assess new development to ensure good design.
33. Policies PQF 1 and PQF 3 of the Poole Quays Forum Neighbourhood Plan (February 2017) seek to encourage good design in all new developments and reduce crime and the fear of crime.
34. The proposal seeks to vary condition 13 of the parent planning permission APP/23/01476/F that restricts the opening hours of the approved shop, given that the proposal lies close to residential properties. This application seeks to extend the hours of operation from 8:00am to 10:00pm on Mondays to Saturdays and 9:00am to 6:00pm on Sundays, and at no time on Bank Holidays, to 07:00-23:00 for 7 days a week and on Bank Holidays.
35. It seems reasonable to compare the opening times with other retail uses in the locality of the application site and this is outlined below:
 - 30 Blandford Road - The Blandford Road Convenience Store is open between 7.30am and 9.30pm 7 days a week. 265m away from 141 Blandford Road.
 - 51 Blandford Road - New Capital Pizza and Kebab is open 3pm until 1am Sunday to Thursday and 3pm until 2am Friday and Saturday. 213m away from 141 Blandford Road.
 - 172 Blandford Road - Masson's Supermarket is open 6am-8pm Monday to Sat and 7am to 7.30pm Sunday. 431m away from 141 Blandford Road.
 - 193 Blandford Road - Jade Garden is open from 5pm until 9.45 Tuesday – Sunday. 251m away from 141 Blandford Road.
 - 204 Blandford Road - The Cooperative Store is open between 7am and 11pm everyday. 664m away from 141 Blandford Road.
36. It is clear that operating hours from early in the morning, i.e. 6am or 7am, are common in the vicinity of the site. Additionally, the operating hours late into the evening are also common. However, given this is a retail shop and not a takeaway, it is not considered that very late hours would be acceptable, given this type of use could attract more footfall than takeaways, but it would be comparable with the Cooperative Store, Masson's and The Blandford Road Convenience Store. These stores close at 11pm, 8pm (in general) and 9.30pm respectively. It is therefore considered that 11pm closing time at this location is also suitable. Furthermore, there would be no cumulative impact as the other stores are far enough away from 141 Blandford Road (the nearest being 213m away) and therefore a culmination of uses and the noise/disturbance associated with the proposed extended hours would not occur.
37. The Council's Environmental Health Officer considered this proposal and has no objections to it with regards to noise pollution; however, this is on the condition that deliveries operate within the hours of 8am and 10pm. This restriction seems appropriate at this location and can be secured by condition.
38. In relation to the parent application (APP/23/01476/F), Dorset Police were consulted, and they were satisfied with the introduction of CCTV and the layout of the site from a safety point of view.
39. As such, subject to the revised condition 12, which also proposes to control the time of deliveries to the site, the proposal would not result in a materially harmful impact on the amenities of the nearby residential dwellings. The proposal would therefore be compliant with Policy PP27 of the Poole Local Plan and Policy PQF 3 of the Poole Quay Forum Neighbourhood Plan and Paragraphs 96 and 135 of the NPPF.

Highways Impacts

40. Policy PP34 of the Poole Local Plan (November 2018) sets out the Council's overall approach to encouraging sustainable forms of development, with appropriate infrastructure and access to transport services. The policy seeks to encourage provision for pedestrians and cyclists, ensure access to public transport and manage car trips.
41. Policy PP35 of the Poole Local Plan (November 2018) requires new development to mitigate its transport impacts and encourage sustainable modes of transport.

42. Policy PQF 4 of the Poole Quay Forum Neighbourhood Plan seeks to ensure that new development promotes sustainable modes of transport and provides a positive contribution to the wider transport network.
43. Given that the proposal only seeks to increase the hours by one hour in the morning, one hour in the evening and to allow for opening longer hours on Sundays and at Bank Holidays, the impacts would be only slightly more apparent than during the opening hours already approved.
44. The Local Highway Authority were consulted and have advised that the proposed extended hours would have no adverse impact on highway safety and as such the Local Highways Authority support the proposal.
45. As such, the proposal is in accordance with Policies PP34 and PP35 of the Poole Local Plan (November 2018) and Policy PQF4 of the Poole Quay Forum Neighbourhood Plan (February 2017).

Other Considerations

46. The proposal remains policy compliant with regards to the assessment of its impacts on the visual amenity of the area, biodiversity, trees, sustainability, flooding, waste collection, contaminated land and heritage assets, all of which were considered in the original application APP/23/01476/F. Previously imposed conditions remain relevant in respect of these matters and can be re-imposed.

Planning Balance / Conclusion

47. Taking into account the considerations discussed above, the proposal would continue to achieve the economic, social and environmental objectives of sustainable development, as set out in Local Plan and Neighbourhood Plan policies and the provisions of the NPPF and is recommended for approval.
48. This report considers additional impacts that may arise from the extension of operating hours, and not the original principle of this proposal nor its detailed design.
49. The extended hours are akin to other similar uses and their operating hours in the vicinity, and it is not considered that noise would result in a detrimental impact on the nearby residential properties as advised by the Councils Environmental Health Officer, subject to revised Condition 12.

