

Application Address	2A Martello Park, Poole, BH13 7BA
Proposal	Construction of a 2 bedroom flat to comprise the fifth floor of an apartment building previously approved by Planning permission APP/14/00597/F granted for a 4 storey block of apartments as amended by S.73 APP/16/01136/F on land at 2A Martello Park, Poole
Application Number	APP/20/01013/F
Applicant	Fortitudo Ltd
Agent	Chapman Lily Planning Ltd
Date Application Valid	30 September, 2020
Decision Due Time	25 November, 2020
Extension of Time date (if applicable)	
Ward	Canford Cliffs
Recommendation	Refuse
Reason for Referral to Planning Committee	This application is brought before committee as there have been 20 representations received within the initial notification period, based on material planning issues, from separate addresses that are contrary to the recommendation of the planning officer.

Description of Development

1. Planning consent is sought for the construction of a 2-bed flat to form an additional floor on an 4-storey apartments building (previously approved by APP/14/00597/F as subsequently amended by APP/16/01136/F).

Key Issues

2. The main considerations involved with this application are the impact on:

- Local patterns of development and neighbouring buildings
- Neighbour amenity
- Parking/highway safety

Planning Policies

3. Poole Local Plan (Adopted 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP07 Facilitating a step change in housing delivery
- PP08 Type and mix of housing
- PP27 Design
- PP28 Flats and plot severance
- PP31 Poole's coast and countryside
- PP32 Poole's important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy

- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP39 Delivering Poole's infrastructure

4. Supplementary Planning Document

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

5. Supplementary Planning Guidance

- SPG3 Shoreline Character Areas

6. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

2014: Demolish the existing dwelling and construct a block of 4 apartments with associated parking. **Approved.** (APP/14/00597/F)

2016: Variation of condition 11 of permission APP/14/00597/F where design development has led to a change in the height of the design submitted. Minor alterations to landscaping. Minor alterations to front elevation. **Approved.** (APP/16/01136/F)

2017: Construct 5 (2-bed) apartments with associated parking. **Refused.** (APP/17/01005/F) The application was refused for the following reasons:

1) The proposed block of 5 flats, of the increased height and bulk at roof level would be conspicuous in the skyline, rising higher than adjacent flats and would be obtrusive in wider views, so that it would be contrary to Policies PCS23 of the Poole Core Strategy adopted 2009, and Policies DM1 and DM4 of the Poole Site Specific Allocations and Development Management Policies adopted 2012.

2) The proposed block of 5 flats with balconies along the rear elevation would create loss of privacy to the occupiers of flats within the adjoining South Lodge and Leyton Conyers by reason of direct and perceived overlooking. This together with the oppressive effect the additional height would have, by reason of the relatively close proximity to windows in South Lodge, would be detrimental to the reasonable living conditions occupiers of those flats would expect to enjoy. Therefore, the proposal is contrary to PCS5 and PCS23 of the Poole Core Strategy adopted 2009, and DM1 of the Poole Site Specific Allocations and Development Management Policies adopted 2012.

The third refusal reason related to the development's proximity to Dorset Heathlands but acknowledged that this could be addressed by way of an Undertaking to respond to the Appropriate Assessment requirements.

2018: Non-material amendment following approval of 14/00597/F to allow addition of glass Juliette balconies to first, second and third floor windows to bedroom 2 and study on north elevation. **Approved.** (APP/18/00972/F)

2020: Non-material amendment following approval of APP/14/00597/F For: Various changes of materials to external elevations and minor alterations to the internal layout of the flats. **Approved.** (APP/20/01021/F)

Representations

8. In addition to letters to neighbouring properties, site notices were posted outside the site on 8 October, 2020 with an expiry date for consultation of 1 November 2020.

9. A total of 51 representations have been received, some people having written more than once.

10. 29 representations object to the application and raised the following concerns:

- Harm to character and appearance of the area
- Inappropriate scale and design
- Overdevelopment
- Same concerns remain as those which resulted in the previous application (Ref: APP/17/01005/F) being refused
- Harmful overlooking and loss of privacy
- Loss of light
- Overbearing
- Insufficient parking
- Highway safety
- Precedent
- Disruption during construction works

11. 22 representations support the application on the following grounds:

- Acceptable size and design which compliments the existing building and surrounding area
- No unacceptable harm to neighbour amenity
- A five storey building has been approved elsewhere in Martello Park
- Government are encouraging building upwards following recent changes to permitted development rights

Consultations

12. BCP Highways Authority: No objection, subject to conditions being imposed on any planning permission relating to parking/turning and cycle parking.

