

Notice of Western BCP Planning Committee

Date: Thursday, 6 February 2025 at 10.00 am

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



Membership:

Chairman:

Cllr M Le Poidevin

Vice Chairman:

Cllr J Clements

Cllr C Adams
Cllr J Challinor
Cllr A Chapmanlaw

Cllr M Dower
Cllr B Hitchcock
Cllr G Martin

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=6120>

If you would like any further information on the items to be considered at the meeting please contact: Claire Johnston on 01202 123663 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

29 January 2025

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app

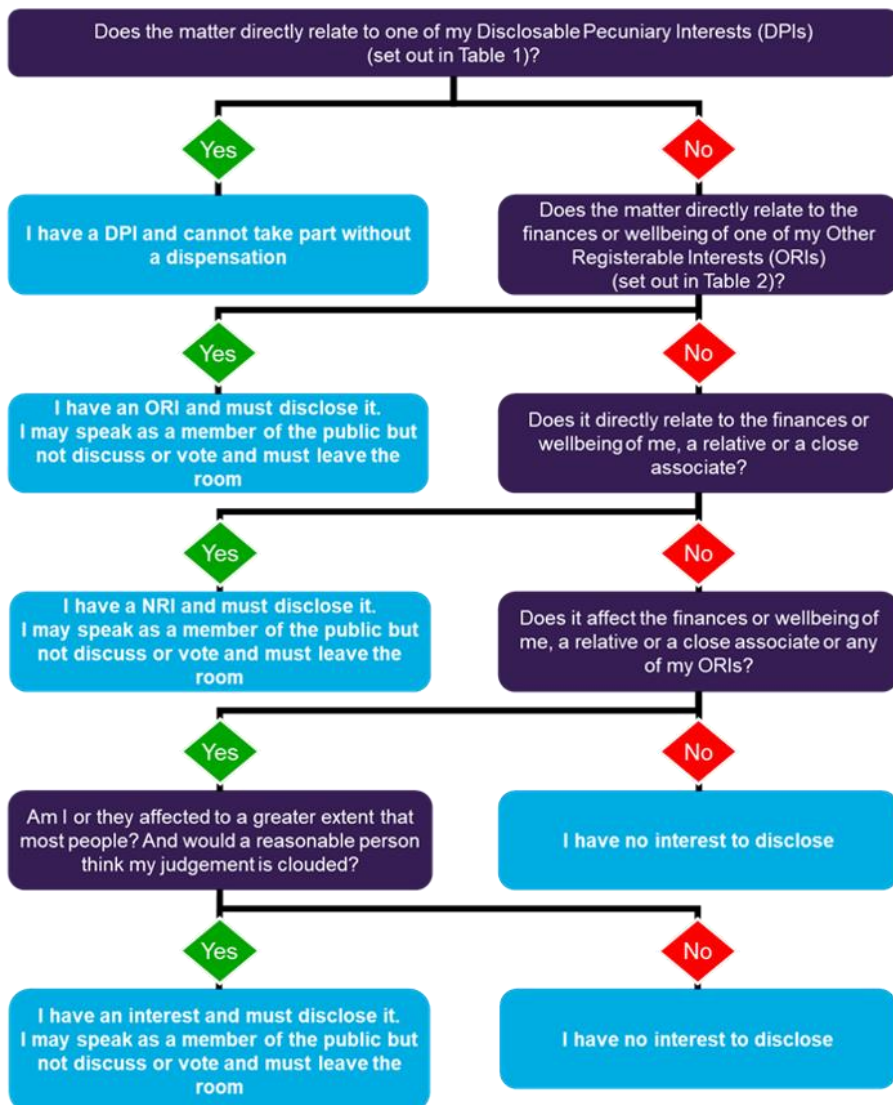


Maintaining and promoting high standards of conduct

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 - 12

To confirm and sign as a correct record the minutes of the meeting held on 16 January 2025.

5. Public Issues

13 - 20

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 5 February 2025 [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.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

a) **5 St Clair Road, Poole BH13 7JP**

21 - 46

Canford Cliffs ward

APP/24/00799/F

Demolish existing garage and side extension and erect 1 no. house with parking

b) **8 Scarf Road, Poole BH17 8QQ**

47 - 64

Canford Heath ward

APP/24/00820/F

Demolish conservatory and erect an attached 3 bedroom dwelling with private garden with pedestrian access off Tait Close

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

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
WESTERN BCP PLANNING COMMITTEE

Minutes of the Meeting held on 16 January 2025 at 10.00 am

Present:-

Cllr M Le Poidevin – Chairman

Present: Cllr C Adams, Cllr J Challinor, Cllr A Chapmanlaw, Cllr M Dower,
Cllr B Hitchcock, Cllr G Martin, Cllr S McCormack, Cllr K Salmon,
Cllr P Sidaway and Cllr M Gillett

62. Apologies

Apologies were received from Cllr J Clements.

63. Substitute Members

Notification was received that Cllr M Gillett was substituting for Cllr J Clements.

64. Declarations of Interests

Cllr M Le Poidevin declared in relation to item 6b she knew the objector from her ward, however she did not know he was objecting until he arrived or the contents of the objection. She did not feel that she was biased and it was noted that there was no objection to this. She spoke and voted on this item.

Cllr M Le Poidevin declared in relation to item 6d that her daughter works for Siemens Energy which is a completely separate legal entity from Siemens PLC. Cllr Le Poidevin said she did not think she had a pecuniary or any other interest in the application. She spoke and voted on the item.

65. Confirmation of Minutes

The minutes of the meeting held on 5 December 2024 were confirmed as an accurate record for signing by the Chair.

66. Public Issues

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

67. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – E to these

minutes in the Minute Book. A Committee Addendum Sheet was published on 15 January 2025 and appears as Appendix G to these minutes.

68. 30 - 34 Panorama Road, Poole BH13 7RD

Canford Cliffs Ward

APP/19/00818/P

Demolition of existing buildings and erection of 4 storey block comprising -
Basement - parking, cycle and bin stores to serve residential development -
Ground floor - boat yard cafe/restaurant and office (as part of the Sandbanks Yacht Company composite boat yard use) and estate agents office - First, 2nd and 3rd floors - 15 residential apartments (12 x 2 bed and 3 x 1 bed)

Public Representations

Objectors

- ❖ Bill Soper
- ❖ Robert Webb

Applicant/Supporters

- ❖ Ken Parke on behalf of the applicant

Ward Councillors

- ❖ None registered

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

Voting: Unanimous

Cllr C Adams left the meeting after this item.

69. 5 Parkstone Heights, Poole BH14 0QE

Newtown and Heatherlands Ward

APP/24/01066/F

Demolition of existing bungalow and erection of three dwellings.

Public Representations

Objectors

- ❖ Peter Smith

Applicant/Supporters

- ❖ Giles Moir – on behalf of the applicant

Ward Councillors

❖ Cllr M Earl

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, together with the additional conditions as identified in the addendum to the agenda subject to power being delegated to the Head of Planning (Operations) to determine the final wording of those additional condition(s)."

Voting: For 5, Against 5 , Abstain 0

The Chair used her casting vote to grant the application.

Cllr M Gillett left at the end of this item.

70. 26 Sopwith Crescent, Wimborne BH21 1SQ

Bearwood and Merley Ward

APP/24/00637/F

Replacement roof on side extension; change of use of part of house and garden to Class E(b) (community coffee shop).

Public Representations

Objectors

❖ David Moss

❖ Janie Mahon

Applicant/Supporters

❖ James Cain – on behalf of the applicant

❖ Pippa Wheeler - applicant

Ward Councillors

❖ Cllr R Burton

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

Voting: For 8 , Against 1 , Abstain 0

Cllr A Chapmanlaw and Cllr P Sidaway left the meeting at the end of this item.

71. Siemens plc, Sopers Lane, Poole BH17 7ER

Creekmoor Ward

APP/24/00811/F

Demolition of existing buildings and structures and the redevelopment of land for flexible Class E (g) (ii & iii), B2, B8 Use Classes, ancillary office space, associated parking & servicing, landscaping, means of access & ancillary infrastructure.

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Jeremy Sharland - Applicant

Ward Councillors

- ❖ None registered

The following are two of the most usual resolutions:

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, as updated by the Committee Addendum published on 15.1.25, subject to power being delegated to the Head of Planning (Operations) to determine the final wording of those additional condition(s).

Voting: Unanimous

72. 87 St George's Drive, Bournemouth BH11 8NY

Bearwood and Merley Ward

7-2024-29113

Change of use of existing (Class C3) residential to (Class C4) HMO for 6 persons.

Public Representations

Objectors

- ❖ Neil Mann
- ❖ Kate Conlon

Applicant/Supporters

- ❖ Toyin Fakorede - applicant

Ward Councillors

- ❖ None registered

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

Voting: For 6 , Against 1 , Abstain 0

The meeting ended at 2.45 pm

CHAIRMAN

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PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1 The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a 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	5 St Clair Road, Poole, BH13 7JP
Proposal	Demolish existing garage and side extension and erect 1 no. house with parking
Application Number	APP/24/00799/F
Applicant	Mr Adams
Agent	ARC Architects Ltd
Ward and Ward Member(s)	Canford Cliffs Cllr J Challinor Cllr G Wright
Report Status	Public
Meeting Date	6 February 2025
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report subject to conditions, signed S106 and payment for SAMMS
Reason for Referral to Planning Committee	Cllr Gavin Wright Incongruous to the general street scene. Detrimental effect on protected trees. Loss of light to neighbouring property. Much too close to the neighbouring property.
Case Officer	Frances Summers
Is the proposal EIA Development?	No

Description of Proposal

1. Demolish existing garage and side extension and erect 1 no. house with parking.
2. Please note that several amendments have been made to the plans in response to ongoing conversations with the public as well as the council's subject matter experts. As a result the footprint of the proposal has moved slightly back into the site, the architectural elements have changed and removed such a reliance on floor to ceiling glass windows, obscure glazing has been presented and windows to the bedroom on the first floor have moved to accommodate the ability to receive daylight. As such, some of the public comments relate to previous versions of the proposals.

