

Planning Committee

Application Address	44 Western Road, Poole, BH13 6EU
Proposal	Demolish existing garage and outbuilding, sever land and erect a pair of 3 bedroom semi detached houses with parking.
Application Number	APP/20/00247/F
Applicant	AJ Developments
Agent	Anders Roberts & Assoc
Date Application Valid	25 February, 2020
Decision Due Time	22 July, 2020
Extension of Time date (if applicable)	22 July, 2020
Ward	Canford Cliffs
Recommendation	Grant permission , having secured the necessary contributions towards Dorset Heathlands SAMM and Poole Harbour Recreation SAMM and subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision
Reason for Referral to Planning Committee	This application is brought before Committee since representations based on material planning issues have been received from more than 20 separate households that are contrary to the recommendation of the Planning Officer.
Case officer	Eleanor Godesar

Description of Development

1. Planning consent is sought for demolish existing garage and outbuilding, sever the land and erect a pair of 3-bed semi-detached houses with parking.
2. Substantially amended plans have been received during the consideration of the planning application with a view to overcoming issues arising from the original submitted plans.

Key Issues

3. The main considerations involved with this application are:
 - Impact on character and appearance of area
 - Impact on neighbouring and future occupant privacy and amenities
 - Impact on trees

- Impact on highway safety

Planning Policies

4. Poole Local Plan (Adopted 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP07 Facilitating a step change in housing delivery
- PP08 Type and mix of housing
- PP27 Design
- PP28 Flats and plot severance
- PP32 Poole's 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

5. Supplementary Planning Document

- SPD1 Parking & Highway Layout in Development
- SPD3 Dorset Heathlands Planning Framework (2020-2025)
- SPD5 Poole Harbour Recreation SPD (2019-2024)
- SPD6 Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)

6. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals

7. **2018:** Sever land and erect a single detached house with access from the existing drive to Western Road. **Approved** (APP/17/01670/F).
8. **2019:** Provision of two dwellings with associated parking and landscaping (sever land) (APP/19/00721/F). **Refused** for the following reasons:
 - The proposed development by virtue of the plot sizes and density has resulted in a layout and scale of development which does not respect that of the surrounding area and as such cannot be accommodated in a manner which would preserve or enhance the areas residential character and would therefore fail to deliver a sustainable pattern of development.
 - The proposed development by virtue of the position and design of house 1 and its relationship with 44 Western Road would result in a dominant and oppressive impact on this neighbour viewed from its southern elevation, harmful to their amenities.
 - Lack of SAMM contributions
9. **2019:** Demolish existing garage and outbuilding, sever land and erect a pair of 3 bedroom semi detached houses with parking. **Withdrawn** (APP/19/01181/F)

Representations

10. In addition to initial letters to neighbouring properties and a site notice, further notification was undertaken following the receipt of substantially amended plans.
11. 33 representations from 25 separate households have been received in which the following concerns are raised:
 - Limited plot size and over-development
 - Bin store and parking spaces are positioned opposite the dwellings and lit during night time
 - Additional pressure on access drive in terms of potential conflicts between vehicles and pedestrian visibility
 - Extending the site does not alleviate the issues
 - The approved single dwelling is more in keeping
 - Amenity issues for neighbours and future occupants including privacy; noise; and disruption
 - Building higher than existing semi-detached houses
 - The amended plans are significantly different and now show a hedge extending onto the existing driveway with the side wall being on the boundary line.
 - Impact upon trees

Consultations

12. BCP Highway Authority – No objection to the amended proposals
13. The Society for Poole – the proposals do not respect the character of the area and involves an unsympathetic use of the site amounting to over-development

Constraints

14. The application site is covered by a Tree Preservation Order (74/1996).

Site and Surroundings

15. The application site is located to the south of 44 Western Road, one of a pair of two storey dwellings (nos 42 and 44) which are perpendicular to Western Road, fronting Ashton Court to the east, which is a purpose built block of flats. All of these properties, including Ashton Court, share the same access from Western Road.
16. The application site was previously part of the rear garden of no. 44, and is currently occupied by outbuildings. The site is adjacent to the garden and garage area serving Ashton Court and adjoins the Canford Chase Care Home to the west, the boundary to which is heavily screened by landscaping,
17. The area is predominantly residential in character with blocks of purpose built

flats to the north, south and east of the site.