Constraints

13. The application site is within the Coastal Zone and Shoreline Character Area.

Planning assessment

Site and Surroundings

14. The application site is positioned at a bend in the road in Martello Park which is a cul-de-sac.

15. A large, four-storey, unfinished and unoccupied block of flats occupies the application site. The main structure of the building is understood to have been built more than two years ago, but a substantial amount of work would still be required to complete the building and make it habitable.

16. To the rear (south) at the end of the garden area are the cliffs beyond which are the promenade and sea. The site is tapered in shape with its side boundaries close to adjoining flats in Leyton Conyers and South Lodge.

Key issues

Local patterns of development and neighbouring buildings

17. The design of the proposed new storey is contemporary and reflects the design of the existing building. However, as a result of the proposed rooftop extension, the building would be over 15 metres high. This represents an increase in height of over 3 metres when compared with the original 2014 planning permission (which granted permission for a building approximately 11.8 metres in height).

18. The current proposal would significantly increase the prominence of the building when viewed from outside the site, notably within Martello Park when viewed in either direction and from the nearest neighbours but also including from the sea and above the tree line. The current proposal would be further recessed from the existing side elevations than the scheme refused in 2017 (APP/17/01005/F). This would slightly reduce its perceived bulk. However the height of the proposal would be virtually identical to the previously refused scheme and would result in a conspicuous additional storey on an already sizeable and prominent building close to neighbouring buildings. To confirm the concern, the proposal would result in a building over 5 metres higher than South Lodge (to the highest point) and over 3 metres higher than Leyton Conyers. In the wider landscape the new flats block would be visually prominent, rising above neighbours and trees and visible from far afield, including from the sea.

19. The applicant's agent asserts that the prominence of the building justifies a different assessment to character being taken. The addition of a further storey atop the existing building however would simply make the resultant building appear significantly higher than anything nearby and make it appear overly dominant and imposing.

20. Comparison has been drawn to Burnage Court, further along the cul-de-sac, that was granted permission in 2016 for a replacement apartment building, but this is not as high as the current proposal; is in a significantly more secluded position; and its relationship to adjoining development differs. The context is clearly very different when compared with the application site.

21. The proposed additional height to the existing building would be positioned more than 40 metres back from the cliff edge but its additional height would increase its prominence (as described in 17-19 above) in the context of adjacent flatted

development. It would result in harm to the area's visual amenities.

22. The applicant's agent and some comments received in support of the application refer to recently introduced permitted development rights contained in Part 20, Classes ZA and A of the General Permitted Development Order. Subject to certain criteria being met, these Classes allow for the creation of additional storeys. The application building does not benefit from these rights. Class ZA which allows for the construction of replacement buildings only applies to buildings constructed before 1990. Class A which allows for the construction of additional storeys on existing buildings only applies to buildings constructed before March 2018. In addition, both of the permitted development rights are also subject to a prior approval procedure. The Local Planning Authority is required to consider a range of issues before deciding whether or not to grant prior approval. These include, amongst other things, the design and external appearance of the building and impacts of the development on the amenity of neighbouring properties. Recent changes to permitted development rights are acknowledged however they are not applicable at this site and no permitted development fall-back position has been established.

Neighbour amenity

23. With regard to neighbour amenity, the previous application was refused as it was judged that:

the proposed block of 5 flats with balconies along the rear elevation would create loss of privacy to the occupiers of flats within the adjoining South Lodge and Leyton Conyers by reason of direct and perceived overlooking. This together with the oppressive effect the additional height would have, by reason of the relatively close proximity to windows in South Lodge, would be detrimental to the reasonable living conditions occupiers of those flats would expect to enjoy.

24. When APP/17/01005/F was determined, building works were on-going. With the current application and with the building now substantially complete, the case officer has had the benefit of being able to go into it and view neighbouring properties from windows and balconies. It is therefore now much easier to assess the existing relationship between neighbouring buildings and the impact the proposed additional storey would have on the amenity of neighbours.

25. The size and design of the building currently on site and its impact on neighbouring properties was deemed acceptable when planning permission was granted previously. A key issue to assess in this current application is whether the current proposal would be demonstrably harmful to the amenity of any neighbours.

26. As detailed in the section above and when comparing with the plans refused in APP/17/01005/F, it is important to note that the fourth floor is inset further from the sides of the building. The internal layout of the proposed flat is different and therefore the window configurations are also different.