3. To be clear, all comments have been taken into account in the determination of the proposal.

Description of Site and Surroundings

4. In the Canford Cliffs ward, the application site is currently occupied by a detached two storey dwelling on St Clair Road. The character of the area is predominantly 2 – 2.5 storey dwellings of different architectural styles but with pale colour palettes all along this street, there are also front gardens with detached dwellings on sizeable plots.

Relevant Planning History

5. 3 St. Clair Road - APP/24/00777/K - Certificate of lawfulness for proposed two-storey rear extension to create sun room and ensuite bathroom. Approved 22/08/2024.

Constraints

6. Area TPO TPO1/0/415
7. Outside but close to shoreline character area

Public Sector Equalities Duty

8. 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

9. 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.
10. 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”.
11. 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

- Natural England – comments received with regards to mitigation to be secured as per Dorset Heathlands SPD and Poole Harbour Recreation SPD
- BCP Trees – objection unless 50% of the garden is outside of tree canopy shading. Conditions required for construction phase of development
- BCP Highways – no objection, subject to condition
- BCP Ecology – no objection, subject to condition
- BCP Environmental Health Contamination – no objection, subject to condition

Representations

12. Site notices were posted in the vicinity of the site allowing comments from 23 August 2024 to 9 September 2024 and again between 25 September and 9 October 2024.
13. 13 comments have been received which are summarised below;
 - Modern materials and design contrast sharply with traditional houses in the immediate and wider vicinity disrupting visual harmony of the street
 - Ridge height is significantly higher breaking the established building line and diminishing the street scene
 - Excessive bulk amplified by the inclusion of large side dormers and full width juliette balconies
 - Protrudes beyond the established rear building line at first and second floor creating oppressive living and overbearing feel especially given the dark metal cladding
 - Materials out of keeping with the area
 - Lack of rear garden space as dominated by large evergreen tree
 - Will contrast too sharply with existing dwelling in close proximity
 - Bin store against the fence with No. 3 causing unpleasant smells for No. 3
 - Visual intrusion from dormers and juliette balconies
 - Floor to ceiling windows on the full width of the rear of the building offers views into gardens diminishing privacy and enjoyment of their garden
 - Privacy issues from side windows
 - Outlook from No. 3 would be dominated by proposal at rear
 - APP/24/00777/K needs to be considered
 - Daylight and sunlight would be impacted and breaches BRE guidelines
 - Concern over impacts on trees
 - Overdevelopment
 - Plans are inaccurate
 - Site is not large enough to accommodate the development
 - Rear building line impacted by protrusion of rear elevation
 - Limited garden space
 - No levels shown on drawings but are needed to assess tree implications along with utility infrastructure information
 - Narrow profile out of keeping with street scene and character of the area
 - Canford Cliffs Land Society – echoes others' comments on character of the area, tree impacts and neighbour amenity impacts
 - Plot comparison plan does not take into account trees or extent of areas available for built form
 - Construction phases including scaffolding, plant equipment etc. will reduce the space available to protect trees further.
 - Protrusion of first floor over ground floor will this be 'filled in'?

- Use of Zinc roof or walls is inappropriate
- Branksome Park and Canford Cliffs Residents Association – echoes concerns already raised above regarding trees, massing, materials.
- Height to width ratio of and fenestration are out of keeping, different to others in street scene as they have not been squeezed into a row of houses of the same original character
- Narrow frontage exacerbating height
- *Barrel Tree Consultancy*– on behalf of Mr R Shutte (3 St Clair Road). TPO ref: No. 35. T1 – maturing sweet gum clear signs of health and vitality so sustainable feature in the short term. Seen from public vantages with high visual amenity and makes a notable contribution to the character of the area and street scene. Could grow to 16m in height and 7m canopy spread. Increase in built form would significantly increase the likelihood for additional and more expansive pruning or pressure for removal. However it must be recognised that this tree is already close to the current dwelling. That could warrant pruning irrespective of development proposal. T9 – maturing cedar in rear garden glimpsed from public vantage points. Potential to advance to maturity to about 18m high with lateral canopy up to 2-3m. This tree will substantially encompass the bulk of the garden directly influencing usage options for future occupants filling the space between the existing canopy extents and the proposed built form. This will result in pressure to manage the growth via pruning or felling. Principle habitable rooms i.e. dining, sitting room and lounge may be detrimentally influenced by the proximity of the canopy of the cedar tree retained within the rear garden. Attenuation tank is proposed within the RPA's. This could have implications on the trees. T2 and T3 could require clearance of some sort for construction but the AIA and TPP does not consider this. Technical details do not provide site specific detail in respect of the physical implementation of the proposed development change. T5 yew tree to the west of the existing driveway conflicts with tree report indicating it will be removed. Need to understand this as need to be clear about full extent and nature of excavation/ground preparation that will be required.
- *Right of Light Consulting* – on behalf of Mr R Shutte (3 St Clair Road). Conclusion that the proposed development does not satisfy all of the BRE Daylight and Sunlight tests. There will be a negative and harmful impact on the light receivable to 3 St Clair Road. Areas impacted – bedroom, landing, bedroom, hallway and landing.

Key Issues

14. The key issues involved with this proposal are:
- Presumption in favour of sustainable development
 - Principle of development
 - Character of the area
 - Residential amenity and neighbouring amenity
 - Highways
 - Sustainability
 - Waste
 - Trees
 - Biodiversity

- Land contamination
- Drainage
- CIL/SAMMS

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

Policy context

16. 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 following:

17. The Poole Local Plan (Adopted November 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and Broad Location of Development
- 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

18. Supplementary Planning Documents:

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

19. National Planning Policy Framework ("NPPF" / "Framework")

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Planning Assessment

Presumption in favour of sustainable development

- 20. 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.
- 21. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
- 22. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
- 23. At 1 April 2024 BCP Council had a housing land supply of **2.1** years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
- 24. In this instance, the scheme would provide 1 additional dwelling 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.
- 25. For this planning application the benefits provided from the supply of 1 new home is considered to carry limited weight in the planning balance.

Principle of development

- 26. 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.

27. Policy PP2 sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is located outside of this corridor.
28. Nevertheless, in accordance with Policy PP2 (b), there is still potential for development to come forward outside of those areas and to contribute towards meeting housing needs. In this regard, the Council encourages the redevelopment of brownfield land in these areas so long as the proposed scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing.
29. With regards to affordable housing provision, Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, the proposed development would be for the delivery of one additional dwelling that would have an overall floor space of less than 1,000 square metres and therefore the thresholds that would trigger the need for the provision of affordable housing would not be met. As such, the proposal would be policy compliant in terms of affordable housing provision.
30. The acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development. This is discussed below.

Character of the area

31. The proposal is for a two storey dwelling. Policy PP28 states that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development, including usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
32. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.



33. The character of the area consists of relatively large plots with detached dwellings within them and with front and rear gardens. The proposal, though it is a plot subdivision, still creates a comparable size plot with others in the area as shown on the plot comparison plan submitted with the application. For instance, on St Clair Road, No. 18a and 18b are comparable as are No. 22a and 22b as well as Amaron on Cliff Drive. Though in different areas of the street or neighbouring streets they still form the same content in which this proposal will be sited.



