

Planning Committee



Application Address	80 Fernside Road, Poole, BH15 2JL
Proposal	Demolish existing and erect a block of 9 no 1 bedroom flats with parking, bin and cycle storage.
Application Number	APP/19/00765/P
Applicant	AJ Developments
Agent	Anders Roberts & Assoc
Date Application Valid	14 June, 2019
Decision Due Time	9 August, 2019
Extension of Time date (if applicable)	
Ward	Oakdale
Report Status	Public
Meeting Date	26 th November 2020
Recommendation	Grant Section 106
Reason for Referral to Planning Committee	This application is brought before Committee at the request of Councillor Rice because it would result in the loss of childcare provision as a community facility.
Case Officer	Steve Llewellyn

Description of Development

1. Outline planning permission is sought to demolish the existing building and to redevelop the site with the erection of a block of 9no 1-bedroom flats with associated parking, bin and cycle storage.
2. The application seeks approval of the detailed matters of access, layout and scale at this outline stage with the detailed matters of landscaping and appearance reserved for later consideration.
3. The applicant has provided the following information:

	Existing	Proposed
Site Area: (ha)	0.06	0.06
Use	Day Nursery	Residential
Density	0 dph	150 dph
Approximate ridge Height (m)	10.0m	10.5m
Approximate Depth (m)	15.2m	18.5m
Approximate Width (m)	7.1m	10.3m
No. of Storeys	2 storeys	2.5 storeys
Parking Spaces	8	8
No. of Residential Units	0	9

No. of affordable housing units	0	1
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4. The scheme has been subject to amendments during the course of the application to address concerns regarding the layout and size of the internal accommodation of the proposed flats, the overall height of the building, and the layout of the parking area and the bin and cycle stores.

Key Issues

5. The main considerations involved with this application are:
- Principle of Development
 - Broad Location of the Development
 - Loss of the Existing Community Facility
 - Impact on Street Scene and the Character of the Area
 - Impact on Residential Amenity
 - Highway and Parking Issues
 - Impact on Trees
 - Impact on Protected Species and Biodiversity Enhancement
 - Heritage Issues
 - Surface Water Drainage
 - Refuse and Recycling Provision
 - Sustainability Issues
 - Section 106 Agreement/CIL Compliance

Planning Policies

6. Poole Local Plan (Adopted November 2018)

PP1	Presumption in Favour of Sustainable Development
PP2	Amount and Broad Location of Development
PP7	Facilitating a Step Change in Housing Delivery
PP8	Type and Mix of Housing
PP11	Affordable Housing
PP26	Sports, Recreation and Community Facilities
PP27	Design
PP28	Flats and Plot Severance
PP30	Heritage Assets
PP32	Poole's Nationally, European and Internationally Important Sites
PP33	Biodiversity and Geodiversity
PP34	Transport Strategy
PP35	A Safe, Connected and Accessible Transport Network
PP37	Building Sustainable Homes and Businesses
PP39	Delivering Poole's Infrastructure
PP40	Viability

7. Supplementary Planning Documents

Parking and Highway Layout in Development (Adopted July 2011)

The Dorset Heathlands Planning Framework 2020-2025 (Adopted March 2020)
Poole Harbour Recreation 2019-2024 (Adopted February 2020)
Nitrogen Reduction in Poole Harbour (Adopted February 2017)
Affordable Housing SPD (Adopted November 2011)
Heritage Assets (Adopted April 2013)

8. National Planning Policy Framework (NPPF) (February 2019 as amended)

Relevant Planning Applications and Appeals:

9. **2004:** Change of use from residential dwelling to a pre-school nursery. **Refused** (APP/04/37770/000/C). This application was refused for the following reasons:

“1. The proposal will be detrimental to the amenities of neighbouring homes by reason of its intrusive nature and the increased amount of disturbance that would occur as a result of the use of the rear garden as a car park. This would be contrary to the provisions of Policy CF5.

2. The proposal will be detrimental to the character of the area by reason of the proposed 1.8mtre fence at the front of the property and the impact of this on the streetscene. This would be contrary to the provisions of Policy BE1”.

10. **2004:** Change of use from residential dwelling to a pre-school nursery. Formation of car parking and erection of cycle shed. **Refused** (APP/04/37770/001/C). This application was refused for the following reasons:

“1. The proposed use makes inadequate on-site provision for car parking and vehicle manoeuvring, both for staff and for the dropping off and collection of children. This will give rise to on-street car parking and vehicles entering or leaving the highway in reverse gear close to the junction of Harbour Hill Road with Fernside Road which is a primary route (A35). This would be to the detriment of highway safety and contrary to the provisions of policies CF4(iii) and T13 of the Poole Local Plan First Alteration (adopted March 2004).

2. The proposed use would give rise to disturbance to adjacent residents arising from the use of the rear garden as an external play area and car park, to the detriment of the amenities of those residents and contrary to the provisions of policy CF4(ii) of the Poole Local Plan First Alteration (adopted March 2004)”.

This application was subsequently **allowed on appeal**.

11. **2012:** Proposed front conservatory. **Approved** (APP/12/00847/F).
12. **2019:** Outline application to demolish the existing building and erect a block of 10 x 1-bedroom flats with parking, bin and cycle storage. **Withdrawn** (APP/18/01640/P).

Representations

13. In addition to letters to neighbouring properties a site notice was posted outside the site on 28 June 2019 with an expiry date for consultation of 22 July 2019.
14. Letters of objection were received from the owners/ occupiers of the neighbouring residential dwellings, current and former nursery clients, the nursery employees and members of the wider local community. Concerns were raised with regards to:
 - The proposed flatted development would be inappropriate and out of keeping with the overall character of the area;
 - High density development should be located in the town centre, which is already overcrowded by numerous development consisting of refurbishing of redundant commercial premises into flats;
 - The inappropriate target demographic for the proposed development due to it being an area of family homes, not occupied by small flatted development which would imply single adult occupancy;
 - Increased impact on traffic and congestion in the vicinity of the site arising from intensification of residential use, the necessity for parents currently using the nursery and walking there to use cars to deliver children to alternative nurseries further away from homes;
 - Increased impact on traffic due to the proximity of the site to 3 schools, town centre and Poole Hospital;
 - Increased issues associated with on-road parking on Harbour Hill Road, exacerbated by restricted on-road parking, insufficient on-site parking provision for the occupiers of the proposed flats and lack of visitors parking on-site;
 - Environmental implications of increased pollution associated with intensification of the site;
 - Suggestion that if the site cannot be used commercially then it should be returned to its original purpose as a single family dwelling;
 - Loss of valuable community asset contrary to PP26(3) of the Poole Local Plan;
 - Loss to the local economy – the nursery supports local working parents offering flexible around the clock childcare provision in an accessible location for key workers;
 - Loss of employment associated with the closure of the nursery;
 - No alternative to this type of setting within a reasonable distance that is not already oversubscribed is provided or can be found;
 - Unsustainable impact on the existing local infrastructure (roads, schools, GP practice etc) due to increase of flatted development;
 - The Community Resource Analysis Report document, which is fundamental to the Applicant's case has been removed from the public record since it was first published on the BCP Council planning portal due to it being labelled as "Private and Confidential". This did not allow fair review and challenge of the content and it was considered to be an acceptable way to conduct an open and transparent planning process;
 - The facilities provided by the nursery are adequate and meet the needs of the children and their parents;
 - The submitted Community Resource Analysis Report seeks only to demonstrate the compliance with policies and does not take into account any

balancing factors that might demonstrate the loss of the facility constitutes a substantial decline in the range of facilities and services for local people.

15. In addition to the above, the owners/directors of the Little Beans Day Nursery have provided comments on the submission, in particular in response to the Community Resource Analysis Report. Their submission provides clarification of certain issues within the submitted report. The comments made are listed below:
- the nursery is oversubscribed and not in financial difficulty;
 - the nursery is a valued community asset;
 - the applicant holds no freehold of the property;
 - misleading photographs of parking on double yellow lines were produced within the report;
 - the option of the relocation of the nursery to similar local premises is very limited due to the lack of suitable building;
 - the nursery does not operate with inadequate facilities (small garden, fragmented layout of the rooms, small and inadequate kitchen, cold and unsuitable conservatory, poor state of repair of a wall in the garden). Clarification of all issues is further given within; and
 - the nursery offers limited childcare places (24), which is restricted by historic planning condition and can be adjusted accordingly to meet increasing demand if necessary.
16. Cllr Peter Miles – Objects to the proposal due to concerns regarding:
- Loss of the community facility on site;
 - Loss of childcare support for the local working families;
 - Provision of 9 flats on-site would not be in keeping with the call for affordable family housing and the residential make-up of the area;
 - Increase in traffic, congestion and air pollution associated with the loss of the nursery setting;
 - Financial arrangement associated with the purchasing of the property by the tenant (the nursery) and the developer; and
 - Discrepancies in the applicant's report regarding the structural soundness of the building, asbestos related issues and financial difficulties of the nursery owners.