Recommendation

50. Taking into account the above planning considerations, the proposed scheme is therefore recommended for approval, subject to the following conditions.

Conditions

1. PL01 (Plans Listing)

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

Location Plan, Drawing No: 420-A-LP-00, received 19 August 2024

Site Plan Proposed - Drg No. 420-A-SP-00 Rev E, received 30 January 2024

Floor and Roof Plans Proposed - Drg No. 420-A-P-00, received 27 December 2023

Proposed North East and South East Elevations - Drg No. 420-A-E-00 Rev A, received 27 December 2023

Proposed North West and South West Elevations - Drg No. 420-A-E-01 Rev A, received 27 December 2023

Covered Cycle Store Proposed - Drg No. 420-A-D_00 received 30 January 2024

Topographical survey - Drg No. 7971-1 Rev A received 27 December 2023

Tree Protection Plan, Ref: 23103-3 received 26 February 2024

Arboricultural Impact Assessment and Arboricultural Method Statement - Ref: 23103-AA3-CA received 26 February 2024
Biodiversity net gain assessment by LC Ecological Services dated December 2023, received 27 December 2023
Ecological Appraisal and Phase 1 Bat Survey by LC Ecological Services received 27 December 2023
Drainage strategy, by Calcinotto, Ref: 114717 Rev 3, received 27 December 2023
Retail Statement by Reeves Retail Planning Consultancy Ltd, received 27 December 2023
Transport Statement Rev 3.0, by Calcinotto, received 27 December 2023
Contaminated Land Preliminary Risk Assessment Rev 2.0 by Calcinotto, received 9 January 2024
3848R Detailed UXO Risk Assessment by Fellow International Group, received 19 March 2024

Reason -

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

2. HW110 (Cycle Provision)

Prior to the first use of the commercial building, the secure cycle store shown on drawing nos. 420-A-SP-00_Site Plan Proposed Rev E and 420-A-D_00_Covered Cycle Store Proposed will be installed and thereafter retained.

Reason -

In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018) and PQF1, PQF4 of the Poole Quay Forum Neighbourhood Plan.

3. HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for 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 occupation of any unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason -

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

4. AA01 (Non-standard Condition)

The materials and finishes to be employed on the external faces of the development hereby permitted shall be as specified in the application form and shown on the approved plans. Materials used for the western boundary wall should be sympathetic to the locally listed wall at The Old Rope Walk and demolition of the front boundary walls should ensure the assets of the locally listed wall and the pumping station are protected.

Reason -

To ensure that the external appearance of the building is satisfactory and in accordance with Policy PP27 of the Poole Local Plan (November 2018) and to protect the heritage assets in accordance with Policy PP30 of the Poole Local Plan (November 2018) and paragraph 212 of the National Planning Policy Framework (December 2023)

5. AA01 (Non-standard Condition)

Prior to the first use of the commercial building, the service area for bin collection and storage as shown on drawing no. 420-A-SP-00_Site Plan Rev E shall be constructed, retained and kept free

from obstruction and made available for continuous use by the occupiers of the commercial building.

Reason -

In the interests of visual amenity and the amenities of the future occupants of the dwellings, hereby approved, and in accordance with Policy PP27 of the Poole Local Plan (November 2018), PQF3 of the Poole Quay Forum Neighbourhood Plan and Section 12 of the NPPF (September 2023).

6. AA01 (Non-standard Condition)

Prior to the first use of the commercial building at least two swift (*Apus apus*) nest boxes, two integrated bat boxes and at least three bee bricks shall be integrated into the new building on a south or south-western aspect with no obstruction from vegetation. These facilities shall be provided and maintained in perpetuity.

The development shall be implemented in accordance with the approved recommendation and mitigation within the Ecological Appraisal and Phase 1 Bat Survey undertaken by Lindsay Carrington Ecological Services and the Biodiversity Net Gain report.

Reason -

To enhance the natural environment and to provide biodiversity, in accordance with paragraphs 8, 174 and 180 of the NPPF and Poole Plan Policy PP24 (2)b and PP33.

7. LS090 (Landscape Management Plan)

To ensure the viability of the planting in the new landscape areas, due to the inhospitable below ground growing conditions, a Landscape plan and maintenance schedule shall be submitted prior to occupation, and approved in writing by, the Local Planning Authority. It should link with the BNG Plan, and include the following to ensure survival of the proposed planting:

- Tree species and size e.g. Silver Birch (*Betula pendula*), Field Maple (*Acer campestre*) Standard size.
- Planting methodology and specifications.
- Soil improvement specification and methodology to ensure sufficient rooting availability/volume.
- Maintenance schedule – weeding, watering etc

The development shall be implemented in accordance with approved details and maintained thereafter.

Reason -

To secure the proper development of the site and in the interests of the establishment and long-term management of the landscaped areas in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018) and PQF1 of the Poole Quay Forum Neighbourhood Plan.