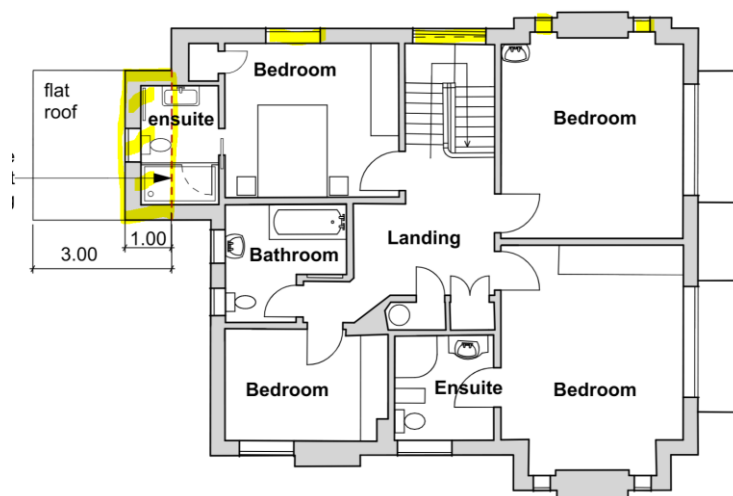
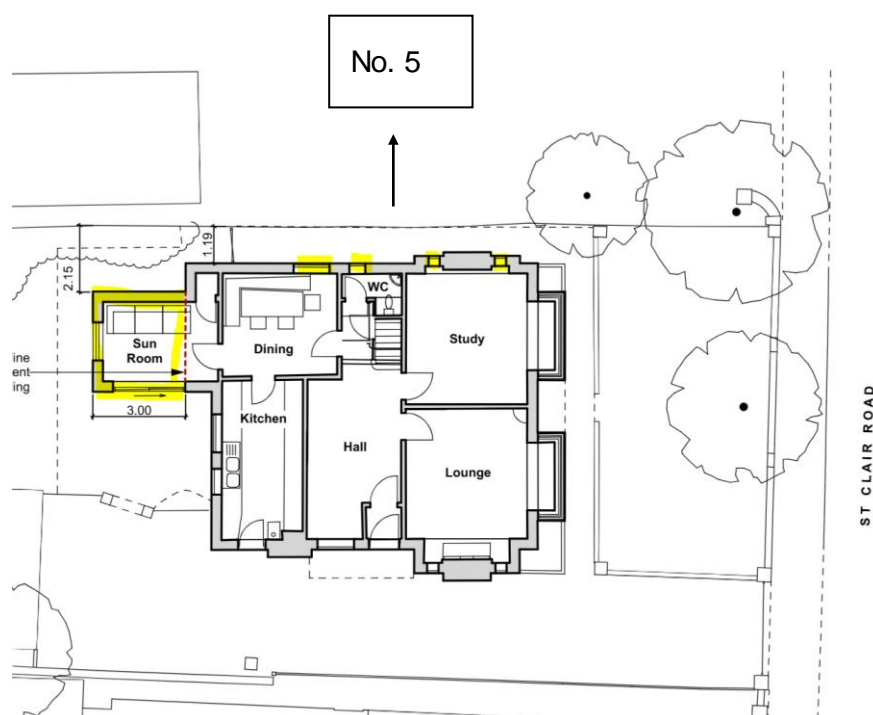
34. The architecture of the area is mixed with some very modern architecture filled with large windows and cladding and different roof forms, and more traditional architecture. Other examples of fairly modern architecture can be found at no.4, 10, 9 and 11, 18a, 22 and 26 St Clair Road. The proposal is very modern but would not look out of place considering the other modern dwellings in the street scene.
35. The roof types vary but either side of the proposal there are pitched roofs and gable end sections. The proposal includes a pitched roof and is therefore not out of keeping with the area.
36. The steepness of the pitch however is quite severe. The ridge height is approximately 11.5m whereas No. 3 is 10.8m and No7 has a maximum ridge height of 10.2m, the existing house has a ridge height of 9.7m. The eaves height of the proposal is c. 5.4m whereas No.3 is approximately 5m and No 5 is approximately 5.7m. The proposal's eaves height therefore is comparable.

37. The colour of the roof also stands out as it is proposed to be a very dark material. This would highlight the steepness of the pitch and would not be in keeping with the street scene, as such a condition would be attached to any positive decision requiring different materials and palette to be submitted for approval prior to commencement of the development. The roof must be constructed of materials found elsewhere in the street scene and must be of a light palette as shown in the street scene.
38. At first floor level there is approximately 5m between No3 and this proposal and 2.7m at ground floor level. Between this proposal and what will be No. 5 is 1.2-1.6m gap. For comparison, between No. 5 and No. 7, the existing arrangement has a gap of between 6.1 and 1.5m. The proposed gaps compared with the existing gaps do not create a visual impact as they are not out of keeping with other gaps in the area.
39. As such, though the pitch of the roof is quite severe, it is not significantly harmful as it does not present a much higher mass than what exists in the street scene currently.
40. The design as a whole is suitable and in keeping with the character of the area and pattern of development. Therefore, the proposal is in accordance with PP27 in terms of the character of the area and street scene.

Residential and neighbouring amenity

41. PP27 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.
42. By virtue of orientation, depth and height of the single storey rear projection and window positioning, the proposed dwelling would not result in harm to the amenities of the neighbouring occupiers of the donor property in terms of overlooking, overshadowing or overbearing impact.
43. Separation distances between this proposal and the property opposite, No 10, is c. 38m, the distance between this proposal and the property to the rear is approximately 32m. The distance between No. 5 and No. 7 is 6.6m the distance between the proposal and No3 at first floor level is 4.8m and the distance between ground floor level and No. 3 is 3m.
44. There are no windows proposed between No. 3 and the proposal at ground floor and second floor. At first floor an obscure glazed window would serve an ensuite and another larger bedroom window would look onto No.3, this window would also be obscure glazed. The windows at No. 3 that would be affected is primarily the stairwell window. Due to this and the separation distance between two side elevations, as suggested in the National Design Code, is suitable in an urban location such as this where some level of overlooking is expected. Given the windows affected are not significantly habitable rooms, and that the windows will be obscure glazed, it is not considered that this level of potential overlooking would be harmful.
45. There are no windows between this proposal and No.5 at first floor or second floor level, and at ground floor a high level narrow window would not lead to overlooking between these two properties.
46. Windows to the rear elevation would be present at all three levels, serving habitable rooms. There are also Juliette balconies at first and second floor level to the rear. The balconies are proposed to contain obscure glazing. These windows could result in some level of oblique overlooking into the gardens of No. 5 and No. 3 but this type of overlooking is common in rural areas and will be reduced by the obscure glazing to an acceptable level.

47. Furthermore, there are large trees and hedges on the boundary between No. 3 and the proposal that would help provide a level of screening.
48. A flat roof is proposed where the first floor is inset from the ground floor. This shall be conditioned to ensure it is not used as a balcony which could cause overlooking and loss of privacy to the neighbours and future occupiers.
49. No. 3 benefits from an extant certificate of lawfulness for a two storey rear extension to create a sunroom and ensuite bathroom (APP/24/00777/K) as shown on the plans below. The yellow highlights show the extension to the rear of the dwelling and the windows through which neighbours are concerned their privacy and right to light would be impacted. This has been communicated through public comments and conversations with neighbours. The windows are on the side elevation of No. 3 and would look onto the side, (south west) elevation of the proposal.



50. With regards to access to light, a daylight and sunlight assessment commissioned by the neighbours at No.3 concludes that
- “the proposed development does not satisfy all of the BRE daylight and sunlight tests. In our opinion the proposal will therefore have a negative and harmful impact on the light receivable by 3 St Clair Road in its proposed layout.”
51. Whilst this is acknowledged, the harm identified is in relation to the following windows and an explanation is provided accompanying the harm identified and why it is not considered to warrant refusal of the proposal:
- No. 12: This door is on the opposite side of the building to the proposal and serves, along with three other windows, the kitchen. It is assumed that the impact must be a result of the window in the dining room (window No. 7) that would look directly onto the side elevation of the proposal and would not receive as much light as currently but would provide some light through from the dining room into the kitchen. However, this kitchen area also has two further windows that would not be impacted and serve the area more than the dining room window does, therefore the harm arising from this is not materially harmful. Furthermore, Window 7 that serves the dining room, and windows 9-11 that serve the kitchen are expected to receive the same amount of light as they do currently and as such no harmful impact is expected in relation to the proposal. It is also worth noting that this window already does not receive sufficient light and already fails the daylight sunlight assessment.
 - No. 13: This window serves the hallway and is again on opposite side of building to the proposal. This window currently passes the daylight sunlight assessment but would fail the appropriate daylight distribution test where the ratio reduces from 1.0 to 0.77. However this is not a habitable room and not considered to result in such material harm as to warrant refusal.
 - No. 18: serves the back bedroom on the north eastern elevation. This bedroom currently passes the daylight assessment but would not be provided with sufficient daylight distribution if this proposal was erected. Given this bedroom is not a principle bedroom and there are other bedrooms as well as a window from the ensuite that will be created, the harm arising from the impacts is not sufficient to warrant refusal.
 - No 15 and 16: These are two windows that serve a bedroom along with a larger window to the southern elevation. These windows may be impacted somewhat but the southern elevation window is the primary window to this room and would provide sufficient natural light for the room. It is worth noting these windows do not currently pass the daylight assessment.
 - No. 17: This window serves the stairwell and landing. Though this window may be impacted it does not provide natural light to a habitable area and as such the impact is lessened. Further, this area does not currently receive sufficient light which would not be further significantly reduced enough to warrant a refusal or cause significant harm.
52. Further, the study is considered to receive sufficient daylight and would not be impacted negatively. Neither would the downstairs WC in a materially harmful way.
53. With regards to loss of privacy, given the separation distances already discussed, and the obscure glazing proposed and to be conditioned, it is not considered that these rooms would be significantly negatively impacted as these types of separation distances are very common in an urban environment such as this.
54. In terms of the amenity for future occupiers, the building size and internal living space is more than acceptable. The rear garden has been amended to provide at least 50% of the

space outside of a tree canopy to ensure it is a usable space. Furthermore, all rooms have access to natural light and meet the Nationally Described Space Standards.

55. The proposed dwelling is unlikely to result in a detrimental impact on the neighbouring properties and it would present acceptable living accommodation for future occupiers and therefore complies with Policy PP27.

Highways

56. Local Plan Policies PP34, PP35 and PP36 of the Local Plan gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. Among other aspects, they seek to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. The BCP Parking Standards SPD provides further requirements and guidance.
57. The proposed dwelling would reutilise the existing vehicle access and would be provided with sufficient parking to meet guidelines.
58. The existing dwelling would be provided with a new access, and two perpendicular parking spaces on the property frontage, which would require formation of a new dropped kerb crossing and the alteration of road markings at the applicant's expense, as advised by the Council's Transportation Officer.
59. The proposed dwelling would be provided with sufficient cycle parking to meet guidelines.
60. EV charging provision should be sought by condition for the proposed dwelling to meet Parking Standards SPD guidelines.
61. Therefore the proposal accords with PP34 and PP35 of the Poole Local Plan and there is no objection from the Highways Authority.

