

PLANNING COMMITTEE



Application Address	47 Compton Avenue, Poole, BH14 8PU
Proposal	Demolition of the existing house and the erection of 2 detached dwellings with associated access and parking.
Application Number	APP/21/00156/F
Applicant	Charlew Developments
Agent	Pure Town Planning
Date Application Valid	18 February, 2021
Decision Due Time	30 April, 2021
Extension of Time date (if applicable)	30 April, 2021
Ward	Penn Hill
Recommendation	Grant subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.
Reason for Referral to Planning Committee	This application is brought before committee by Cllr Mrs Haines due to the proposal being contrary to the provisions of Policy PP27 and PP28 of the Poole Local Plan, in respect of its height, bulk and mass, resultant plot sizes and projection beyond the established building line, all of which would be harmful to the residential character of the area.
Planning Officer	Monika Kwiatkowska

Description of Development

1. Planning consent is sought for a demolition of the existing house and the erection of 2 detached dwellings with associated access and parking.

Key Issues

2. The main considerations involved with this application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the neighbouring amenity
- Impact on parking and highway safety
- Impact on trees
- Sustainability considerations
- Biodiversity considerations
- SAMM/CIL compliance
- Other considerations

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

Planning Policies

4. Poole Local Plan (Adopted November 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and Broad Location of Development
PP27	Design
PP28	Flats and Plot Severance
PP32	Poole's Nationally, European and Internationally Important Sites
PP33	Biodiversity and Geodiversity
PP34	Transport strategy
PP35	A Safe, Connected and Accessible Transport Network
PP37	Building Sustainable Homes and Businesses
PP39	Delivering Poole's Infrastructure

5. Supplementary Planning Documents:

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

6. National Planning Policy Framework (February 2019)

Chapter 5 - Delivering a sufficient supply of homes
Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Relevant Planning Applications and Appeals:

7. None on the application site

8. Other relevant planning history:

40 Compton Avenue

2001 – Planning permission was granted to demolish existing house and erect 2 x 3 storey detached houses with attached double garages – Ref: **APP/01/26389/F**

Representations

9. In addition to letters to neighbouring properties a site notice was posted outside the site on 2 March 2021 with an expiry date for consultation of 27 March 2021.

10. 4 letters of representations have been received, raising objections to the proposal. The issues raised comprise the below concerns:

1. Issues associated with the ownership of the land within the red line.
2. The proposal would involve significant excavations on site and give rise to instability of land at No 47 Compton Avenue
3. The noise pollution generated by the proposed construction works
4. Loss of 4 Monterey cypress trees along the rear boundary of the site and its impact on the visual amenity of the area
5. Loss of privacy to No 47 Compton Avenue
6. The proposal constitutes an overdevelopment of the plot
7. Highway and pedestrian safety dangers associated with the construction vehicles parked near the application site
8. Impact on the protected species that may be present on site
9. Insufficient natural light provided for the rear gardens of the proposed dwellings, due to their proximity to the trees

Consultations

11. BCP Highway Services – supports the proposal, subject to conditions

12. BCP Biodiversity Officer – supports the proposal, subject to conditions

Constraints

13. The trees on the application site, and the adjacent land, are covered by the Tree Preservation Orders.

Planning assessment

Site and Surroundings

14. The application site is occupied by a detached 2 storey house with an attached double garage. There are 2 vehicle access points to the site and at least 2 off-road parking spaces on the driveway. The area is residential in character with variety of built form, architectural styles and finishing materials. The prevailing form is of substantial detached houses in large plots creating a mature suburban character with trees a prominent feature.
15. The site levels are rising towards the rear of the site, with a retaining wall separating the patio from the raised bank occupied by trees.
16. The trees on site and the adjacent land are protected by the Tree Preservation Offer.

Key issues

17. Principle of development:

18. A strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations as detailed in PP01.
19. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals.
20. The Housing Delivery Test for the Poole Local Plan area was published in January 2021. In high level terms, the Housing Delivery Test (HDT) compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement). The HDT shows that the total number of homes delivered in Poole compared to those required over a defined 3 year period was 73% which is slightly below the government's threshold of 75% - the number of homes required between 2017 and 2020 was 1,860 whereas the number of homes delivered in that time period was 1,361. This results in a shortfall of 499 dwellings over the Local Plan target for that period. As a reminder the 5-year residential supply and HDT results continue to relate to each legacy area separately until the existing legacy local plans are superseded by a BCP Local Plan.
21. In accordance with NPPF para 11 (footnote 7) there are 2 ways of dropping into the para 11(d) requirements of the presumption in favour of sustainable

development, namely lack of 5 year supply or failure to meet 75% of a local plan housing target over a defined 3 year period. So regardless of whether the Local Plan area can demonstrate a 5 year land supply, the tilted balance is engaged in decision making.