27. The additional height would have the greatest impact upon the south-western elevation of flats in South Lodge (the closest neighbour), and the north-eastern and north-western elevations of Leyton Conyers.

28. The proposed balcony to the rear of the building, would provide views towards the sea and overlook the communal gardens, with the potential for oblique overlooking to both neighbouring flats blocks. An obscure glazed privacy screen for the eastern elevation is proposed which would prevent any harmful overlooking towards flats in South Lodge. Windows in side facing elevations are either at high level; obscure glazed; or positioned in such a way that they would not result in any materially harmful overlooking. Had the application been acceptable in all other respects, conditions could have been imposed relating to the balcony and glazing and opening arrangements of side facing windows which would have ensured there was no materially harmful overlooking or loss of privacy.

29. With regard to loss of light and the development appearing overbearing, it is important to note the positioning and orientation of the building subject of this application and the neighbouring buildings either side. No. 2A is to the west of the north facing flats at South Lodge and north-east of north facing flats at Leyton Conyers. Given the respective positioning and orientation of buildings, daylight and sunlight would be largely unaffected by the proposal.

30. The new storey has been redesigned and inset further from the side walls when comparing with the previously refused plans. Whilst the outlook would undoubtedly be different when viewed from some windows in neighbouring flats (notably side facing windows), the proposed additional storey would not be materially harmful to neighbouring properties through loss of light, privacy or overshadowing.

31. This conclusion has been reached taking account of the relationship of the existing building with its neighbours; the revisions which have been made to the plans following the refusal of APP/17/01005/F (notably inseting the extension further from the outer walls); and the opportunity to better assess the potential impact afforded by the main shell of the building being substantially completed.

Parking/highway safety

32. Whilst the number of flats would be increasing by one, sufficient parking provision would be retained to meet guidelines. The access arrangements would be maintained as approved. The Highways Authority raise no objection to the proposal.

33. Additional cycle parking would be required for one extra cycle. This could be secured by condition.

Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@ £269	@ £96

	Proposed	1		
	Net increase	1	£269	£96
Houses	Existing	0	@ £394	@140
	Proposed	0		
	Net increase	0	£0	£0
Total Contributions			£269 (plus admin fee)	£96 (plus admin fee)
CIL	Zone A		@ £230sq m	

34. 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.

35. 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

36. 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.

37. The applicant has submitted a Section 111 form and paid the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM.

Summary

- The development would appear out of keeping with surrounding properties resulting in an overly dominant form of development that would materially harm the character and appearance of the surrounding area.
- Subject to the imposition of conditions, the development would not be demonstrably harmful to any neighbours.
- Parking provision would be sufficient and the development would not be detrimental to highway safety.

Background Documents:

39. 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 Refuse for the following reasons

Reasons

1. RR000 (Non Standard Refusal Reason)

The proposed additional storey would significantly increase the height and bulk of the building and make it appear conspicuous in the skyline. It would be significantly higher than adjacent buildings and be obtrusive in wider views, appearing overly dominant and imposing in a manner that that would materially harm the character and appearance of the surrounding area. The proposal is therefore contrary to the provisions of Policies PP27, PP28 and PP31 of the Poole Local Plan (November 2018).

Informative Notes

1. IN76 (List of Plans Refused)

The development is hereby refused in accordance with the following plans:

2235-MAL-A 001 Revision P01 (Site Location Plan) received 14/09/2020
2235-MAL-A 002 Revision P01 (Site Plan) received 14/09/2020
2235-MAL-A-003 Revision P01 (Basement Floor Plan) received 14/09/2020
2235-MAL-A-004 Revision P01 (Ground Floor Plan) received 14/09/2020
2235-MAL-A-005 Revision P01 First Floor Plan) received 14/09/2020
2235-MAL-A-006 Revision P01 (Second Floor Plan) received 14/09/2020
2235-MAL-A-007 Revision P01 (Third Floor Plan) received 14/09/2020
2235-MAL-A-008 Revision P01 (Fourth Floor Plan) received 14/09/2020
2235-MAL-A-009 Revision P01 (Roof Plan) received 14/09/2020
2235-MAL-A 010 Revision P01 (Elevations) received 14/09/2020

2235-MAL-A-011 Revision P01 (Contextual Elevation) received 14/09/2020
2235-MAL-A-012 Revision P01 (Contextual Section) received 14/09/2020

2 IN73 (Working with applicants: Refusal)

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

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

Also:

- In this case the applicant did not take the opportunity to enter into pre-application discussions.
- In this case the applicant was advised how the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters.

Case officer: Jon Maidman