Sustainability

62. 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 proposal has been supported by Energy and Resources Statement which commits to the provision of renewable energy sources to meet this requirement. It is therefore 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 dwelling through renewable energy sources.

Waste

63. Policy PP27 of the Poole Local Plan 1(g) requires convenient and practical waste arrangements in accordance with relevant standards.
64. No details of waste have been provided as part of this application, but a condition can ensure details are provided and that they are acceptable. There is an expectation that a bin store would be accommodated within the curtilage of the proposed dwelling in a manner that would not give rise to any additional conflicts with highway and/or pedestrian safety.

Trees

65. Policy PP27 1(b) aims to protect trees, particularly where they make a significant contribution either individually or cumulatively to the character of the area and its local climate.
66. BCP Arboricultural Officers raised concerns with the design due to the design of the frontage being close to the tree at the front of the site and having a bedroom window that

would be shaded by the tree. The main concern regarding this was that the tree would prevent light reaching the bedroom which could lead to extensive and repeated pruning or felling of the tree in the future.

67. Furthermore, the arboricultural officer was concerned about the canopy of the tree in the rear garden as it resulted in the majority of the garden being in shade, again potentially leading to pressure to prune or fell the tree to free up more external amenity space for future occupiers.
68. The rear garden shape was amended to include 50% outside of the canopy cover, relieving the pressure to prune. Also, the layout of the proposal at first and second floor was pushed back into the site, providing more space for the tree at the front, and the window arrangement was amended so that the front windows affected would primarily be an ensuite at the second floor level with the first floor level having windows to the south western elevation wrapping around to the side, thereby providing access to natural light within this room relieving the shade caused by the tree and thereby reducing the pressure to prune the tree
69. Barrel Tree Consultancy responded to the consultation on behalf of Mr R Shutte (3 St Clair Road). They echoed the concerns of the Council's Tree Officer.
70. Construction impacts need to be considered, along with the installation of utility infrastructure. As such a condition will require detailed technical information to demonstrate that the retained trees will not be impacted during this phase of development.
71. As such, the impact on trees is avoided during the use of the dwelling and they could be protected by condition during the construction phase of the development in accordance with PP27.

Biodiversity

72. 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.
73. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 and this is supported by PP33 of the Poole Local Plan.
74. An Biodiversity Metric has been submitted with the application. The metric demonstrates that 10% BNG cannot be achieved onsite alone.
75. This is because no creation of habitats can be counted towards the 10% within the curtilage of the private dwelling as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.
76. Therefore, proposal can be made acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan.

Land contamination

77. The National Planning Policy Framework (NPPF) has an objective of preventing both 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. Furthermore, the NPPF requires that potential contaminated land should be subject to adequate site investigation

undertaken by a competent person and that where appropriate sites should be subject to remediation to make suitable for the proposed use.

78. The above development site involves the demolition of a domestic garage and the building of a new property on the footprint of the demolished garage. Residential garages may have been used for storage of vehicles, machinery, fuels, oils or chemicals and where spillages and leaks of fuels, oils or chemicals may have occurred, creating the potential for contamination to be present that could affect future users of the site. Environmental Health does not hold any current records in relation to previous contaminative uses of the above development site itself, therefore a standard contaminated land condition is not necessary. However, we would recommend that a watching brief be attached to any permission granted.
79. Therefore, a condition can be attached to an approved permission requesting the watching brief and remedial action in the event that unexpected contamination is found at any time when carrying out the approved development to ensure the proposal would comply with chapter 15 of the NPPF.

Drainage

80. The site is within flood zone 1 with no surface water flooding risk meaning the risk of flooding is low. Drainage works will be carried out to ensure that flood risk is not worsened as a result of this development. A condition will ensure the drainage works proposed are implemented and therefore the proposal can be made compliant with Policy PP38.

CIL/SAMMs

81. 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.
82. 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
83. 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.
84. The applicant has committed to pay the relevant SAMMS contributions and sign the s106 upon a positive decision by the planning committee. Once this is complete, the proposal would accord with the provisions of Poole Local Plan Policies PP32 and PP39, the Poole Harbour Recreation SPD and the Dorset Heathlands SPD.
85. This scheme is also liable for CIL contributions which will become due upon commencement of development.

Contributions Required		Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing = 0		
	Proposed = 1	£510	£181
	Net gain = 1	£510	£181
Flats	Existing		
	Proposed		
	Net gain		
Total Contributions		£510 (plus 5% admin fee, min £75)	£181 (plus 5% admin fee, min £25)
CIL	Zone A	@ £230	

Planning Balance / Conclusion

86. Given the shortfall of number of homes delivered in the Poole area, the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. In this case, the application provides sufficient benefits when weighed against the harm and should be approved.
87. The proposed scheme would contribute to the need for new housing, delivering one additional home, with suitable amenity and living conditions for future occupiers and neighbours. All aspects of the proposal are acceptable or can be made acceptable with appropriate conditions. The whole scheme is dependent upon the payment for SAMMS contributions and the signing of a s106 which the applicant has agreed to should an approval be granted by planning committee.
88. In conclusion, the proposal would therefore achieve the economic, social and environmental objectives of sustainable development, compliant with local plan policies and the provisions of the NPPF and is recommended for approval subject to conditions, payment for SAMMS and signing of s106 agreement.

Recommendation

89. Approve subject to conditions, payment of SAMMS and signing of S106 agreement.

Conditions

1. GN150 (Time Expiry 3 Years (Standard))

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

Reason -

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

2. PL01 (Plans Listing)

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

Floor Plans and Elevations, Drawing No: 9810/101 rev D, received 22 January 2025

Plot comparison and DRA, Drawing No: 9810/105 Rev A, received 15 July 2024

Site, block and location plans, Drawing No: 9810/100, rev C, received 24 January 2025

Updated TPP and AMS, ref: DS/14624/AC, received 2 September 2024

Updated AIA and AMS, Ref: DS/14624/AC, received 2 September 2024

Drainage Plan, ref: 9810/104 rev B, received 21 November 2024

Energy Statement, by Anders Roberts Associates Ltd, received 15 July 2024

Reason -

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

3. AA01 (Non standard Condition)

Prior to first residential occupation of the development hereby permitted, details of the bin collection arrangements and location of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall be implemented and maintained thereafter.

Reason –

In the interests of providing waste amenity for future occupiers in accordance with Policy PP27 of the Poole Local Plan November 2018.

4. GN090 (Obscure Glazing of Window(s))

Both in the first instance and upon all subsequent occasions, the windows on the approved plan (drawing no. 9810/101 rev D) on the south western elevation and the balconies on the north west elevation shall be glazed with obscure glass in a form sufficient to prevent external views.

Reason -

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

5. GN040 (Match Materials to the Existing Building)

Notwithstanding the approved plans, details of roofing materials (including the its colour) shall be submitted to and approved in writing by the local planning authority. The details shall then be implemented thereafter.

Reason -

To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. GN162 (Renewable Energy - Residential)

Prior to first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of the dwelling from on-site

renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter. Documents required by the Local Authority include:

The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,

The corresponding EPC (Energy Performance Certificate), and

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

Reason -

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

7. HW100: Parking

The development hereby permitted shall not be brought into use until the access and vehicle parking shown on the approved plan (Drawing No: 9810/100, rev C) have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

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).

8. HW240 (EV 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 residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason -

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

9. Reporting of unexpected contamination

In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme re commencing.

Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with chapter 15 of the NPPF 2024.

10. Non standard condition

Prior to the first occupation of the development hereby approved, the developer shall submit a scheme to be agreed in writing with the Local Planning Authority, for the formation of a new dropped kerb crossing and alteration of the road markings on the highway outside the site, corresponding with the formation of the new access to the site. The scheme shall comply with the standards adopted by the Local Highway Authority. The agreed scheme shall thereafter be fully implemented, at the developer's expense, in accordance with the agreed program of works prior to first occupation of the dwellings hereby approved.

Reason -

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

11. Drainage

The development, hereby approved, shall not be occupied until drainage works have been carried out in accordance with the approved drainage plan drawing No. 9810/104 rev B.

Reason -

To ensure there is adequate provision of drainage facilities and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

12. Construction method statement

A construction method statement detailing all demolition and construction activities that will be undertaken within or adjacent to root protection areas and tree canopy spreads or have implications for trees the details of which have been approved in writing by, the Local Planning Authority prior to commencement of any ground clearance, tree works, demolition or development must be carried out in strict accordance with the approved details. In particular, the construction method statement which provides the following: -

- a) details and specifications of the full extent of all necessary excavations within root protection areas and tree canopy spreads
- b) details, construction diagrams, specification and method of installation of specialist foundations and cellular confinement systems, including proposed locations of all necessary equipment and working

space required to construct foundations and walls

c) areas for the loading and unloading of plant and materials

d) location of storage compound for materials and mixing areas

e) means of transporting materials, plant and equipment around the site

f) location of all temporary site buildings, storage containers and welfare facilities

g) location and details of cranes, piling rigs and plant required to undertake all demolition and construction activities

h) location of contractor parking facilities

Reason –

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

13. LEMP

No part of the development hereby permitted shall be commenced unless there has first been submitted to and approved in writing by the local planning authority a Landscape and Ecology Management Plan (“LEMP”). The LEMP shall in particular include:

(a) details of all habitat, ecological matters (incorporating all species enhancements) and landscaping associated with the development including identification of what is to be retained as well as all proposed creation and enhancement;

(b) details of all proposed related works;

(c) a timetable for the provision of all identified habitat, ecological matters and landscaping; and

(d) details and arrangements as to future on-going retention, management and maintenance

The approved LEMP shall at all times be accorded with and the identified habitat, ecological matters and landscaping at all times retained, managed and maintained in accordance with the approved LEMP.