8. GN163 (Renewable Energy - Non Residential)

Prior to first occupation of the building hereby permitted, details of the measures to provide on-site renewable energy sources to meet a minimum of 10% of the predicted energy use of the non-residential development, shall be submitted to and approved in writing by the Local Planning Authority. These measures must then be implemented before any non-residential occupation is brought into use and maintained thereafter. Documents required by the Local Authority include:

- The 'as built' SBEM/BRUKL assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,
- The corresponding EPC (Energy Performance Certificate), and

- A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

Reason -

In the interests of delivering a sustainable scheme, reducing carbon emissions, and reducing reliance on centralised energy supply, and in accordance with Policy PP37(2) of the Poole Local Plan (November 2018).

9. GN161 (BREEAM)

The commercial building hereby permitted shall achieve a minimum BREEAM 'very good' rating (or equivalent standard). Prior to first occupation of the building, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason -

In the interests of delivering a sustainable and energy efficient scheme and in accordance with Policy PP37(3) of the Poole Local Plan (November 2018).

10. DR040 (Sustainable Urban Drainage)

Prior to the first occupation of the commercial building, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be fully implemented prior to the first use of the commercial building and thereafter retained.

Reason -

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with PP38 of the Poole Local Plan (November 2018).

11. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the amended access onto Blandford Road as shown on drawing no. 420-A-SP-00_Site Plan Rev E has been constructed and laid out. The new access shall thereafter be retained and kept available at all times. The development hereby permitted shall not be brought into use until the amended access onto Blandford Road as shown on drawing no. 420-A-SP-00_Site Plan Rev E has been constructed and laid out. The new access shall thereafter be retained and kept available at all times.

Reason -

In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018) and PQF1, PQF4 of the Poole Quay Forum Neighbourhood Plan.

12. AA01 (Non-standard Condition)

The use hereby permitted shall operate only between the hours of 7:00am and 11:00pm Monday to Sunday inclusive and including Bank Holidays. The deliveries to the site shall be only taken between the hours of 8:00am and 10:00pm.

Reason -

To protect the amenity of the neighbouring residents from unacceptable noise and movements outside of working hours and in accordance with Policy PP27 of the Poole Local Plan November 2018 and PQF3 of the Poole Quay Forum Neighbourhood Plan

13. AA01 (Non-standard Condition)

Prior to first use of the development hereby permitted, details of CCTV to present view of the bicycle stands, the footpath and both side accesses to the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved the CCTV shall be installed and be operational at all times.

Reason -

To ensure the safety of users and reduce the opportunity for crime in accordance with Policy PP27 of the Poole Local Plan November 2018, PQF1 of the Poole Quay Forum Neighbourhood Plan and paragraph 96b and 135f of the National Planning Policy Framework (December 2023)

14. AA01 (Non-standard Condition)

Prior to first occupation, details of lighting to be used within the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting shall be installed and in use in line with the approved details.

Reason –

To protect neighbouring amenity and provide safe spaces in accordance with Policy PP27 of the Poole Local Plan adopted 2018, PQF1 of the Poole Quay Forum Neighbourhood Plan and paragraphs 96 and 135 of the National Planning Policy Framework (December 2023)

15. AA01 (Non-standard Condition)

Notwithstanding the provisions of the Town and Country Planning Use (Use Class) Order 1987 (or any re-enactment of thereof), the development hereby permitted shall not allow such uses within Use Class E that have higher requirements for car parking namely: Clinics, health centres, doctors, dentists, vets (Use Class E(e)),

These uses are not permitted and would require further planning permission from the Local Planning Authority.

Reason –

To ensure highway safety is retained in accordance with PP35 of the Poole Local Plan adopted 2018

16. AA01 (Non-standard Condition)

Details and samples of the materials and finishes to be used for the western boundary wall shall be submitted to, and approved in writing by, the Local Planning Authority prior to the demolition of the front boundary wall. The development shall thereafter be carried out in accordance with the approved details.

Reason -

To ensure that the external appearance of the wall is sympathetic to the locally listed wall at The Old Rope Walk and demolition of the front boundary walls should ensure the assets of the locally listed wall and the pumping station are protected and in accordance with Policy PP27 of the Poole Local Plan (November 2018) and to protect the heritage assets in accordance with Policy PP30 of the Poole Local Plan (November 2018) and paragraph 212 of the National Planning Policy Framework (December 2023)

Informatives

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 application was acceptable as submitted and no modification or further assistance was required

2. 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 positions 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>

Background Documents: APP/23/01476/F and APP/24/00937/F

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.



— Application Boundary

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Phillips Tracey Architects

date	rev.	revision/author/checker	drawing no.	rev.	scale	date	project title
			420-A-LP-00		1:1250@A4	Dec 22	
			drawing title	purpose	checked by	drawn by	
			Location Plan	INFORMATION	BT	GS	141 Blandford Road Hamworthy

Phillips Tracey Architects, 1 Three Courts, Romsey Road, Bournemouth, TWP. UAP Tel: 01203 8948 7776. e: info@ptarchitects.com w: www.ptarchitects.com

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