Consultations

17. BCP Environmental Services (Waste Management): Support the proposal. For a development comprising of 9 flats provision should be made for 2x 1100 and 2 x 600 litre capacity bins. The proposal shows a bin store that is large enough to accommodate the required number of containers. It is also advised that the location of the bin store is within a suitable distance from the kerbside to facilitate collections.
18. BCP Highways Authority: Support the proposal subject to the imposition of conditions requiring the provision of the access, turning facilities and parking within the site and that the parking spaces shall be available for residents and visitors to the residential units and remain as unallocated parking at all times

with no parking spaces allocated to any individual residential unit; the provision of pedestrian visibility splays to the access; and a scheme for the closure of that section of the existing vehicular access that is to be made redundant including the raising of the lowered kerb and reinstatement of the footway.

19. BCP Housing Enabling Manager: Support the proposal and the delivery of an affordable housing unit as a discounted market sales housing unit.
20. BCP Children, Young People and Learning: No objection to the proposal. The proposal would result in the loss of childcare facilities for local people but the introduction of a new all year round day nursery in the vicinity of the application site has provided additional provision which mitigates the reduction of childcare places that would result from the proposed development. It is therefore anticipated that the Council would be able to fulfil its statutory responsibility to provide sufficient early years and childcare places to residents.
21. Lead Local Flood Risk Authority: Support the proposal subject to a condition requiring a scheme of surface water drainage using sustainable urban drainage systems.
22. Wessex Water: No objection.
23. Society for Poole: Object as the proposal would result in the loss of a community facility which the Poole Local Plan seeks to retain.

Constraints

24. The site is located within the sustainable transport corridor.
25. There are several trees within, and adjacent to, the site although they are not covered by a Tree Preservation Order.

Planning Assessment

Site and Surroundings

26. The site is located on the north eastern side of Fernside Road and occupies a large corner plot at its junction with Harbour Hill Road. The site has a frontage width of approximately 14 metres to Fernside Road and approximately 48 metres to Harbour Hill Road. The site is occupied by a detached, two-storey building that has the appearance of a residential dwelling, having been previously used as such, but was most recently used as a children's day nursery (Little Beans Nursery). The premises are now vacant due to the closure of the children's nursery following the expiry of their lease. The existing building is two-storey and has a tiled, hipped roof form. It is finished in render with a single storey lean-to projection to the north eastern (rear) elevation, whilst a conservatory has been added to the front elevation to Fernside Road.
27. To the south western (front) and south eastern sides of the existing building, the site is laid to artificial grass and these areas of the site formed the external

play area to the nursery. The external play area is enclosed by a high fence (approximately 2 metres in height) that is set back from the site frontages to Fernside Road and Harbour Hill Road behind a low stone wall and a strip of landscape and tree planting that is raised above the level of the adjacent pavement. The remainder of the boundary to Harbour Hill Road is enclosed by a high timber fence that for the most part is set immediately behind the low stone wall. There is also a high fence along the boundary with No.78 Fernside Road to enclose the side play/garden area from this neighbouring property. The remainder of this boundary up to the rear boundary of the site is enclosed by the continuation of the high timber fence and a conifer hedge.

28. Immediately to the rear of the building is a car parking area that is laid as hardstand and that was used for staff parking but also as a drop off and pick up area that is enclosed and separated from the existing building and the external play/garden areas by a low fence. This car parking area is accessed via a wide vehicular access off Harbour Hill Road that also provides pedestrian access to the site. Beyond the car parking area, between it and the boundary of the site with No.2 Harbour Hill Road, is a grassed area and a detached, pitched roof garage structure.
29. There are a number of trees of mixed species located within, and immediately adjacent to, the site that are of some amenity value but which are not protected by a Tree Preservation Order. The site levels rise gently with the topography of the land from Fernside Road towards the rear boundary of the site, whilst Harbour Hill Road rises more steeply beyond the site.
30. This section of Fernside Road is predominantly residential in character, although there are some commercial units slightly further to the south east at the junction with St Mary's Road. The dwellings to the north eastern side of this part of Fernside Road predominantly consist of two-storey houses of a variety of sizes, designs and materials, with variation to the ridge heights and roof forms with both pitched and hipped roofs being evident. There are also some single storey and chalet style bungalows interspersed amongst the two-storeys houses. The development on the opposite side of this section of Fernside Road, however, is more regimented with dwellings of a more uniform design and spacings between them. The dwellings within Harbour Hill Road are also two-storey houses of varying sizes, designs and materials.

Key Issues

31. This application seeks outline planning permission to establish the principle of the demolition of the existing building and the redevelopment of the site with the erection of a block of 9no 1-bedroom flats with associated vehicular access, on-site parking provision and bin and cycle stores. The application seeks approval of the detailed matters of access, layout and scale only with the detailed matters of landscaping and appearance reserved for later consideration.
32. The application has been supported by a site layout plan which clearly indicates the siting and footprint of the proposed block of flats and its relationship to the boundaries of the site and the neighbouring properties. It also shows the

position and layout of the proposed vehicular access and parking arrangements, as well as the siting of the proposed bin and cycle stores within the site. Detailed floor plans of the proposed flats which clearly indicates their internal layout have also been submitted.

33. Illustrative street scene elevations to both Fernside Road and Harbour Hill Road have also been submitted which provide a clear indication of the scale of the proposed block of flats in terms of its height, width and length. Whilst appearance is reserved for later consideration, it is nevertheless considered that the street scene elevations provide a reasonable indication of the style of architecture that the applicant is likely to seek at the reserved matters stage and the visual impression that the building would make to the street scene and surrounding area.
34. The proposed building would be 2.5 storeys in height to the eaves level with the second floor accommodation partially located within the roof space. It is proposed that 3no flats would be accommodated on each of the floor levels to provide a total of 9no flats. The proposal includes the provision of a total of 8 on-site car parking spaces that would be located to the north eastern side of the proposed building and accessed off Harbour Hill Road. The proposal includes a cycle store providing 9no cycle parking spaces and an enclosed bin store.

Broad Location of Development

35. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP1, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF.
36. 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. Policy PP2 identifies the amount and broad locations considered suitable for residential development. The policy states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. A sustainable transport corridor is defined by the Poole Local Plan as being 400 metres either side of a road capable of extending service provision by the end of the plan period to four buses per hour (each way) or within 500 metres radius of a railway station. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car.
37. This approach is reinforced by Policy PP34 which also states that new development will be directed to the most accessible locations which are capable of meeting a range of local needs and will help to reduce the need for travel, reduce emissions and benefit air quality, whilst PP35 also states that proposals for new development will be required to maximise the use of sustainable forms of travel. Significant weight therefore has to be applied to the

provision of additional residential accommodation which meets these policy objectives.

38. The application site is located within the sustainable transport corridor as identified by Policy PP2 of the Poole Local Plan and as indicated on the Proposals Map. As such, the principle of the delivery of additional residential development on the application site is supported by policy in terms of its sustainable location, subject to the proposed development being tested against other relevant Local Plan policies.

Loss of the Existing Community Facility

39. The existing building that occupies the application site, although now currently vacant, has until recently been used as a children's day nursery (occupied by Little Beans Nursery). The proposed development would therefore result in the loss of an existing community facility and as such must be assessed against Policy PP26 of the Poole Local Plan.
40. The supporting paragraphs to Policy PP26 state that community facilities make an important contribution to people's quality of life and general well-being and that they provide for the health, social, educational, spiritual, recreational, leisure and cultural needs of the community. It also highlights that community facilities include those within Use Class D1 which amongst other uses includes day nurseries. It continues by stating that the Council supports proposals which provide and improve community facilities and services, whilst also protecting existing facilities unless certain criteria can be met. In relation to the proposed loss of existing community facilities, as would be the case in this instance, Policy PP26 (3) therefore states that:

"The Council will seek to retain sites currently or last used for community facilities. Development that would lead to the loss of such premises will only be permitted where the proposals provide sufficient community benefit to outweigh the loss of the existing facility or service and it can be demonstrated that:

- (a) the loss would not result in a substantial decline in the range of facilities and services for local people; or
- (b) the facility is no longer needed and it is not feasible to support its continued existence".