Reason:-

To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in

accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

14. Remove use of flat roof as balcony

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason -

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

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 applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

2. IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning

permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.111 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. IN89 (Biodiversity Net Gain Approval Required)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

6. Contaminated land

The application site has been reviewed for any potential contamination issues. The proposed development is sited within 250m of a significant area of unknown filled ground which potentially could produce ground gas.

The applicant is advised to consider incorporating matching ground gas

protection measures within the foundations of the proposed extension(s), so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently there is no need to install gas protection measures within the proposed extension.

Examples of existing ground gas protection measures include, but are not limited to, a ventilated sub-floor void space, a reinforced cast in situ concrete floor slab, a barrier membrane resistant to ground gases (not damp proof course).

Background Documents:

APP/24/00799/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

Case Officer Report Completed: 24 January 2025

Officer: F Summers

Date: 24 January 2025

Agreed by: Monika Kwiatkowska

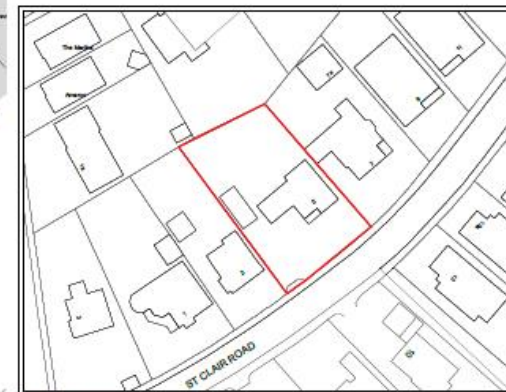
Date: 24/01/25

Comment: report agreed and recommendation supported

10m @ 1:100

25m @ 1:500

50m @ 1:1000



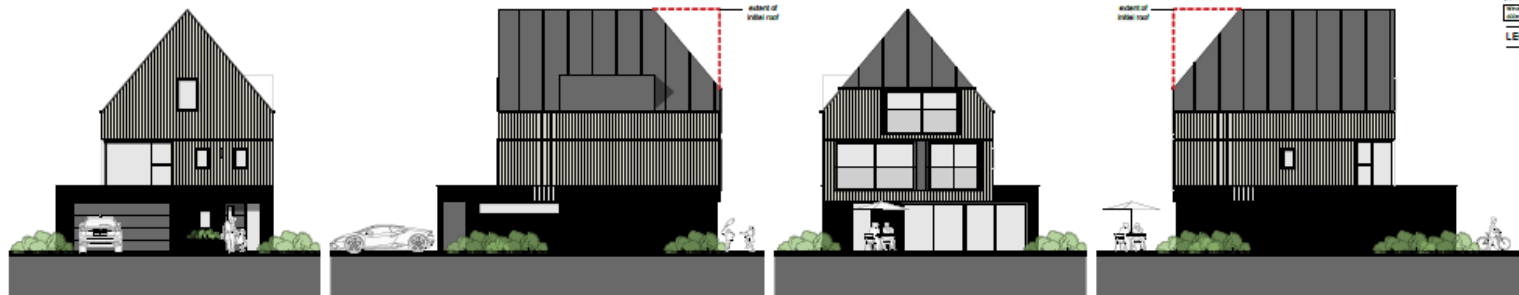
EXISTING LOCATION PLAN
SCALE 1:1250
BASED ON ORDINANCE SURVEY EXTRACT
(OS LICENCE NUMBER: 100007080)

7. The results of the analysis are as follows:
 - a. A company's business plan is not likely to planning outcome is to achieve no compliance with, leading to a significant increase in a company's profits and productivity.
 - b. A company's business plan is not likely to planning outcome is to achieve no compliance with, leading to a significant increase in a company's profits and productivity.
 - c. A company's business plan is not likely to planning outcome is to achieve no compliance with, leading to a significant increase in a company's profits and productivity.
 - d. A company's business plan is not likely to planning outcome is to achieve no compliance with, leading to a significant increase in a company's profits and productivity.

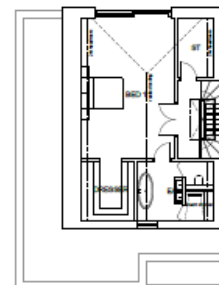
No.	Revison	date	by
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E-mail: enquiries@amandileisure.co.uk
Web: www.amandileisure.co.uk





SOUTH WEST ELEVATION
SCALE 1:100



SECOND FLOOR PLAN
SCALE 1:100

REV 20-08-2018

- [illegible]

LEGEND

MATERIALS SCHEDULE:

Notes: All materials to be confirmed by the consultant prior to construction. The above materials list are for planning/estimate purposes only and confirmation of the performance should agreed with specialist. (Biting system behind cladding should also be non combustible A1 or A2 rated and agreed with the consultant)

TOTAL PROPOSED GRA @ 266.5 SQM / 2,746 SQFT

10m @ 1:100

D.	revised following planner's feedback	29-01-05	RG
C.	revised following planner's feedback	21-01-05	RG
B.	revised following planner's feedback	20-11-04	RG

No.	Revision	date	by
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FLOOR PLANS & ELEVATIONS

ARC Architecture Ltd.

Chapel Stables, 14 Puhewai,
Christchurch, Dorset, BH23 1EP



DESIGNERS RISK ASSESSMENT

GENERAL NOTES

- ### INFORMATION

CONSTRUCTION RISKS

MAINTENANCE RIS

IN - USE RISK

**HAZARDOUS WASTE
DEMOLITION BY
HAZARDOUS WASTE
UNDERLIES PRIOR
CONSTRUCTION -**

RESOLUTION

REPLACEMENT-AND-DEMOLITION BY
HAZARDOUS WASTE
 under federal prior consent required - see

TRUE REMOVAL

Tree removal/limb
undercutting prior
to/after commercial
silvicultural man-
agement. From 1991

100

NOTES-PLANNING

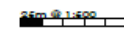
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THESE ARE THE TERMS AND CONDITIONS OF THE SALE:

[illegible]

Access between viable and viable requires 1. In quantity [APC G diagram 3].

LEGEND



A. revised following free officer concerns 14-08-04 RG

No.	Revision.	date	by
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5 ST CLAIR ROAD,
POOLE,
DORSET
BH13 7JP

PLOT COMPARISON & DRAW

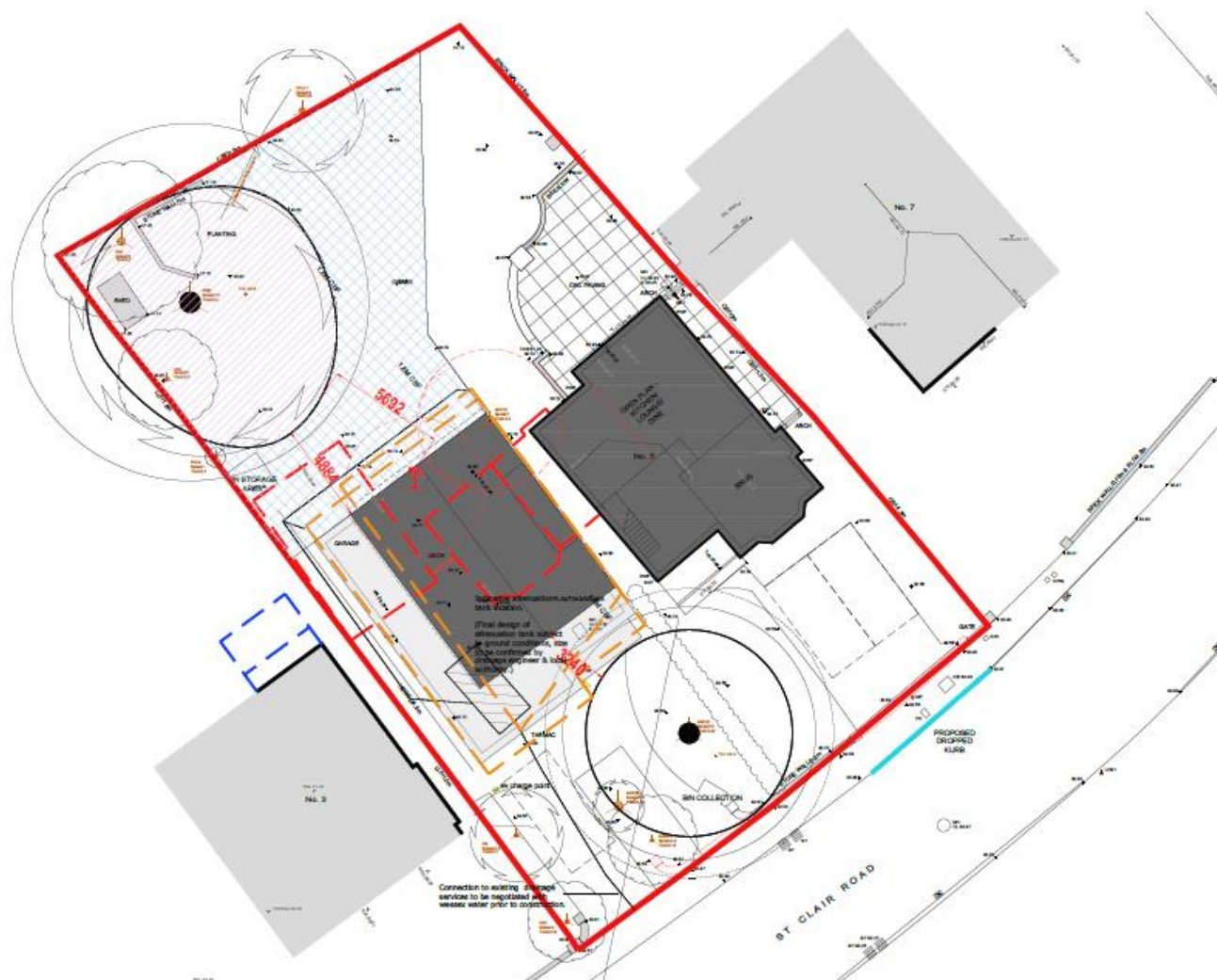
scale	AS SHOWN @ A1	checked	ALL
date	JUNE 2024	drawn	FG
9810 / 105		A	

ARC Architecture Ltd.