22. It is recognised that as the site is not designated or relates to any of the policies as set out in footnote 6 of paragraph 11 of the NPPF (2019), the presumption in favour of sustainable development is engaged and the 'tilted balance' needs to be applied as per the NPPF below;

23. For decision-taking this means:

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

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7 , granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6 ; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

24. Given the shortfall of number of homes delivered, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.

25. The proposal is to demolish the existing dwelling at 47 Compton Avenue and erect 2 new dwellings on site.

26. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP01, the Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF.

27. 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 PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. 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.

28. The application site, however, is located outside of the areas that have been identified as the most accessible locations by Policy PP2 of the Poole Local Plan.
29. Nevertheless, in accordance with Policy PP2 (b), there is still potential for development to come forward outside of those areas and to contribute towards meeting housing needs. In this regard, the Council encourages the redevelopment of brownfield land in these areas so long as the proposed scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing.
30. With regards to affordable housing provision, Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, the proposed development would be for the delivery of an additional dwelling that would have an overall floor space of less than 1,000 square metres and therefore the thresholds that would trigger the need for the provision of affordable housing would not be met. As such, the proposal would be policy compliant in terms of affordable housing provision.
31. The acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development. This is discussed below.
- 32. Impact on the character and appearance of the area:**
33. Policy PP28 states that residential proposals involving plot severances or plot subdivisions will only be permitted where there is sufficient land to enable a type, scale and layout of development, including usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
34. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
35. The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area over their lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are welcoming and distinctive places to live and visit; and create places that are safe, inclusive and accessible (para.127).

36. Compton Avenue is residential in character and predominantly comprises detached dwellings of considerable variation in their appearance and external finishes. The properties are primarily of a traditional style of architecture. The prevailing pattern of development comprises dwellings set within individual plots and addressing the road frontage but set behind front gardens and/or areas of hardstand/off-street parking. The application site is somewhat wider than other plots in the vicinity. There is also noticeable variation to the plot sizes in the immediate vicinity of the application site, due to the development at No 40 Compton Avenue (APP/01/26389/F). As a result, plot subdivisions are present in the area.
37. The resultant plot sizes of the proposed dwellings would be smaller than the majority of the plots in the area, including the plot subdivision at No 40 Compton Avenue. Whilst this arrangement would not be immediately perceived from the public domain, the proposed rear gardens of both dwellings would be shallower than the prevailing pattern of development, as it is the case with the existing dwelling on site. Nonetheless, the proposed dwellings would sit comfortably within their plots, assembling sufficient land to accommodate a dwelling with an off-road parking provision and adequate recreational amenity space for each plot, without appearing cramped and overdeveloped.
38. Whilst the proposed dwellings, due to their resultant scale, mass and design, would appear larger in the street scene than the existing building, they would nonetheless respect the visual amenity of the area and would not appear unduly prominent within their setting.
39. The building line along this stretch of Compton Avenue is staggered, with dwellings sited at an angle and at different distance to the highway. Whilst the proposed dwellings would be sited closer to the highway than the existing dwelling that currently occupies the site; they would still be sufficiently set back from the highway to respect the established building line along this section of the road and to not appear out of keeping or unduly prominent by virtue of their siting. Whilst some additional projection of the footprint would occur towards the site's frontage, beyond the footprint of the existing dwelling, this would be associated with the single storey elements of the proposed dwellings (the garages), which would not be considered materially harmful to established building line.
40. The footprint of the existing dwelling occupies nearly the full width of the plot. The proposed scheme would improve the separation distance to the adjacent dwellings, retaining sufficient separation distance between the built form, comparable to the prevailing pattern of development in the area.
41. With regards to the layout of the proposed development, the proposed scheme would not materially increase the amount of hardstanding on site, associated with the proposed new dwellings and the extended access, parking and turning area to

the front of the site. The proposed ratio of hardstanding to soft landscape would remain in keeping with the existing pattern of development in the area.