41. It is clear that Policy PP26 is set out in two parts with both of these policy tests having to be satisfied. Dealing with the second part of the policy first, at the time that the application was submitted and until recently the existing building was occupied by Little Beans Day Nursery. Whilst they have now vacated the site, it is evident that this was due to their lease of the site expiring and not being extended by the landowner. Until this time, Little Beans Day Nursery had been operating a viable nursery from the premises with a capacity of up to 24 children. In addition, despite some concerns from the applicant about the suitability of the building for such a use and the quality of the day nursery offer, which had been countered by Little Beans Day Nursery, the operator of the day nursery has highlighted their willingness to remain in the premises if it could be secured for nursery use and that they have attempted to purchase the freehold

of the site at the market value for such a use. It should also be noted that the nursery had been operating with an appropriate Ofsted rating (Good) which demonstrates that the premises were suitable and that the day nursery offer was also of an appropriate standard. It is therefore evident that Little Beans Day Nursery had been operating a viable nursery from the premises and that it would be feasible to support the continued existence of the nursery use. As such, section (b) of the second part of Policy PP26 (3) is not met.

42. The proposed development must therefore be tested against section (a) of the policy and it is the contention of the applicant that the loss of the day nursery would not result in a substantial decline in the range of facilities and services, in this instance childcare facilities, for local people. In support of the proposals, the applicant has submitted a "Community Resource Analysis Report" which it is argued demonstrates that the proposed redevelopment of the site would not harm the ongoing provision of childcare in Poole. This report provides an analysis of childcare provision across Poole rather than a more focussed catchment area around the application site as it is argued that parents often work substantial distances from their homes and that their chosen nursery can therefore be located anywhere along the route of their commute. The applicant argues that the report demonstrates that there are a substantial number of childcare providers within the area (25 other day nursery providers listed) which provide adequate alternative accommodation so that the closure of the Little Beans Day Nursery on the application site would not significantly reduce parental choice. However, it should be noted that some of the other sites quoted are children's centres and some are pre-school only. In addition, the applicant also contends that many of these alternative providers are located in modern, purpose built facilities which it is argued reflects the structural changes in the childcare sector and market demand and is squeezing smaller nursery operators out of the market as they cannot respond to these changes.
43. The submitted report also states that the applicant's contention that there is sufficient alternative nursery accommodation is supported by the Council's own research that is identified in the Childcare Sufficiency Review (2018). It should be noted that a more up-to-date Childcare Sufficiency Review was published in 2019. The applicant, however, argues that the Childcare Sufficiency Review (2018) identifies that the birth rate in Poole has been relatively stable with an actual decline in the 0-4 years age range and that the latter may have an impact on the number of pre-school, day nursery and childminder places which are sustainable. This is supported by the Council's Childcare Sufficiency Assessment 2019 which states in relation to the issue of demand for childcare for early years that "The latest estimates from the Office for National Statistics show that the number of births in BCP Council is projected to fall by about 1% per year. The population projections for three and four year-olds (all of which are eligible for at least 15 hours per week of council funded early years funded childcare) indicates a small fall annually with an overall fall of 6% in the period to 2028".
44. In conjunction with a falling birth rate, the applicant also contends that the Childcare Sufficiency Reviews have shown that there has been adequate provision of childcare providers but also sufficient childcare provision to meet

the demand for places from parents. In this regard, in relation to the issue of overall sufficiency in the area, the applicant's report quotes from the Council's Childcare Sufficiency Review (2018) which states "...Poole providers in the borough have accommodated all age groups successfully, with little issue raised by parents unable to find childcare in their preferred area. Currently there are sufficient childcare places for funded 2, 3 and 4 year olds in Poole although monitoring will take place in particular locations to ensure ongoing childcare sufficiency". The Council's Childcare Sufficiency Assessment 2019 also supports this view. With regards to the Oakdale ward, in which the application site is located, the Council's report indicates that there was a population of 548 children aged 0-4 years and there were a total of 17 childcare providers offering 344 places. It is evident that the Oakdale ward has one of the highest ratios of childcare places to population of 0-4 year olds within the BCP Council area. The Childcare Sufficiency Assessment 2019 also states that a parent's survey highlighted that "The vast majority of parents found it easy to get a childcare provider in the location they need, at the times they want".

45. In addition, during the course of the application, the applicant has also referred to the provision of other new childcare providers or sites that can be provided to meet demand from the sector to compensate for the loss of the 24 places at the application site. This includes 49 places at Buckholme Towers, 16 places at 10 Charmouth Grove and a consented scheme for 23 places at 53 Lilliput Road. The applicant therefore argues that when taken together, these arguments demonstrate that there would not be a significant decline in the range of childcare facilities available to local people.
46. The Council's Children, Young People and Learning had previously advised in relation to the earlier withdrawn application for the redevelopment of the site with the erection of a block of 10 flats (APP/18/01640/P) that the proposed development would result in a considerable decline in the range of childcare facilities for local people. This would particularly be the case for those working families who are entitled to 15 hours or 30 hours per week of free early education, those that require childcare for under 2's and those who need childcare provision not only during school term-time, but importantly also during school holidays.
47. In response to this current application, however, Children, Young People and Learning have advised that since the withdrawal of that earlier application a new nursery has opened on the site of the former Buckholme Towers, Commercial Road (Old School House Nursery and Pre School) that provides all year round provision, that also caters for 5-11 year olds with a holiday club and that has a capacity of 73 places (49 of which are for the age range of 0-5 years which is the age range that the Little Beans Day Nursery catered for). It is therefore been advised that the loss of the Little Beans Day Nursery from the application site and the 24 childcare places that it provided would be mitigated by the introduction of this new childcare facility, whilst it could also potentially provide places to meet some of the potential latent demand from new town centre development (expected to be 45 places but with new early years modelling indicating that it could be higher). The expansion of Three Gables at 10 Charmouth Road for a further 16 children has not previously been

highlighted and would further provide for potential demand from new development. However, the approved nursery use at 53 Lilliput Road is not operational; it has been marketed for over a year with no interest for nursery use due to the size and layout of the property and therefore at this time it is not realistic that these 23 spaces will come forward.

48. It is also noted that the website for Little Beans states that the childcare provision from the application site has recently relocated to share space with the Little Beans Nursery at Garland Road whilst alternative premises are sought. It is not clear, however, whether this has been possible due to surplus places being available at that site on a more permanent basis or whether it has been possible to accommodate some or all of the places from the nursery at the application site due to reduced demand as a result of the Covid-19 pandemic. Whilst the sustainability of providers within the childcare sector has been challenged across the country due to the pandemic as more children are being cared for at home, the length of time that the pandemic might last is an unknown quantity and given the economic drive of the Government to sustain the economy Covid-19 should not be used as a justification to disregard Policy PP26. In this regard, as the pandemic reduces and society establishes the new normal, it is anticipated that an increased demand for childcare provision over that which currently exists today will return to levels closer to those that existed pre-pandemic.
49. It is clear from the evidence in terms of the birth rate and the projected population in the 0-4 years age range, together with the expansion of Three Gables at 10 Charmouth Road and the introduction of the Old School House Nursery at the Buckholme Towers site that there is sufficient supply of early years places. While the loss of a viable business that meets a community need goes against the ethos of Policy PP26, the Little Beans Day Nursery at the application site has already closed following the expiry of the lease and capacity exists to accommodate the childcare places that have been lost as a result. Whilst the town centre developments may generate the demand for additional childcare provision, this demand would need to be addressed as part of those specific applications or strategically through the Local Plan in conjunction with the latest Childcare Sufficiency Reviews and modelling. Having regard to all of the available evidence, it is therefore accepted that, on balance, the proposed development would not result in the substantial decline in the range of childcare facilities that are available for local people.
50. Having established that the second part of Policy PP26 (3) is satisfied, it is necessary to have regard to the first component of the policy which requires the proposed development to provide sufficient community benefit to outweigh the loss of the existing facility. The supporting paragraphs to the policy state that "This could include replacement with a different type of community space or the provision of affordable housing". It continues by stating that "The community benefit sought will be proportionate to that which is lost and the extent to which the loss of the facility contributes to the decline of facilities and services to local people".