Chapel Studios, 14 Purwell,
Cheltenham, Dorset, BH23 1EP

Tel: +44 (0)1202 478819
Email: enquiries@arc.co.uk

Website: www.arsenalscience.co.uk



rev 23-08-20

[illegible]

10m @ 1:100

B.	revised following planner's feedback	20-11-04	RG
A.	revised following tree officer concerns	14-09-04	RG

No.	Revision	date	by
-----	----------	------	----

5 ST CLAIR ROAD,
POOLE,
DORSET
BH13 7JP

SUDDS PLAN

code	AS SHOWN @ A1	checked	AE
date	JUNE 2024	down	FG

9810 / 104

ARC Architecture Ltd.

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Christchurch, Dorset, BH23 1EP

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Web: www.crucialflex.co.uk





Planning Committee

Application Address	8 Scarf Road, Poole, BH17 8QQ
Proposal	Demolish conservatory and erect an attached 3 bedroom dwelling with private garden with pedestrian access off Tait Close
Application Number	APP/24/00820/F
Applicant	Mr Stevenson
Agent	Mr Howell
Ward and Ward Member(s)	Canford Heath Cllr C Matthews Cllr S Moore Cllr C Weight
Report Status	Public
Meeting Date	6 February 2025
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	<p>Sandra Moore, Canford Heath Ward</p> <p>This is the fourth planning application to build at this site. 3 refused and 2 appeals made, 1 is still outstanding and 1 has been decided (decision to refuse upheld).</p> <p>Proposed plot in close proximity to 10 Scarf Road, concerns re overbearing, overlooking and overshadowing – adversely effecting living conditions of existing and future owners. Would also be accessed from and overlook 3 Tait Close. Contrary to PP27 and PP28 Poole Local Plan.</p> <p>Application is a cause of concern for Canford Heath residents and is clearly contentious as demonstrated by the three previously refused applications and 2 subsequent appeals.</p>
Case Officer	Frances Summers
Is the proposal EIA Development?	No

Description of Proposal

1. The demolition of the side conservatory and the erection of an attached 3 bedroom dwelling with private garden with pedestrian access off Tait Close.

Description of Site and Surroundings

2. The application site is currently occupied by a semi-detached two storey dwelling on Scarf Road slot in between Adastral Road to the north and the end of the cul-de-sac at Tait Close to the south. The site benefits from pedestrian access via a pathway leading from Scarf Road to the east and

vehicular access from Tait Close with parking in a row of garages to the southwest of the site. The immediate vicinity features a range of plot shapes and sizes and varies in materials. The dwellings are mixed in terms of roof forms, design and materials.

Relevant Planning History

3. APP/22/01657/F - Demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking. Refused. The application was refused on the grounds of overlooking from the first floor windows into No.10, lack of daylight into the proposed dwelling and overdevelopment of the site. An appeal was dismissed on the grounds of overlooking and overdevelopment of the site.
4. APP/23/00718/F – Demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking (revised scheme) – Refused. The application was refused on the grounds of overlooking from the first floor windows into No.10, lack of daylight into the proposed dwelling and overdevelopment of the site. This decision is being appealed but is not yet decided.
5. APP/2400100/F - Demolish conservatory and erect an attached 3 bedroom dwelling with private garden. Refused.

Constraints

6. None

Public Sector Equalities Duty

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

Other relevant duties

8. 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.
9. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
10. 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

11. BCP Highways – No objection subject to condition
12. BCP Environmental Health Contamination – no objection subject to condition

Representations

13. Site notices were posted in the vicinity of the site allowing comments from 23 August 2024 to 17 November 2024.
14. 8 comments have been received which are summarised below;
 - Upstairs windows of the new house will be overlooking No. 3 Tait Close, particularly the front door.
 - Drainage impacts due to pressure on the sewerage system that is close to capacity and has issues from blockages.
 - Built over drain

- Insufficient unrestricted parking resulting in existing residents having to park further away and walk to their home and damage to borders due to cars going in and out of garages
- No pedestrian access is needed across gardens of No. 6 and 8 Scarf Road
- Not necessary to remove established plants and trees between No. 10 and No 6 and 8 scarf road.
- Rendering is not in keeping with surrounding properties
- Light restricted into No. 10 and upstairs landing window at No.8
- Land registry titles states no further building can be added to the two semi detached houses 6 and 8 Scarf Road
- Construction causing disturbance and parking issues
- Parking is not possible in Adastral Road as this is main highway
- No. 6 owns front garden.
- Impact on mental health due to giving up hobbies due to lack of parking
- Noise impacts from building works
- Plans cut across front garden of No. 6
- Windows blocked by proposal are south facing and get extremely hot in summer
- Proximity of the boundary to the proposal is noted
- People would walk past window who don't reside in the area
- Kitchen overlooks No. 10
- Not visually coherent
- Aging residents in the area concerned with parking arrangements
- Value of house diminished due to becoming terrace
- Substation in corner of car park where parking is not allowed
- Side window on landing is a means of escape in the event of a fire, removal of this also results in loss of air and light
- Removal of 40 year old Acer tree prior to applying to the council
- Setting inappropriate for another property
- Impacts on privacy for future occupants due to back door of No. 10
- 5 guinea pigs are sensitive to noise and would be sensitive to building work
- Loss of trees

Key Issue(s)

15. The key issue(s) involved with this proposal are:
 - Presumption in favour of sustainable development
 - Principle of development
 - Character of the area
 - Residential amenity
 - Highways
 - Sustainability
 - Waste
 - CIL/SAMMS
16. These issues will be considered along with other matters relevant to this proposal below.

Policy context

17. 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 following:
18. The Poole Local Plan (Adopted November 2018)
- PP01 Presumption in favour of sustainable development
 - PP02 Amount and Broad Location of Development
 - 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
19. Supplementary Planning Documents:
- BCP Parking Standards SPD (adopted January 2021)
 - The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)
 - Nitrogen Reduction in Poole Harbour SPD
 - Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)
20. National Planning Policy Framework ("NPPF" / "Framework")
- Including in particular the following:
- Section 2 – Achieving Sustainable Development
- Paragraph 11 –
- "Plans and decisions should apply a presumption in favour of sustainable development.
- For decision-taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

Planning Assessment

Presumption in favour of sustainable development

21. 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.

22. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
23. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
24. At 1 April 2024 BCP Council had a housing land supply of 2.1 years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
25. In this instance, the scheme would provide 1 additional dwelling 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.
26. For this planning application the benefits provided from the supply of new homes are considered to carry limited weight in the planning balance

Principle of development

27. 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.
28. Policy PP2 sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is located within such a corridor and therefore the principle of additional residential development on the application site is acceptable and complies with PP2 subject to the proposals being tested against other relevant Local Plan policies.

Character of the area

29. The proposal is for a two storey end terraced dwelling. Policy PP28 states that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development, including usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
30. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
31. The existing plot is notably wider than those within the vicinity and its subdivision will result in two plots with widths similar to those forming this row of dwellings.
32. Previous applications for a very similar footprint have concluded that though the proposed new dwelling would be attached to the southern side of the semi-detached dwelling forming a row of three terraced dwellings, given the presence of terraced dwellings in the area and mix of housing types, the change from semi-detached to terraced dwellings would not appear out of character.
33. The officers concluded that the proposed scheme would fail to assemble sufficient land in order to deliver a development of a type, scale and layout that would preserve the residential character of the area and therefore it is contrary to the provisions of Policies PP27 and PP28 of Poole Local Plan (November 2018). An inspectors decision (APP/V1260/W/23/3325076) upheld this view.