Planning assessment

18. The current application has been submitted in response to a refused proposal and a recently withdrawn one. The current proposal has similarities to the withdrawn application, but includes more land in the application site and the footprint of the two semi-detached dwellings reflects some key aspects of the extant permission for one dwelling, most particularly the position of the north and west elevations.
19. A strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations. PP1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
20. PP2 identifies the amount and broad locations of development. The majority of new housing will be directed to the most accessible locations within Poole, including the town centre; district; and local centres. Outside these areas, higher density housing development will be concentrated along sustainable transport corridors.
21. The principle of severing the application site for one dwelling has been previously accepted in the extant permission (APP/17/01670/F). The application site is outside of the sustainable transport corridor where higher densities of development are concentrated. However, development outside of these areas will be permitted provided that the proposal is capable of delivering sustainable patterns of development. Sustainability of the proposal would be based upon its acceptance on other material considerations which are discussed below.

Character and Appearance of the Area

22. Policy PP28 of the Poole Local Plan states that plot subdivision will only be permitted where there is sufficient land to enable a type, scale and layout of development, including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character. Policy PP27 also requires development to reflect or enhance local patterns of development and neighbouring buildings in terms of layout and siting, including building line and site coverage; height and scale; bulk and massing; materials and detailing; landscaping; and visual impact.
23. The current proposal has addressed concerns arising from the previous proposal for two detached dwellings (APP/19/00721/F) by incorporating additional land to the south; making the two dwellings semi-detached; and by reflecting the approved footprint and position of the extant single dwelling. The scale and height of the dwellings would be similar to the neighbouring dwellings at 42 and 44 Western Road. Compared to the extant permission, the proposal would occupy more of the width of the plot and the increased massing of the building would be more apparent in the north and south elevations. This

massing would therefore be visually apparent within the streetscene, however, the design of the building would have an appropriate residential scale and appearance which would complement the adjoining dwellings at nos. 42 and 44. The overall height of the proposal would be similar to no. 44 and lower than the extant permission.

24. Each dwelling would have an area of private garden space and all of the parking spaces would be positioned in the southern part of the site. As such, the proposal would provide appropriate outdoor space for a small family home unimpeded by car parking spaces. The application site would therefore have sufficient land to enable a type, scale and layout of development, including parking and usable amenity space, which would preserve the area's domestic character.
25. A number of representations have raised concern about the position of a proposed low hedge along the frontage of the site which appears to be partly on the existing driveway. The 'red line' for the application site includes the existing driveway from Western Road; it therefore includes this land; and the hedge is therefore within the red line.
26. The applicants have served appropriate notice on the owners of all of the land falling within the 'red line' boundary of the application site, in so far as they have identified them, and issue of other legal rights attached to area of the hedge or any other area of land within the application site would be a matter to be resolved outside of the planning process.

Amenity and Privacy of Neighbours and Future Occupants

27. The nearest neighbouring property to the proposal is 44 Western Road. There would be sufficient separation between the two buildings to preserve neighbouring amenity in terms of daylighting and outlook.
28. First-floor windows are proposed on all elevations. Windows on the east elevation would have views towards the communal garden and garages of Ashton Court in a similar position to the extant permission. A number of occupants at Ashton Court have raised concern about the impact on their privacy, however, the separation distance would exceed 20m and the views from the proposed windows would be both oblique and through intervening planting. The privacy of these occupants would therefore be preserved.
29. Windows on the rear elevation would have views towards the communal garden of Canford Chase Nursing Home. The facing windows would have a separation distance exceeding 20 metres.
30. A first floor bedroom window is proposed in Unit 1 on the north elevation. This window would have views towards a facing first floor window in 44 Western Road with a separation of 13.7 metres. The extant permission nevertheless accepted a similar relationship between the neighbouring window and the ground floor living room windows of the detached dwelling. It is therefore accepted that some mutual overlooking has been established between the two

dwellings. As such there would not be any greater impact on neighbouring privacy than would be associated with the extant permission.

31. First floor windows associated with a bathroom and bedroom are proposed on the south elevation. These would have views towards the canopies of the protected trees to the south. However, there would be adequate separation from the trees to provide reasonable daylighting and outlook. The ground floor kitchen windows would be positioned adjacent to the proposed car port and their outlook towards the trees would be screened. Adequate daylighting would be provided by other windows in the open plan, ground floor layout.
32. The representations have raised concern about intensifying the use of the site. However, the noise and disturbance generated from one additional unit would not lead to material harm to neighbouring amenity in this case.
33. Neighbouring amenity and privacy would therefore be preserved.