51. In this instance, the proposal does not include the incorporation of a replacement community related use within the proposed development. In support of the application, the applicant has considered the availability of other community facilities within the submitted "Community Resource Analysis Report". This concludes that Poole already has a great number of community venues that are available for groups and individuals to hire and that there is an extensive and wide range of community facilities and services. Some of these are very close to the site and offer attractive modern facilities which it is argued the application premises would not be able to provide. The applicant therefore contends that the loss of the application premises as a community facility would have limited impact on local residents' access to community facilities in the surrounding area. Due to the nature and constrained size of the site, together with its location, there are no immediately obvious community uses which could be accommodated on site alongside the residential accommodation that is proposed. The inclusion of a community facility alongside residential development would also likely result in a large building which would not be in keeping with the surrounding context and could not be viably incorporated within the building that is proposed by this current application.
52. The alternative community benefit suggested in the supporting text to the policy relates to the provision of affordable housing to outweigh the loss of the facility. Following lengthy discussions with the applicant, it is therefore proposed that one of the proposed flats would be provided as an affordable housing unit in the form of a discounted market sales housing unit. As such, the unit would be offered for sale at a maximum of 80% of open market value in perpetuity. Whilst discounted market sales housing is not specifically referenced within the Poole Local Plan, reference is made in the supporting paragraphs to Policy PP11 to the likelihood of the government's intention to broaden the definition of affordable housing. In addition, the NPPF includes 'discounted market sales housing' under the definition of 'affordable housing'. Furthermore, the definition of 'affordable housing' within the Poole Local Plan's glossary states "The range of both subsidised and market housing designed for those whose incomes generally deny them the opportunity to purchase houses on the open market as a result of the local relationship between income and market price". Reducing the sales value by a minimum of 20% would therefore be an appropriate approach to meet this requirement. The Council's Housing Enabling Manager has confirmed that the sales figures at a discounted rate are acceptable in terms of securing a mortgage based at a 4.5 multiplier of gross household income per annum. The discounted market sales housing unit would be secured by a Section 106 Agreement.
53. In this instance, the loss of the Little Beans Day Nursery as a community facility directly relates to the issue of ongoing provision of early years childcare spaces. Therefore, whilst affordable housing provision would provide a community benefit it would not directly offset the specific loss of early years childcare provision. However, following consultation with Children, Young People and Learning it has been advised that the level of financial contribution that the proposed development could viably deliver towards early years childcare provision as a more appropriate community benefit would not be sufficient to carry out capital works that allowed for the expansion of childcare

places. As such, additional funds would need to be identified to provide such a community benefit, but no funds exist that could be allocated for this use. It should also be noted that the early years childcare market across the BCP Council area is largely comprised of private, voluntary and independent providers and whilst a small number of schools offer nursery provision these schools are academies so are operated by academy trusts outside of local authority control/management. As such, directing a financial contribution secured from the proposed development towards one provider, or a small number of providers, would amount to favourable treatment of the recipients over their competitors. In light of the above factors, Children, Young People and Learning have advised that they do not object to the applicant's offer to provide an affordable housing unit as a form of community benefit to outweigh the loss of the existing facility.

54. On balance, given the declining birth rate and projected population of 0-4 year olds, the fact that there is sufficient capacity of early years places and the fact that the site does not readily lend itself well to other community facilities, it is considered that the community benefit of a discounted market sales unit is a sufficient community benefit to outweigh the loss of the existing facility and accords with the requirements of Policy PP26 (3).

Impact on Street Scene and Character of the Area

55. Policy PP27 of the Poole Local Plan seeks to ensure that all new development achieves a good standard of design which for the purposes of the Plan is defined as development that functions well; fits in with and enhances an area's character within its context. In this regard, development will be expected to demonstrate how the scale, form, massing, appearance and use of materials come together to create a cohesive development for the site but also one that integrates positively within its surroundings. In accordance with Policy PP27, proposals will therefore be permitted provided that, inter alia, the development reflects or enhances 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.
56. This stance is reinforced by Policy PP28 (1) that relates specifically to flatted development and sets out criteria against which development proposals should be assessed to ensure that the established pattern of development and residential character of the area is preserved. In this regard, the policy seeks to ensure that the plot can accommodate a form of development that is of a scale and massing of the building(s), including the width, height and roof profile and spacing between buildings, as well as the plot coverage, in keeping with neighbouring buildings and respects the pattern of development which prevails in the street, or part of the street, where the site is located.
57. The proposal seeks to demolish the existing building and to redevelop the site with the erection of a block of 9no 1-bedroom flats. The site is located within an established residential area where the principle of residential development is accepted. Whilst the proposal would result in the demolition of the existing

building that currently occupies the site, it is not considered to be of any architectural merit or particular value in terms of its contribution to the character and appearance of the street scenes of Fernside Road and Harbour Hill Road that would preclude its demolition.

58. The site occupies a corner plot at the junction of Fernside Road with Harbour Hill Road. This section of Fernside Road is predominantly residential in character with the dwellings to the north eastern side of Fernside Road principally consisting of two-storey detached houses, although there are some single storey and chalet style bungalows interspersed amongst them. The dwellings to this side of Fernside Road are of a variety of sizes, designs and materials with variation to the ridge heights and both hipped and pitched roofs forms with gabled ends being evident, whilst there is also some fluctuation to the building line and the spacing between properties. The development on the opposite side of this section of Fernside Road, however, follows a much more uniform pattern both in terms of the design and sizes of the dwellings as well as the building line and the gaps between them. Given the location of the application site at the junction with Harbour Hill Road and the depth of the plot, the dwellings that front onto this road and form the pattern and rhythm of development are set some 50 metres from the junction with Fernside Road. These dwellings are also predominantly detached, two-storey houses of varying sizes, designs and material finishes and are characteristic of the inter-war housing along Fernside Road and the surrounding area.
59. Whilst the surrounding area to the application site is predominantly characterised by detached residential dwellings, it is evident that there are also other flatted developments in existence in the surrounding vicinity and which occupy corner plots at the junctions of side roads with Fernside Road. This includes Fernside Court at the junction of Fernside Road with Hunt Road and the flatted development at No.1 Linthorpe Road at the junction of Linthorpe Road with Fernside Road. The principle of higher density, flatted development within the surrounding vicinity of the site has therefore already been established. The key issue therefore is whether the design, scale and massing of the proposed development would be in keeping with the neighbouring buildings and the established pattern of development.
60. As stated above, this outline application seeks to determine the issues of scale and layout with the detailed matter of the appearance of the proposed building reserved for later consideration. It is evident from the submitted plans that the proposed building would be of a substantially greater overall scale, bulk and massing than the existing building that currently occupies the site, being of both a wider and deeper footprint and having a higher eaves and ridge height. Being located on a corner plot, the proposed new building would read in the context of both Fernside Road and Harbour Hill Road.
61. In relation to Fernside Road, it is clearly evident that the south western elevation of the proposed building would be of a substantially greater scale, bulk and massing than the existing property that currently occupies the site. In this regard, the additional bulk and massing would be partially derived from the greater width of the proposed building that would infill the existing gap between

the side elevation of the existing property and the boundary with No.78 Fernside Road, whilst the proposed building would also have a gabled projection to the Fernside Road elevation and would be 2.5 storeys in height to the eaves level with the second floor accommodation partially located within the roof space. In addition, the overall ridge height would be increased by approximately 0.5 metres. As a result, it is evident that the elevation of the proposed building to Fernside Road would be of a considerably greater overall width and resultant bulk and massing than other properties within this part of the street scene.

62. The proposed building, however, would not be solely viewed face on from Fernside Road, but would be viewed in 3-dimensions which would help to visually reduce some of the bulk and massing of the building and its visual prominence within certain views along the street scene. In this regard, it is evident that the proposed gable would be more prominent in the street scene than the existing hipped roof form to the front elevation of the existing property. However, whilst it would also be sited in closer proximity to the front boundary of the site than the front elevation of the existing property, it would be of a similar scale and proportions to gabled frontage to the neighbouring property at No.78 Fernside Road and would also be set back from the site frontage by a similar distance to the other properties. At the same time, that element of the building that would infill the existing to the boundary with No.78 Fernside Road, would be set back from the gabled projection by 3.5 metres, whilst the potential bulk of the roof form would be minimised through the use of a hipped roof form and a lower ridge height. As such, this section of the building would have a more subservient scale and appearance that would reduce its visual prominence within the street scene. In addition, the gabled projection would also screen this recessed section of the building to some extent in views from the west along Fernside Road. Furthermore, whilst the eaves height, at 2.5 storeys, would be notably higher than that of other properties along this section of Fernside Road there would effectively be a transition in the eaves height from No.76 Fernside Road to the proposed building, whilst the overall ridge height of the building would not be out of keeping and would blend with the varied heights that is commonplace along this street scene.
63. The side elevation of the proposed development would also present a substantially greater bulk and massing to Harbour Hill Road than the existing building due to the increased depth of footprint, the gabled projection to the front elevation and the raised eaves and ridge height. It is accepted that the considerable scale and massing of the building would appear at odds with the established, more modest two-storey dwellings which characterise this street scene. However, given the substantial depth of the application site, there would be a significant gap of almost 25 metres to the immediate neighbour at No.2 Harbour Hill Road that forms the first dwelling that fronts onto this street. As such, the proposed development would be physically divorced from, and not viewed in the same context, as the properties to the north that form the pattern and rhythm of development and the existing established character of the street scene and as such it would not be harmful.