34. The agent has provided several examples of similar development within the vicinity, APP/20/01169/F (26 Adastral Road, Poole) and APP/19/01187/F (3 Kelly Close) however, it should be noted that these developments are substantially different from that of the proposed given that the proposal continues the form of development with no neighbouring issues.
35. This proposal has moved the front elevation to the western elevation so it is read as an extension rather than a new building in this row of terraces. Though it is clear that the arrangement of this proposal disrupts the visual separation between the properties, the harm resulting from this, given the building would now be read as an extension rather than a separate dwelling, and would have a front garden would be minimal.
36. This proposal is slightly lower in height than No.8 which is acceptable, furthermore the house is set back 0.8m from the front of No.8 which causes this proposal to look subservient to No.8 and the other homes but lessens its impact on the street scene.
37. The rear garden would be 11.16mx7.7m which is more than sufficient. This garden would remain larger than others in the area for instance the property opposite has a garden size of 6.84m x 9.19m and next door is 9.38x7.04m. The current garden being 12.6mx12.76m relative to the character of the area. In this respect it is considered that the plot size is comparable to the surrounding properties and would not be out of character.
38. 1.8m close boarded fence are proposed between this site and no.8 and around the rear of the site. This provides suitable boundary treatment in an area such as this. However the front garden is free of this which again is in keeping with the boundary treatments to the front of the other properties in the area.
39. A single storey to the rear extends approximately 2.34m into the south western boundary. There are a number of other examples of this type of extension in the area and is satisfactory.
40. A benefit to the current scheme is that having the main/front elevation on the side this will introduce additional passive surveillance of the parking court. At present there is limited visibility of the parking area and the design of the current proposal is an improvement in this regard as it will increase surveillance of the car parking area in accordance with established urban design principles.
41. Overall it is considered that the design and appearance of the proposed development is acceptable and the plot size would reflect the immediate context and the wider character and appearance of the area. As such the proposal is in accordance with Policy PP27 in relating to the character of the area and street scene.

Residential amenity

42. PP27 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.
43. By virtue of orientation, depth and height of the single storey rear projection and window positioning, the proposed dwelling would not result in harm to the amenities of the neighbouring occupiers of the donor property (No 8 Scarf Road) in terms of overlooking, overshadowing or overbearing impact.
44. The proposed dwelling would not result in harm to the neighbouring occupiers to the south or west due to sufficient separation distances.
45. Previous proposals were considered to result in harmful levels of overshadowing and therefore a overbearing impact on No. 10 Scarf Road, but shadow illustrations submitted and considered at appeal indicated that this would be limited to a small part of the rear garden during late summer afternoons which would not lead to an unacceptable loss of sunlight and therefore would not be detrimental to the living conditions of the neighbouring occupiers of No. 10.
46. Furthermore, previous applications were refused due to overlooking from the front bedroom windows into the rear garden of No 10. An inspector dismissed this as significant harm claiming it was limited and not unreasonable in a residential environment. Nevertheless, this proposal only includes a small window serving a WC on the ground floor north eastern elevation, and a window serving a bathroom to the first floor north eastern elevation. The first floor bathroom is labelled on the plan as obscure glazed and a condition can ensure the ground floor bathroom window is also obscurely glazed. Therefore the issue of overlooking is avoided in this application.

47. Separation distances between this proposal and the property to the rear is 24.2m, there is 32.2m between the front elevation and the side elevation of No.3, and there is 33.5m between No.2 Tait Close and this proposal. The upstairs windows of the new house would be close to No. 3 Tait Close by c. 3.3m retaining a separation distance of 29m which is more than sufficient. As such there is no other instances of potential overlooking as a result of this proposal.
48. The south west elevation proposes bifold doors to the garden serving a living/dining area and there are two windows to first floor serving beds 2 and 3. None of these windows would present overlooking or privacy issues due to the separation distances between this elevation and the property opposite or No.2 Tait Close.
49. The south eastern elevation shows the frontage, this has a window at ground flood serving the kitchen, then the front door, followed by two long windows serving the dining room, there are two further large windows to first floor. None of these would present overlooking or privacy issues due to the separation distances between this elevation and the side elevation of No. 3.
50. The proposed dwelling is unlikely to result in a detrimental impact on the neighbouring properties and therefore complies with Policy PP27.

Living conditions of future occupiers

51. In previous applications, concerns were raised regarding the levels of sunlight/daylight provision for the north east facing habitable rooms which included the kitchen at ground floor and two bedrooms at first floor. The northeast facing windows were proposed to face directly onto the side elevation wall of the two-storey dwelling at No 10 Scarf Road at a distance of only 6m restricting levels of sunlight and daylight resulting in poor levels of natural light and a poor outlook. The inspector upheld the concern relating to outlook but not restricted light (reference APP/V1260/W/23/3325076), "the outlook possible for future occupiers of the proposed development would be significantly restricted, creating an unacceptable sense of confinement".
52. This proposal avoids this possibility as only two bathrooms look out onto the side elevation of No.10. The outlook from all other windows is more than acceptable and provides sufficient daylight for future residents.

Highways

53. Local Plan Policies PP34, PP35 and PP36 of the Local Plan gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. Among other aspects, they seek to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. The BCP Parking Standards SPD provides further requirements and guidance.
54. The current proposals would not provide any off street parking, and would therefore be two spaces short of the Parking Standards SPD (2021) guidelines. Taking account of the previously submitted parking survey (22/01657/F), it can also be concluded in this case, that given the significant on street parking capacity available, that the current proposal would be unlikely to cause demonstrable harm to highway safety in this location as a result of a two space parking shortfall.
55. It is understood that neighbours are concerned about car parking spaces being taken by potential residents, and it is understood that the substation cannot be parked in front of, it is also acknowledged that there are those with limited mobility in the area but it is clear there is sufficient space for everyone. The site has nearby access to high frequency public transport on Adastral Road and to shops, services, and community facilities nearby in Adastral Square.
56. The SPD requires that new dwellings are provided with cycle parking. As such the proposed dwelling should be provided with secure and sheltered cycle parking with capacity for three cycles (one per bedroom) to meet guidelines. This should be in a convenient and accessible location. This can be sought and secured by condition.
57. Therefore the proposal accords with PP34 and PP35 of the Poole Local Plan.

Sustainability

58. 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 proposal has been supported by Energy and Resources Statement which commits to the provision of renewable energy sources to meet this requirement. It is therefore 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 dwelling through renewable energy sources.

Waste

- 59. Policy PP27 of the Poole Local Plan 1(g) requires convenient and practical waste arrangements in accordance with relevant standards.
- 60. No details of waste have been provided as part of this application but a condition can ensure details are provided and that they are acceptable. There is sufficient space for a bin store so there is no reason why this cannot be provided.

Biodiversity

- 61. 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.
- 62. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021.
- 63. An Biodiversity Metric has been submitted with the application. The metric demonstrates that 10% BNG can not be achieved.
- 64. A member of the public made reference to the removal of 40 year old Acer tree prior to applying to the council. From aerial photographs it is not clear where the tree was positioned as it looks like it may have been in the rear garden of No. 8 not within the red line boundary of this site.
- 65. As no creation of habitats within the curtilage of the residential dwelling can be counted towards the 10% as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.
- 66. Therefore proposal can be made acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan.

Other considerations

- 67. Construction will be controlled by condition to ensure parking is provided for construction traffic in an appropriate location and to ensure the impacts from noise, dust and vibrations are controlled and do not impact on the amenity of neighbours.
- 68. No trees will be removed to accommodate the proposal
- 69. Drainage and blocking of drain covers must be accommodated by the local sewerage provider, this is not a matter for planning consideration. The applicant is advised to discuss the proposal with the sewerage providers as a matter of course.
- 70. It is claimed that the proposed red line boundary covers the front garden of No. 6 Scarf Road which is owned by someone else. Looking at the boundaries I do not see a conflict but also the applicant has signed Certificate A declaring they own the area and the application should be determined on this basis.
- 71. The value of a house and new people residing in the area are not material planning considerations.
- 72. The blocking of the side window to No.8 as a concern relating to loss of means of escape in a fire is not a planning consideration and would be dealt with by building control.

CIL/SAMMs

- 73. 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.

74. 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
75. 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.
76. The applicant has paid the SAMMS contributions. The proposal therefore accords with the provisions of Poole Local Plan Policies PP32 and PP39, the Poole Harbour Recreation SPD and the Dorset Heathlands SPD.
77. This scheme is also liable for CIL contributions which will become due upon commencement of development.

Contributions Required		Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing = 0		
	Proposed = 1	£510	£181
	Net gain = 1	£510	£181
Flats	Existing		
	Proposed		
	Net gain		
Total Contributions		£510 (plus 5% admin fee, min £75)	£181 (plus 5% admin fee, min £25)
CIL	Zone C	@ £115 m	

Planning Balance / Conclusion

78. Given the shortfall of number of homes delivered in the Poole area, the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. In this case, the application provides sufficient benefits when weighed against the harm and should be approved.
79. The proposed scheme would contribute to the need for new housing, delivering one additional home, with suitable amenity and living conditions for future occupiers and neighbours which is afforded positive weight in the planning balance.
80. In conclusion, and with the tilted balance applied, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits provided through the provision of new housing. The proposal will therefore achieve the economic, social and environmental objectives of sustainable development, compliant with local plan policies and the provisions of the NPPF and is recommended for approval.

Recommendation

81. Approve subject to conditions

Conditions

1. GN150 (Time Expiry 3 Years (Standard))

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

Reason -

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

2. PL01 (Plans Listing)

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

Proposed Plans, Drawing No. PL302 rev A, received 20 January 2025
Location Plan, Drawing No. PL301, received 19 July 2024

Reason -

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

3. AA01 (Non standard Condition)

Prior to occupation details of the bin collection arrangements and location of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall be implemented and maintained thereafter.

Reason –

In the interests of providing waste amenity for future occupiers in accordance with Policy PP27 of the Poole Local Plan November 2018.