Access and Parking

34. This proposal is similar in highway terms to a recently refused scheme for two dwellings (19/00721/F), which was refused for non-highway reasons.
35. As before, the proposed houses would be accessed via the existing access drive from Western Road, which is shared with Ashton Court flats, and 42 and 44 Western Road. The access itself is suitable to accommodate two additional dwellings, which are unlikely to result in significant traffic intensification. The proposed position of the low front hedge would be on part of the existing driveway. Whilst it would be preferable for the existing access drive to be maintained, the retained width would still be approximately 4.3m which would meet Manual for Streets guidelines that suggests a carriageway width of 4.1m is sufficient for a car to pass another car. There are also wider sections along the access drive.
36. Both dwellings would be provided with two parking spaces, which is in accordance with adopted guidelines, and turning would be possible. All the parking would be provided on the south side of the application site in a tandem arrangement. A wall between the two sets of tandem spaces is shown on the site plan. Pedestrian visibility splays are also shown on both sides of the parking spaces. These features can be secured by conditions (#4 and #5).

Trees and Biodiversity

37. There are adjacent mature trees which have root protection areas and canopies extending into the application site. These trees are protected by a Tree Preservation Order.
38. A tree survey and Arboricultural Method Statement (AMS) have been received plus additional information about a mature pine tree in the grounds of the care home. The proposed dwellings would be outside of all theoretical root protection areas and the Council's Arboricultural Officer is satisfied that the

mitigation measures proposed in respect of all of these trees would protect them from direct harm.

39. The proposal has been amended to provide all the amenity space on the north side of the application site and addresses previous arboricultural concerns in terms of future pressure to fell or prune trees. The proposed car port would protect parked cars from leaf drop and detritus. The arboricultural details can be secured by condition (#6).
40. The development would be expected to deliver biodiversity enhancements. With the advice of an ecologist, these could include native plant species, bat bricks or bird boxes and can be secured by condition (#7).

Sustainability and drainage

41. It would be readily possible for the development to incorporate renewable energy equipment to provide 10% of estimated energy use in accordance with PP37. The submitted Energy & Resources Statement suggests use of solar panels. Further details of this can be secured by condition (#8).
42. The application site is at low risk of surface water flooding. Permeable surfacing could be secured by condition (#9) to ensure there would be no increase in surface water run-off from the site as some unsurfaced areas would be replaced with hard standing.

Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing	0	@ £394	@140
	Proposed	2		
	Net increase	2	£788	£280
Total Contributions			£788 (plus admin fee)	£280 (plus admin fee)
CIL	Zone A		@ £230sq m	

43. 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.

44. 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
45. 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.
46. The applicant has submitted a Section 111 form and the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM have been secured.

Summary

- The site would have sufficient land to enable a type, scale and layout of development, including parking and usable amenity space, which would preserve or enhance the area's residential character.
- The proposal would preserve neighbouring amenity and privacy.
- The proposal would preserve highway safety.
- The proposal would be outside the root protection areas of protected trees and has been designed so that the dwellings would not generate unreasonable pressure to fell or prune trees in the future.

Planning balance

47. The proposal would deliver sustainable patterns of development which would provide the social and economic benefits of two additional dwellings within the urban area.

RECOMMENDATION

Grant permission, having secured the necessary contributions towards Dorset Heathlands SAMM and Poole Harbour Recreation SAMM and subject to the conditions set out in the recommendation, which are subject to alterations / additions

by the Head of Planning provided any alteration / addition does not go to the core of the decision

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:

9273/200 Rev F Site, Block, Location Plans & Existing Floor Plans received 14 July 2020

9273/201 Rev E Proposed Floor Plans, Elevations and Street Scene received 14 July 2020

9273/202 Rev B Car Port received 14 July 2020

4644-6-20 Tree Protection Plan received 28 July 2020

Reason -

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

3. AA01 (Non standard Condition)

The materials to be used for the external wall and roof shall be as specified on the approved plans and application form.

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).

4. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space and vehicle parking, including the wall between the tandem parking spaces, shown on the approved plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

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

5. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays as indicated on the approved plans shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason -

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

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

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

Reason -

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

7. AA01 (Non standard Condition)

Prior to the construction of the dwellings hereby permitted, details of biodiversity enhancement to be delivered on site, prepared by suitably qualified and experienced person/s, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed enhancements shall be implemented prior to occupation of the dwelling hereby approved. The details could include, but are not restricted to bat and bird boxes and bricks; bee bricks; hedgehog ramps; native plant species.

Reason -

In order to deliver the biodiversity enhancement required by the NPPF and in accordance with Policy PP33 of the Poole Local Plan adopted 2018.

8. 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 each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

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).

9. HW230 (Permeable surfacing condition)

All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or

porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason -

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

Informative Notes

1. IN72 (Working with applicants: Approval)

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

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

Also:

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

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 Poole website: <http://www.poole.gov.uk/planning-and-buildings/planning/ldf/community-infrastructure-levycommunity-infrastructure-levy/>

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.