64. It would also be viewed in conjunction with the front elevation in views along Fernside Road, however, and when viewed in 3-dimensions, it has to be accepted that its scale, footprint and considerable overall bulk would not directly relate to the adjacent property at No.78 Fernside Road or No.82 Fernside Road on the opposite side of the junction. However, notwithstanding that the immediate context of the application site is primarily characterised by two-storey houses, as a corner plot it is considered that the application site could accommodate a larger and more prominent building without causing harm to the character and appearance of the respective street scenes and the wider surrounding area. The proposed development would result in an increase in the building and parking footprint and to the bulk and massing of the built form on site. Nevertheless, despite this, it would respect the building line and retain a gap to No.78 Fernside Road that is characteristic of the spacings between buildings in the street scene. The proposed development would also sit comfortably within the site and allow for the provision of landscape planting around the perimeters, as well as the retention of existing trees and new tree planting that would partially screen and soften the visual impact of the proposed development, particularly in views from Fernside Road. Given the above factors, and the variation that exists to the built form within the street scene, it is considered that the proposal would create a more prominent corner development whilst still reflecting the characteristics of the established buildings around it. As such, the proposed development would not materially harm the established character and appearance of the street scenes of Fernside Road and Harbour Hill Road and the wider surrounding area.

Impact on Neighbouring Residential Amenity

65. With regards to residential amenity, the proposed building would be sufficiently distanced from the neighbouring dwelling at No.2 Harbour Hill Road to the north east of the site and those residential properties on the opposite sides of Fernside Road and Harbour Hill Road, that it would not cause any material harm to the amenities of the occupants of those dwellings in terms of appearing overbearing, giving rise to a material loss of outlook, loss of sunlight/daylight or causing harmful shading. The potential impacts of the proposed development on neighbouring amenity, with the exception of potential overlooking issues, therefore largely rests with an assessment of the potential impacts of the proposal on the amenities of the occupants of the neighbouring dwelling at No.78 Fernside Road to the south east of the site.
66. Whilst the appearance of the proposed building has been reserved for later consideration at the reserved matters stage, the detailed matters of both scale and layout are proposed for determination as part of this outline application. It is evident from the submitted site layout and street scene elevations that the proposal would result in a significant increase to the scale, bulk and massing of the built form on site that would be presented to the neighbouring property at No.78 Fernside Road that contains a number of windows to the side elevation facing the application site. This would largely arise from the increased width of the proposed new building and the consequent infilling of the external play/garden area that is currently situated between the side of the existing property and the boundary with No.78 Fernside Road, resulting in the proposed

building being sited 4.0 metres closer to this boundary than the existing property.

67. The proposal would therefore result in some shading being cast towards No.78 Fernside Road and some loss of sunlight/daylight to the windows in the side elevation of that neighbouring property. However, given the orientation of the site this would be restricted to the late afternoon/evening hours whilst any shadow would also be partially cast across the gap that would be retained between the two properties. In addition, it also appears that the windows to the side elevation of No.78 Fernside Road either serve accommodation of a secondary nature (hallway, staircase, shower room, wc) or are secondary windows to the room that they serve (dining room), with the exception of two windows at the first floor level that both serve a study. It is also evident that the ground floor windows are already shaded to some extent by a canopy that runs along the length of the side elevation of No.78 and covers the side passageway. Given these factors, any shading and loss of sunlight/daylight would not be so significant as to be materially harmful to the neighbouring amenities. Furthermore, given the gap that would be retained between the two properties and the more secondary nature of the accommodation served by the windows to the side elevation of No.78, it is also considered that there would be no material loss of outlook and the proposed development would not have an overbearing presence. As such the amenities of the occupants of this neighbouring dwelling would be preserved.
68. In terms of overlooking, this current application does include the submission of floor plans although the external appearance of the building has been reserved for later consideration and therefore the proposed arrangement of windows and doors could be amended from that currently shown. Nevertheless, it is considered that the submitted floor plans and street scene elevations provide a good indication of the likely arrangements that would come forward at the reserved matters stage. Having regard to the submitted drawings, it is evident that the windows to the south west (Fernside Road) and the north west (Harbour Hill Road) elevations would overlook the public realm of these respective street scenes thereby adding to the mutual overlooking that already exists between properties on the opposite sides of the roads.
69. The submitted plans also indicate that there could be windows to the rear elevation of the building facing towards No.2 Harbour Hill Road that would serve open plan living, dining and kitchen areas to Flats 1, 4 and 7 and a bedroom to Flats 2, 5 and 8. These windows, however, would be separated from the side elevation of this neighbouring dwelling by at least 22 metres and therefore would not give rise to any overlooking that would result in a material loss of privacy. There would also be a window on all floor levels to the north east elevation of the projecting stairwell to the rear of the proposed building that would allow views towards No.2 Harbour Hill Road. Nevertheless, again, given the separation distance (approximately 18 metres) and the fact that they would be serving the communal staircase they would cause not lead to any material loss of privacy. In addition, any views from the windows to the north east (rear) elevation of the proposed building would also be sufficiently oblique or screened by the neighbouring property at No.78 Fernside Road due to its depth

of footprint that they would not result in any harmful overlooking of the rear garden of that neighbouring dwelling.

70. Whilst the proposed new building would be located in much closer proximity to the side elevation of No.78 Fernside Road that contains a number of windows, the submitted floor plans have indicated that the internal accommodation of the proposed flats can be arranged in such a manner that the number of windows to the south western (side) elevation of the proposed building could be limited in number. In this regard, the submitted floor plans indicate only an obscure glazed bathroom window to each of the floor levels and a secondary obscure glazed window to a kitchen area on the second floor. On this basis, the privacy of the occupants of the neighbouring property at No.78 Fernside Road would be preserved.
71. An objection could not be sustained to the application due to the potential noise and disturbance associated with the general activity arising from the proposed use of the site for 9 flats, particularly given the most recent use of the site as a children's day nursery and the site's location in an urban area and within a sustainable transport corridor. In addition, no material harm to amenities of the occupants of the neighbouring properties would arise from the proposed bin and cycle stores given their height and scale.

Impact on the Amenity of the Prospective Occupiers

72. With regards to the amenities of the future occupants of the proposed flats, Policy PP27 seeks to achieve good design in all new developments. This policy specifically sets out in part (d) that development should provide satisfactory internal amenity space for new occupiers.
73. As originally submitted, it was evident that 6 of the 9 proposed flats would be entirely open plan except for the bathrooms which was considered far from ideal due to the potential disturbance that would be caused between the various areas of the internal accommodation, such as the sleeping environment where there would be the constant noise/disturbance from the running/operation of kitchen appliances such as fridges/freezers. In addition, there was no provision for wardrobes to the bedroom areas or the provision of any storage space/unit for the storage of basic items such as a Hoover, ironing board etc.
74. Furthermore, it was also evident that a number of flats did not comply with the minimum floor areas as set out in the 'Technical housing standards – nationally described space standard' March 2015 for a 1 bed, 1 person unit, whilst others had restricted bedroom and storage space. Whilst the actual wording to Policy PP27 does not specifically refer to the housing space standards in relation to the requirement of sub-section (d), the supporting text to that policy states at Para. 9.5 of the Local Plan that "For housing development, the Council encourages applicants to comply with the national prescribed space standards when preparing and submitting planning applications. Schemes that are significantly below these standards (e.g. more than 20% of floor space) will need to demonstrate how the development will achieve an acceptable standard

of living for future occupants”. This overall approach is supported in the National Design Guide, which sets out the need for functional, healthy and sustainable homes and sets out that well designed homes should provide good quality internal and external environments for their users promoting health and well-being. As a result, the assessment of the living conditions of the prospective occupiers of the proposed flats forms a material consideration to the determination of the application and given the above issues there were significant concerns relating to the quality of the accommodation of the proposed flats.