4. GN090 (Obscure Glazing of Window(s))

Both in the first instance and upon all subsequent occasions, the window(s) on the approved plan (drawing no. PL302 Rev A) shall be glazed with obscure glass in a form sufficient to prevent external views.

Reason -

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

5. GN040 (Match Materials to the Existing Building)

Notwithstanding submitted plans, the materials and finishes to be employed on the external faces of the development hereby permitted shall match in every respect those of the existing building at No.8.

Reason -

To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. GN162 (Renewable Energy - Residential)

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

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

Documents required by the Local Authority include:

The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,

The corresponding EPC (Energy Performance Certificate), and

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

Reason -

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

7. HW110 (Cycle Provision)

Prior first occupation, secure cycle parking will be provided in accordance with the scheme which has been submitted to and approved by the local planning authority, 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).

8. HW010 (No Other Access Except That Shown)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order, no access, vehicular or pedestrian, other than that shown on the approved plan, shall be formed to the site.

Reason -

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

9. Reporting of unexpected contamination

In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme re commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with chapter 15 of the NPPF.

10. Construction methodology

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the implementation of best practicable means to reduce the impacts of noise, and parking. The plan shall include details of the following relevant measures, but not limited to;

- (i) measures the construction will take to minimise the impact on noise in relation to neighbour amenity; and
- (ii) a construction logistics plan that identifies the steps which will be taken to minimise the impacts of all vehicles (including construction, delivery and waste transport) entering or leaving the site and parking on or off the site;

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 08.00 to 18.00hrs Monday to Friday, 08.00 to 13.00hrs Saturday and no working on Sundays and Bank Holidays.

Reason: to ensure sufficient control measures are implemented to prevent disturbance to local residents during demolition and construction works on site in accordance with PP27 of the Poole Local Plan November 2018.

11. LEMP

No part of the development hereby permitted shall be commenced unless there has first been submitted to and approved in writing by the local planning authority a Landscape and Ecology Management Plan ("LEMP"). The LEMP shall in particular include:

- (a) details of all habitat, ecological matters (incorporating all species enhancements) and landscaping associated with the development including identification of what is to be retained as well as all proposed creation and enhancement;
- (b) details of all proposed related works [including any proposed hard landscaping and all boundary treatments];
- (c) a timetable for the provision of all identified habitat, ecological matters and landscaping; and
- (d) details and arrangements as to future on-going retention, management and maintenance,

The approved LEMP shall at all times be accorded with and the identified habitat, ecological matters and landscaping at all times retained, managed and maintained in accordance with the approved LEMP.

Reason –

To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

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 applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

2. IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

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

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

3. IN81 (SAMM Approval)

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

4. IN84 (AA passed)

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

effect on the identified designated sites of Nature Conservation Interest.

5. IN89 (Biodiversity Net Gain Approval Required)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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

6. Contaminated land

The application site has been reviewed for any potential contamination issues. The proposed development is sited within 250m of a significant area of unknown filled ground which potentially could produce ground gas.

The applicant is advised to consider incorporating matching ground gas protection measures within the foundations of the proposed extension(s), so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently there is no need to install gas protection measures within the proposed extension.

Examples of existing ground gas protection measures include, but are not limited to, a ventilated sub-floor void space, a reinforced cast in situ concrete floor slab, a barrier membrane resistant to ground gases (not damp proof course).

Background Documents:

APP/24/00820/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

Case Officer Report Completed: 24/01/2025

Officer: F Summers

Date: 24/01/2025

Agreed by: Jon Bishop

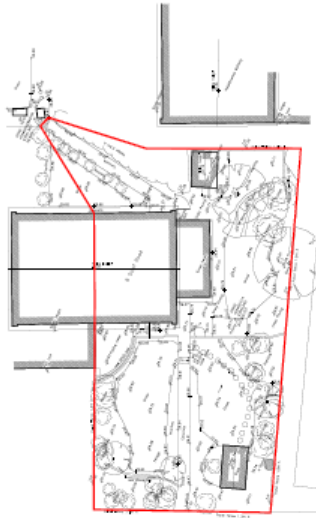
Date: 24/01/2025

Comment:

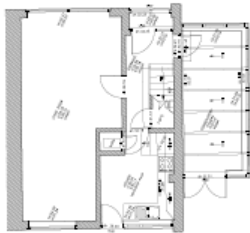
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Location Plan
1:1250



Existing Site/Block Plan
1:200



Existing Ground Floor Plan
1:100



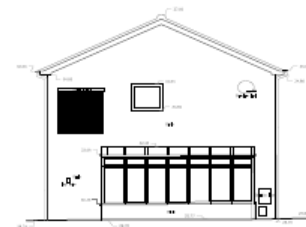
Existing First Floor Plan
1:100



Existing North East Elevation
1:100



Existing South West Elevation
1:100



Existing South East Elevation
1:100

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All dimensions to be checked on site and any discrepancies reported to the Architect immediately. All structural and specialist elements/components/details, including glazing, are to be approved by the Structural Engineer or Specialist Contractor.

DESIGNER'S RISK ASSESSMENT:

HEALTH AND SAFETY

The architect is not responsible for construction on Building Products and Construction Execution Hazards.

Commonwealth hazards associated with Building Products and Construction processes are not listed below and will be assumed to be controlled by the **Builder/Contractor** following good safety, management and site practice procedures.

The proposed works are designations well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.

0m 1 2 3 4 1:100

0m 2 3 4 5 6 1:200

0m 10 20 30 40 50 1:1250

Project: 8 Swift Road
Pole
Donnet

Client: Dean Swift Developments

Drawing Title: Location Plan & Existing Plans

Job No: 221012

Drawn: DW

Date: 23.01.2024

Scale: as indicated @ A2

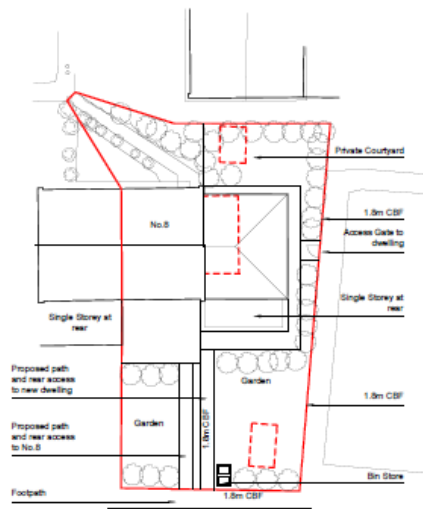
Drawing No: PL301

Rev: *

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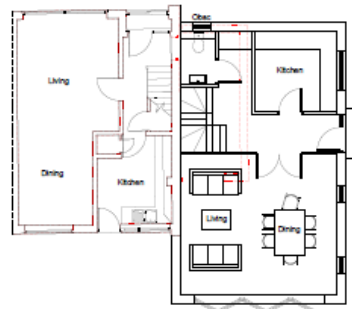
Plotting & Printing



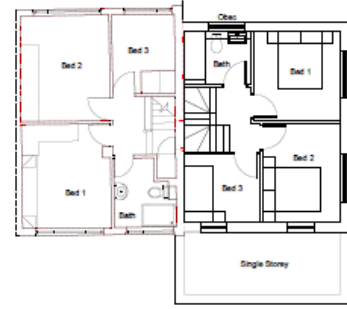
Proposed Site/Block Plan
1:200



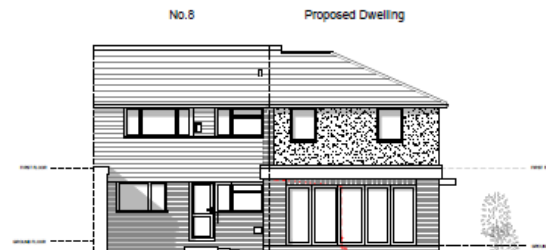
Proposed South East Elevation
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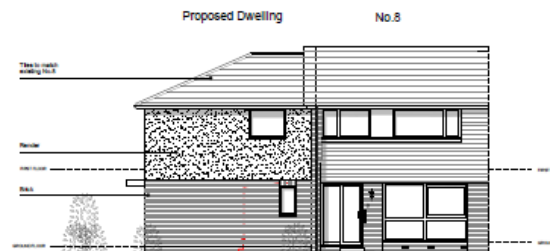
Proposed Ground Floor Plan
1:100



Proposed First Floor Plan
1:100



Proposed South West Elevation
1:100



Proposed North East Elevation
1:100

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All dimensions to be checked on site and any discrepancies reported to the Architect immediately. All structural and specialist elements/components/details, including glazing, are to be approved by the Structural Engineer or Specialist Contractor.

DESIGNERS RISK ASSESSMENT:
HEALTH AND SAFETY
The construction of the proposed dwelling is a Building Products and Construction Executive (BPE) project.

Commonlaw duties associated with Building Products and Construction Executive (BPE) projects and will be assumed to be controlled by the BPE. The contractor is to follow good safety, management and site practice procedures.

The proposed works are designed to a well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

THESE DRAWINGS ARE FOR PLANNING PURPOSES ONLY.

Rev	Description	Date
A	Obscure window and bin store added	20.01.2025

Scale: 1:100

Scale: 1:200

Scale: 1:250

Project: 8 Scaff Road
Private
Dorset

Client: Dean Swift Developments

Drawing Title: Proposed Plans

Job No: 221012

Drawn: DW

Date: 11.04.2024

Scale: as indicated @ A2

Drawing No: PL302

Rev: A

DMW
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