42. The proposed dwellings, by virtue of their two storey scale and pitched roof form would respect the visual amenity of the area.
43. The design of the proposed dwellings would be contemporary, with large areas of glazing to front elevations. Whilst dwellings along Compton Avenue are predominantly traditional in design and finishing materials, there are also examples of modern style architecture nearby. As a result, the proposed design and finishing materials would respect the character and appearance of other properties within the surrounding vicinity and be in keeping with the residential character of the area.
44. In conclusion, the proposal would assemble sufficient land to enable a type, scale and layout of development that would respect local patterns of development and neighbouring buildings and preserve the area's residential character. The proposed scheme would therefore make an efficient use of the site in a sustainable location, in accordance with the provisions of Policies PP27 and PP28 of the Poole Local Plan.

Impact on the neighbouring amenity:

45. PP27 states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/ oppressive; and provides satisfactory external and internal amenity space for existing and future occupants. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.127).
46. Due to the orientation of the site, the proposed development would give rise to some loss of light and shading to the side elevation of No 49 Compton Avenue throughout the day.
47. However, due to the changing topography of the site, the proposed scale, mass and siting of the new dwellings and the presence of the intervening boundary treatment and separation distance to the side elevation of No 49 Compton Avenue, the proposed new dwellings would not give rise to any further material loss of light or outlook to the occupants of No 49 Compton Avenue than it is currently experienced from the exiting dwelling on the application site.
48. Similarly, for the above reasons, the proposed dwellings would not have an overbearing presence towards their immediate neighbours.

49. With regards to the overlooking, the majority of the windows of the proposed dwellings would allow views towards the public domain or the rear garden of the application site. As such, this arrangement would not affect the neighbouring privacy, due to the presence of the outbuildings and mature vegetation along the shared boundaries.
50. The proposed side elevation windows at ground and first floor levels of both dwellings would serve bathrooms or would be secondary windows to the habitable accommodation within. The proposed ground floor windows would be sited behind the tall boundary treatment, respecting the privacy of the neighbours.
51. It is noted that both dwellings adjacent to the site (No 45 and 49 Compton Avenue) have habitable windows in the side elevations (including the dormer windows). To avoid direct overlooking, and to protect the privacy of the prospective occupiers, the proposed first floor bathroom windows of both proposed dwellings, facing the side elevations of the respective neighbouring dwellings, could be reasonably obscure glazed, secured by condition.
52. The proposed front balconies at first floor level would allow views towards the public domain, contributing to the established mutual overlooking in the area.
53. The proposed rear elevation windows, due to the separation distance to the dwellings along Blake Hill Crescent and the rising topography of the area and the mature vegetation along the rear boundary of the site, would not give rise to any materially harmful loss of privacy to the occupants of these dwellings.
54. With regards to the living conditions of the prospective occupiers of the proposed dwellings, it is considered that the proposal would provide adequate external amenity space for all of the dwellings on site to ensure the proposal would meet the reasonable needs of the occupants. All habitable rooms of the proposed dwellings would also benefit from sufficient natural light and outlook.
55. Some shadowing would occur to the rear garden of the proposed dwellings, due to the presence of the mature trees along the rear boundary of the site and their subsequent replacements; however it is considered that the rear gardens would receive sufficient amount of sunlight through the day to ensure the proposed external amenity areas would meet the reasonable needs of the prospective occupiers.
56. Whilst the rear gardens of the proposed dwellings could be overlooked by the side elevation windows of Nos 45 and 49 Compton Avenue, this relationship is already existing and it would not be materially increased to the degree that would warrant the refusal of the proposed scheme.

57. The direct overlooking could occur between the side elevation windows at ground and first floor level of the proposed dwellings. To ensure the privacy of the prospective occupiers is protected, the ground floor bathroom window of Unit 1 within the northern elevation and the first floor bathroom windows in side elevations of both Units facing each other, could be obscure glazed, secured by condition.
58. Some mutual overlooking between the proposed dwellings would also occur from the rear elevation windows at first floor level, however this degree of overlooking is not an unusual relationship in an urban setting and therefore it would not be materially harmful to the privacy of the prospective occupiers of the proposed dwellings.