75. In light of these concerns, the proposed development has been amended to increase the overall width of the building by approximately 0.75 metres and the internal layouts of the proposed flats have been reconfigured. As a result, all of the proposed flats now accord with the minimum space standards as set out in the ‘Technical housing standards – nationally described space standard’ March 2015 for a 1 bed, 1 person unit. In addition, the internal layouts of the flats have also been altered so that they all have a bedroom that is separated from the principal living accommodation (open living, dining and kitchen areas) and now provide an acceptable standard of accommodation in terms of the size and internal layout of the proposed flats. In addition, it is also evident that the internal layout of the proposed flats would allow for all of the principal habitable rooms to benefit from an acceptable level of outlook and general sunlight/daylight. Externally, the proposed communal amenity area would be relatively small but adequate to serve the needs of the future occupants of the proposed flats, particularly given the proximity of Oakdale Park and Poole Park within easy cycling distance of the site. As such, the proposed development would therefore provide acceptable living standards for future occupants.
76. Given the above considerations, the proposals therefore accord with the provisions of Policy PP27 of the Poole Local Plan in so far as it relates to the amenities of both existing local residents and future occupiers of the proposed development.

Highway and Parking Issues

77. With regards to highway and parking issues, the proposed development would utilise the existing vehicular access from Harbour Hill Road, although it would be narrowed in width. This would require the existing dropped kerb crossing and lowered footway to be reinstated at the applicant’s expense to that section of the existing vehicular access that is to be made redundant. This can be secured by condition (#9).
78. The proposed vehicular access that is to be retained would still be of a sufficient width to allow two vehicles to pass at the entrance to the site so a vehicle entering the site would not have to wait on the carriageway of Harbour Hill Road which is important in terms of highway safety. The proposal also includes the provision of 2m x 2m pedestrian visibility splays to either side of the vehicular access that would aid pedestrian safety at the vehicular access to the site which is beneficial given the proximity of the site to St Mary’s Catholic Primary School that is located in Devon Road. The provision of the proposed

pedestrian visibility splays can be secured by condition (#8). As such, the access arrangements as proposed are acceptable.

79. In terms of the proposed parking provision, the current proposal would include the provision of a total of 8 on-site parking spaces to serve the proposed development that would accord with the Council's adopted parking guidelines as set out in the Parking and Highway Layout in Development SPD provided that the parking is secured on an unallocated basis only. It has therefore been advised that it would be necessary to impose a condition to ensure that none of the parking spaces are allocated to any individual residential unit, except for any parking space that is demarcated as disabled parking which may be allocated to registered disabled users only, and to ensure that they are available to residents and visitors to all of the units. Such a condition can be reasonably imposed (#7). The proposal also includes a parking space that is of sufficient dimensions to provide a disabled appropriate parking space. The proposed parking layout would also ensure that the aisle between the parking spaces is of a sufficient size so that there is adequate on-site turning provision from each of the parking spaces to enable vehicles to enter and exit the site in a forward gear.
80. In addition, the proposal also includes the provision of a secure and sheltered cycle store that would accommodate 5no cycle stands that would allow for 9no cycles to be accommodated. This level of cycle parking provision would be acceptable in accordance with the cycle parking requirements as set out in the Parking and Highway Layout in Development SPD and can be secured by condition (#10). Given the above considerations, the transport/highway needs of the proposed development would therefore be met and it would not cause any detriment to highway and pedestrian safety.
81. Concerns have also been raised that the proposal would generate additional traffic movements with a consequent increase in noise pollution and air quality, as well as resulting in additional on-street parking. However, the number of vehicle movements generated by a development of this scale would not be significant and would not be any more harmful than those associated with the use of the site as a day nursery. The proposal also makes adequate provision for parking within the site in accordance with the Council's adopted parking guidelines as set out in the Parking and Highway Layout in Development SPD. In addition, any impacts/disruption from contractor's vehicles would be for a temporary period of time. On this basis, there is no justification to refuse the application on highway safety grounds arising from the additional vehicular movements or on-street parking associated with the proposed development.

Impact on Trees

82. There are a number of mature trees of mixed species located within, and adjacent to, the site, although they are not the subject of a Tree Preservation Order. Whilst they are not protected, some of these trees that are located to the front of the property are clearly visible within the street scenes of Fernside Road and Harbour Hill Road and provide some amenity value to the respective street scenes and the surrounding area and are worthy of retention. These

notably include a Silver Birch tree adjacent to the Harbour Hill Road frontage of the site and a group of mixed tree species adjacent to the boundary with the neighbouring property at No.78 Fernside Road. Together with the established landscape planting, they provide some amenity contribution and softening effect to the character and appearance of the street scenes of Fernside Road and Harbour Hill Road. Therefore, they constitute a constraint to the proposed development and should be taken into consideration in the determination of the application.

83. In this instance, whilst the detailed matter of landscaping has been reserved for later consideration, approval is being sought for the detailed matters of scale, access and layout. Therefore, despite landscaping being reserved, it is nonetheless necessary to assess the potential implications of the siting of the proposed new building and the layout of the development within the site on the existing trees and landscaping.
84. The application has not been supported by any arboricultural information, but the Council's Arboricultural Officer has nevertheless advised that the proposed new building could be accommodated within the site without causing any significant harm to those trees that are considered to be worthy of retention subject to the implementation of appropriate precautionary and tree protection measures. This can be reasonably secured by condition (#14) requiring the first submission of the reserved matters for the landscaping of the site to include the submission of an arboricultural method statement and tree protection plan.
85. The proposed parking layout, however, is likely to have a direct impact and/or require the removal of trees that are located within the rear section of the site and adjacent to the rear boundary with No.2 Harbour Hill Road (within the curtilage of the adjacent site). However, the Council's Arboricultural Officer has advised that whilst they are visible within the street scene of Harbour Hill Road they are of a low quality and are not of any importance in the wider landscape. As such, they are not worthy of protection and it is not considered appropriate to enforce their retention as part of the proposed development. Therefore, there is no objection to their removal subject to the provision of suitable replacement tree planting. The submitted plan indicates the provision of 2no semi-mature Silver Birch trees to be planted within the front garden area of the site. It is therefore accepted that there is scope for replacement tree planting to take place within the site that would have the potential to provide amenity value and for the site to contribute to the character of the surrounding area and tree cover in the longer term. In this regard, notwithstanding the details indicated on the submitted plan, it is reasonable that two trees are secured to compensate for those that are to be removed and the details of their species, size and location can be secured by condition (#16) as part of the landscaping scheme.

Impact on Protected Species and Biodiversity Enhancement

86. The presence of a protected species is a material consideration when determining a planning application that, if carried out, would be likely to result in harm to a protected species or its habitat. In this instance, the proposed development involves demolition of the existing dwelling and therefore the

proposal would result in the destruction of a bat roost/habitat in the event that bats are present. Whilst there was no clear evidence of bats being present or using the property (e.g. droppings/staining etc) and the risk of bats being present is low, it is nevertheless appropriate to require a Phase 1 Bat Survey of the existing building to be undertaken by a suitably qualified ecologist and a report of the findings to be submitted and, if necessary, any subsequent mitigation and compensation measures to be implemented. This can be reasonably secured by condition (#18).

87. The submitted application does not provide any details of proposed biodiversity enhancement. However, nor does it result in the loss of any high value or high volume of biodiversity in the area. Notwithstanding this, biodiversity enhancement measures such as bat and swift boxes/bricks to be built into the proposed building (or a suitable alternative) would be easily achievable on-site. The provision of such measures can be secured by condition (#19) to ensure there would be a biodiversity enhancement in accordance with the requirements of Policy PP33 of the Poole Local Plan and the NPPF.

Heritage Issues

88. The site is not located within a designated heritage area, such as a Conservation Area, and the existing building that currently occupies the site is not a listed or locally listed building and therefore does not constitute a designated or non-designated heritage asset. However, following an enquiry to the Historic Environment Records at Dorset Council it has been highlighted that there is ceramic ship feature that is fixed to the property that may be of some historic/cultural interest.
89. A former owner of the property has subsequently provided some details regarding the provenance of the ceramic ship feature which suggests that it may be one of only two that were ever made by Poole Pottery to celebrate the coronation of George VI and were displayed on the front of the Poole Pottery building. The other one is reported to have been stored away and to now be held within Poole Museum.
90. Poole Museum Services has confirmed that they are in possession of a ceramic sailing ship and have advised that the design, 'The Galleon' is by Harold Stabler (of Carter, Stabler, Adams) and dates from approximately 1925 and was adopted as an unofficial symbol of Poole Pottery and was produced in various forms by them during the 1920's/30's. It has also been advised that since the design was popular in the 1920's/30's, it is possible that a pair of plaques were installed at the Poole Pottery building to celebrate the coronation in 1937, but as the design was reproduced in several forms over a number of years, it is not unique in that sense. Some doubt has also been cast over the provenance of the ceramic sailing ship that is in place at the application site. In this respect, the Poole Museum Services have also advised that the Victoria and Albert Museum also have a model in their collection which looks to be identical to the one at Poole Museum, whereas the model on the application site is different in colouring. It therefore seems possible that the pieces held at Poole Museum and the Victoria and Albert Museum are in fact the pair. The

entry at the Victoria and Albert Museum suggests that the model was originally displayed outside Poole Pottery. However, if this is the case, it is not to say that the model at the application site did not originate from Poole Pottery and does not have local significance. It is therefore considered appropriate to impose a condition (#20) requiring the removal of the ceramic ship feature prior to the demolition of the building and for arrangements to be made for either its incorporation within the new building or for its safe keeping/storage which may be at the Poole Museum.

Surface Water Drainage

91. In terms of flood risk and surface water drainage, the site is located with Flood Zone 1 and therefore is not considered to be at risk of flooding. However, whilst the site itself is not shown to be at risk of surface water flooding, the Environment Agency's map of the risk of flooding from surface water shows that Fernside Road around its junction with Harbour Hill Road is at risk of low to medium surface water flooding. The Council's Drainage Engineer (as the Lead Local Flood Risk Authority) has also advised that surface water flooding modelling suggest that whilst there is no risk to the actual site itself, any surface water run-off from the site would contribute to significant predicted flows within Fernside Road.
92. The submitted application form states that it is proposed to dispose of surface water via a soakaway, whilst a SUDs plan has also been submitted which indicates that a crate system can be installed beneath the parking area. The submitted SUDs statement also states that "All areas of new hardstanding will be constructed from porous materials to ensure that all run-off is managed within the boundaries of the site" and that "The use of permeable surfaces and areas of soft landscaping will ensure that if there is a long period of rain, then the rainfall can be absorbed into the ground without impacting on public sewers". However, it is not clear from the submitted SUDs plan whether this would be used to deal with surface water run-off from the parking area as well as from the proposed building. In addition, there is no detail submitted to indicate the size or the design standard of the proposed soakaway.
93. Nevertheless, the application site is located within an area where the use of SUDs, such as soakaways, is viable. As such, there is a reasonable expectation that the use of permeable surfaces and a potential SUDs system to manage surface water run-off within the site would ensure that flood risk is not increased elsewhere. As such, there is no objection in principle, and a condition (#13) can be reasonably imposed requiring the submission for approval of a surface water drainage scheme. Permeable surfacing could also be secured by condition (#12) to ensure that there would not be an increase in surface water run-off from the site as some areas of soft landscape would be replaced with hard standing.

Refuse and Recycling Provision

94. The proposals that are the subject of this application would require the provision of 2no 1100 litre and 2no 600 litre capacity bins. The proposals

include the provision of a bin store that would be of a sufficient size to accommodate the required number and size of bins to meet the refuse and recycling needs of the proposed development. The bin store would be located adjacent to the parking area and the boundary with No.78 Fernside Road and would be within a suitable distance of the kerbside to facilitate collections. As such, the proposed provision for refuse and recycling facilities to serve the development would comply with the Waste Collection Authority requirements. The refuse/recycling facilities can be secured by condition (#11).

Sustainability Issues

95. Being a new build block of flats, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. The current proposal has been supported by an Energy and Resources Statement which states that it is anticipated that 10% of the predicted energy demands of the proposed development could be achieved, most likely through a combination of a heat pump, photovoltaics and solar panel technology. However, in the absence of any firm commitment to the provision of specific renewable energy sources, it is appropriate to impose a condition (#6) to secure details of the measures that are to be implemented to ensure compliance with the requirements of Policy PP37 of the Poole Local Plan.
96. Permeable surfacing could also be secured by condition (#12) to ensure that there would not be an increase in surface water run-off from the site as soft landscaped areas would be replaced with built form and hard standing.

Section 106 Agreement/CIL Compliance

97. 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.
98. 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
99. 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.

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@ £269	@ £96
	Proposed	9		
	Net increase	9	£2421	£864
Total Contributions			£2421 (plus admin fee)	£864 (plus admin fee)
CIL	Zone C		@ £115sq m	

100. The necessary Dorset Heathlands and Poole Harbour Recreation SAMM contributions (appropriately indexed linked) can be secured via a Section 106 Agreement.

Summary

101. The proposed development would:

- provide 9 additional dwellings in a sustainable location;
- involve the redevelopment of the application site that was last used as a children's day nursery, resulting in the loss of a community facility;
- provide a discounted market sales housing unit as public benefit to offset the loss of the community facility;
- provide a building that would create a more prominent corner development whilst still reflecting the characteristics of the established built form, thereby preserving the character and appearance of the area;
- preserve the amenity and privacy of the occupants of the neighbouring and nearby residential properties;
- provide an acceptable standard of external and internal amenity space for the future occupiers of the proposed flats;

- provide adequate on-site vehicle and cycle parking and access arrangements that would preserve highway and pedestrian safety;
- retain the more important trees within, and adjacent to, the site and allow for the provision of replacement tree planting;
- protect any protected species present on-site and deliver biodiversity enhancements through condition;
- protect a feature that may be of some historic merit through condition;
- secure the provision of renewable energy generation, refuse/recycling provision and appropriate surface water drainage (by condition);
- mitigate the impact on Dorset Heathlands and Poole Harbour recreation through SAMM contributions; and
- be CIL liable.

Planning Balance

102. The premises within the application site had until recently been operated as a viable children's day nursery and that it would be feasible to support the continued existence of that use. However, the proposed redevelopment of the site would result in the loss of the site as a community facility. Nevertheless, it is evident that there is sufficient supply of early years childcare places and whilst the loss of a viable business goes against the ethos Policy PP26 of the Poole Local Plan its loss would not result in a substantial decline in the range of childcare facilities that are available for local people. The proposal would also deliver an affordable housing unit as a discounted market sales housing unit that would provide sufficient community benefit to outweigh the loss of the existing community facility.
103. The proposed development would inevitably result in a change to the character and appearance of the application site with the erection of a replacement building of a considerably greater scale, bulk and massing than currently exists on the site and that would have a more prominent presence within the respective street scenes of Fernside Road and Harbour Hill Road. However, the corner location of the site allows for a more prominent building than its immediate neighbours with sufficient spacing to retain a landscape setting, on-site parking and turning provision and an acceptable relationship to the neighbouring dwellings. On balance, the proposals would therefore reflect the characteristics of the established built form and preserve the residential character and appearance of the area.
104. The proposal would make efficient use of the application site and provide 9 additional dwellings in a sustainable location and this carries weight in favour of the proposals in terms of the social and economic benefits of delivering additional residential units that contribute towards meeting the identified housing need, during both construction and in the future.
105. The proposal would deliver a form of sustainable development in accordance with the development plan. When a balanced judgement is made, having regard to the presumption in favour of sustainable development, it is concluded that the benefits arising from the proposals would achieve the economic, social

and environmental objectives of sustainable development and outweigh any identified harm.

Background Documents

106. Case File ref APP/19/00765/P: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

RECOMMENDATION

It is therefore recommended that this application be **Grant Section 106 subject to the following:**

Details of Section 106 Agreement

1. A financial contribution of £2421.00 (plus administration fee) towards offsetting the recreational impact of the development on the Dorset Heathlands SPA and SSSI in accordance with Policy PP32 of the Poole Local Plan (Adopted November 2018) and the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (Adopted April 2020).
2. A financial contribution of £864.00 (plus administration fee) towards offsetting the recreational impact of the development on Poole Harbour SPA in accordance with Policy PP32 of the Poole Local Plan (Adopted November 2018) and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document (Adopted February 2020).
3. The provision of an affordable housing unit as a discounted market sales housing unit to be offered for sale at up to a maximum of 80% of the open market value (i.e. discounted by a minimum of 20% of the open market value) to be retained as such in perpetuity to provide sufficient community benefit to outweigh the loss of the existing facility in accordance with Policies PP26 and PP11 of the Poole Local Plan (Adopted November 2018).

Conditions

1. OL010 (Submission of Reserved Matters)

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

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

2. OL080 (Submission of Reserved Matters (3 Years))

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

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

3. PL02 (Plans Listing - Outline)

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

Site, Block and Location Plans (Drawing No. 9130/200 Rev D) – Received 06 November 2020;

Proposed Floor Plans (Drawing No. 9130/201 Rev C) – Received 01 September 2020; and

Proposed Street Scenes (Drawing No. 9130/205 Rev E) – Received 10 November 2020; and

Proposed Cycle and Bin Stores (Drawing No. 9130/206 Rev A) – Received 10 November 2020.

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

4. GN030 (Sample of Materials)

Prior to the commencement of any construction works above the ground floor slab level of the block of flats, hereby approved, details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

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

5. GN020 (Screen Fencing/Walling – Submission of Details Required)

The first submission of reserved matters for the landscaping of the site shall include details/a plan indicating the positions, design, materials and type of boundary treatment to be erected to be approved in writing by the Local Planning Authority. The boundary treatment shall subsequently be erected in accordance with the approved details prior to the first occupation of any of the residential flats, maintained for a period of five years and thereafter retained.

Reason: In the interests of the character and appearance of the street scenes of Fernside Road and Harbour Hill Road and the amenity and privacy of the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. GN162 (Renewable Energy - Residential)

Prior to the commencement of any construction works above the ground floor slab level of the residential flats, hereby approved, details of the measures to be implemented to meet a minimum of 10% of the predicted future energy use of the flats from the use of on-site renewable energy sources, shall be submitted to, and approved in writing by, the Local Planning Authority. These measures must subsequently be implemented in accordance with the approved details prior to the first occupation of any of the residential flats and shall thereafter be retained and maintained.

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/Turning Provision)

The development, hereby permitted, shall not be brought into use until the access, vehicle parking and turning space shown on the approved plans have been constructed, laid out and made available for use, and these shall thereafter be retained and kept available for those purposes at all times. The car parking spaces shall be available for residents and visitors to the residential units at all times. The parking shall therefore remain as unallocated parking at all times with no parking space allocated to any individual residential unit except for any parking bay demarcated as Disabled Parking which may be allocated to Registered Disabled Users only. No parking barrier shall be placed to restrict access to the car parking area or any individual bays.

Reason: To ensure the adequate provision of on-site parking in the interests of highway safety and in accordance with Policies PP27, PP34 and PP35 of the Poole Local Plan (November 2018).

8. HW200 (Provision of Visibility Splays)

Prior to the first occupation of any of the residential flats, hereby approved, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent re-enactment thereof, the land designated as pedestrian 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 and PP35 of the Poole Local Plan (November 2018).

9. AA01 (Non standard Condition)

Prior to the first occupation of any of the residential flats, hereby approved, a scheme to close the section of the existing vehicular access (which is to be made redundant) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerb and reinstate the footway corresponding to the closure/modification of the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall subsequently be completed in their entirety in accordance with the approved

scheme, at the developer's expense, prior to the first occupation of any of the approved residential flats.

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

10. AA001 (Non-Standard Condition)

Prior to the first occupation of any of the residential flats, hereby approved, the bike store and cycle stands (Sheffield stand or similar) to provide a minimum of 9 cycle parking spaces shall be constructed and made available for use as shown on the approved plans and shall thereafter be maintained, retained and kept available for use as such at all times.

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

11. AA001 (Non-Standard Condition)

Prior to the first occupation of any of the residential flats, hereby approved, the bin store shall be constructed in accordance with the details shown on the approved plans and made available for use and shall thereafter be maintained, retained and kept available for use as such at all times.

Reason: In the interests of the visual amenities of the site and in the interests of the amenities of the future occupants of the approved development in accordance with Policies PP27 and PP28 of the Poole Local Plan (November 2018).

12. 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).

13. DR040 (Sustainable Urban Drainage)

Notwithstanding the surface water drainage details indicated on the submitted SUDs plan, prior to the commencement of development of the flats, hereby approved, a scheme for the provision of surface water drainage based on sustainable urban drainage principles shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall also include details of the schedule and responsibility for maintenance and management of the surface water drainage scheme after completion of the development. The surface water drainage works shall subsequently be fully implemented in accordance with the approved scheme and made available for use prior to the first occupation of any of the approved flats and shall thereafter be managed and maintained in accordance with the approved details and retained.

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

14. TR010 (Arboricultural Method Statement – Submission Required)

The first submission of reserved matters relating to the landscaping of the site shall include the submission of an Arboricultural Method Statement and Tree Protection Plan prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees to be approved in writing by the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide, but not be limited to, the following:-

- a) a specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- c) a schedule of tree works conforming to BS3998;
- d) details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- e) plans and particulars showing the siting of the service and piping infrastructure;
- f) a full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the vehicular accesses and driveways and extent of the areas of the driveway to be constructed using a no-dig specification; and the methodology for the demolition of the existing dwelling and rear raised terrace and tennis court;
- g) details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- h) details of all other activities which have implications for trees on or adjacent to the site.

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).

15. TR040 (Pre-commencement Meeting)

Prior to the commencement of any ground clearance, tree works, demolition or development, details of the arboriculturally sensitive operations requiring arboricultural supervision shall be submitted to, and approved in writing by, the Local Planning Authority. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently

be carried out under strict supervision by the arboricultural consultant immediately following that approval.

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).

16. TR080 (Replanting of a Specified Number of Trees)

The first submission of reserved matters relating to the landscaping of the site shall include details of the replacement planting of 2 trees of a size and species and in a location to be agreed in writing with the Local Planning Authority. The replacement trees shall be planted in accordance with BS3936, BS4043, BS4428 and BS8545 within 9 months following the implementation of this permission or prior to the completion of the development whichever is the earliest. The trees shall thereafter be maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

17. LS030 (Implement Landscaping Scheme)

Upon approval of the landscaping details (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) pursuant to Condition No.1:

- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018).

18. AA01 (Non Standard Condition)

No development shall take place, including any demolition works, until such time that a Phase 1 Bat Survey has been undertaken and a report of the findings and details of any necessary further survey work, mitigation and compensation measures, together with the timing for their implementation, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall subsequently be implemented in strict accordance with the approved further survey work, mitigation and compensation measures and timing for their implementation.

Reason: To ensure, before any disturbance occurs, the protection and/or rescue of species protected under the Wildlife and Countryside Act 1981, the Habitats Regulations and the Berne Convention and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and the NPPF.

19. AA01 (Non Standard Condition)

Prior to the first occupation of any of the flats, hereby approved, details of biodiversity enhancement, prepared by a suitably qualified and experienced person/s, shall be submitted to, and approved in writing by, the Local Planning Authority and implemented in accordance with the approved details and thereafter retained. The details should include, but not be restricted to, at 2no swift boxes/bricks (or agreed alternative) and 2no bat bricks/tiles/tubes/boxes to be installed on or within the fabric of the building hereby approved and appropriate 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 (November 2018).

20. AA01 (Non Standard Condition)

Prior to the commencement of development, including any demolition works, the existing ceramic sailing ship feature that is attached to the existing building that is to be demolished shall be removed by hand (or by non-powered hand-held tools only) and shall either be attached to the new building, hereby approved, or stored in a dry and secure place in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To retain a feature of local historic significance and in accordance with Policy PP30 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.
- The application was considered and approved without delay.

2. IN74 (Community Infrastructure Levy - Approval)

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

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

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

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

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

3. IN81 (SAMM contribution)

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

4. IN82 (Demolition of Buildings)

Applicants are advised of the need to notify the Council, under Section 80 of The Building Act 1984, of the proposed demolition of a building, which is over 1750 cubic feet, or which is not within the exemption criteria expanded within the Act.

An application form, with a list of required notifications, is available from Building Consultancy Services to assist applicants. Once appropriately notified, the Council will issue a counter notice which authorises the demolition, subject to certain standard conditions relating to health and safety issues and amenity preservation.

5. 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.

6. IN12 (Kerb Crossing to be Raised)

As a required adjunct of this access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge) restored. Normally this work will be undertaken at the expense of the developer by the Highway Authority although, on occasions, there might be instances where the developer, under supervision, can undertake this work.

7. IN13 (Kerb Crossing to be Lowered)

The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council on Tel: 01202 261700, by email at droppedcrossings@bcpcouncil.gov.uk, or in writing to BCP Council, Environmental Services, Hatchpond Road Depot, Hatchpond Road, Poole, Dorset, BH17 7LQ. Contact should be made before the commencement of any works on or adjacent to the public highway.

8. IN00 (Non Standard Informative)

In conjunction with Condition No.19 above, the applicant is advised that in accordance with Natural England's advice the swift boxes/bricks should be located at least 5 metres above the ground level on a wall in clear airspace away from hazards and rodent access routes (like creepers) and preferably immediately underneath overhanging eaves and roofs with the top of the box flush with the roof's lower surface. The swift bricks should also be fitted in shade or on the northern facing elevations of the dwellings. The bat bricks/tiles/tubes/boxes should be installed in compliance with the requirements of the Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html