Impact on parking and highway safety:

59. The proposal is to demolish the existing dwelling and construct two detached houses on site. The existing dual access vehicular arrangement on site allows the vehicles to enter onto the highway in a forward gear. The proposed scheme would create two separate accesses, to serve each dwelling independently.
60. The proposed access and parking layout would allow drivers to enter and exit the site in a forward gear, which is a requirement, given that Compton Avenue is a classified road.
61. The proposed scheme would also provide sufficient pedestrian visibility splays at each entrance, ensuring the highway and pedestrian safety in the vicinity of the site.
62. In terms of the proposed parking provision, the proposed integral garages would be below the current requirements of 7m x 3.3m to be considered as parking spaces, as set out within the BCP Parking Standards, however, two surface spaces each are proposed for the development and this meets the requirements within the BCP Parking Standards.
63. Each dwelling would need to provide secure and covered cycle parking for a minimum of 4 bikes. This could be secured by condition.
64. The Parking Standards SPD (adopted 5th January 2021) outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, at least one “active” EV charging point would be required each new dwelling. These matters could be dealt with by way of planning condition as well.
65. Overall, subject to the retention of the proposed parking provision, access and visibility splays arrangement and the above conditions for cycle parking and

electric vehicle charging points, the Council's Transportation Officer supports the scheme.

Impact on trees:

66. There are several protected trees on the site and on the adjoining land. Whilst these trees are set well back into the site, they nevertheless form an important contribution towards the setting of site and to the amenity and sylvan character of the street scene and surrounding area.
67. The proposal would result in the loss of the group of Monterey Cypress trees (T2g) along the rear boundary of the site and the loss of a sweet gum tree (T1) to the site's frontage. The trees on site have been inspected by the Council's Arboricultural Officer who raised no objection to their proposed felling due to their poor health and limited lifespan.
68. It is accepted that the trees (T2g) have a number of defects throughout their crowns that require immediate remedial attention. The species are prone to branch failure during inclement weather conditions and it is foreseeable that remedial action is likely to be required on a piecemeal basis. This will see the slow deterioration of their visual amenity over the next 10-20 years.
69. The proposed development presents a landscape opportunity for the provision of new trees and enhanced amenity of the area.
70. The proposed scheme includes the planting of 6 additional trees that would supplement the retained trees within the site and provide future tree cover and amenity contribution to the proposed development and the wider surrounding area. The provision of native species of suitable size within the revised Arboricultural Method Statement can be secured by condition.
71. Furthermore, details of the proposed landscape planting scheme on site can be secured by condition.
72. The application has been also supported by a Tree Protection Plan, which identifies that the proposed development, with the associated excavations, could be erected without causing direct harm to the protected trees that are to be retained within the site. The compliance with the submitted Tree Protection Plan can be secured by condition.
73. In terms of the post-development phase, the proposed scheme would not result in a direct or indirect impact to the retained or newly planted trees. Whilst the proposed dwellings would be sited close to the trees, it is considered by the Council's Arboricultural Officer that this relationship would not result in pressure from the future occupants for the pruning or felling of these trees due to excessive shading.

74. Subject to the above conditions, the Council's Arboricultural Officer supports the proposed scheme, in line with provisions PP27 of the Poole Local Plan.

Sustainability considerations:

75. Being a new build development, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. The proposal has been supported by Energy and Resources Statement which commits to the provision of renewable energy sources to meet this requirement. It is therefore appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy sources.
76. Permeable surfacing could be secured by condition to ensure there would be no increase in surface water run-off from the site as soft landscaped areas would be replaced with hard standing.

Biodiversity considerations:

77. The proposal would result in the demolition of the existing dwelling. As several species of bat have been recorded in this area, it is therefore necessary for a bat survey to be undertaken prior to the demolition of the dwelling on site. No Bat Survey has been submitted to support the application and its submission could be conditioned accordingly to ensure appropriate protection measures for bats prior to the demolition of the existing dwelling on site. This approach was considered acceptable for the Council's Biodiversity Officer due to the limited possibility of bat presence on site.
78. Additional biodiversity enhancement on site could be secured by condition in a form of a 1no. bat brick/tube/tile per dwelling, as advised by the Council's Biodiversity Officer. This would be proportionate and appropriate to the scale of the proposed scheme, and in accordance with Policy PP33 of the Poole Local Plan and the NPPF.
79. Subject to the above conditions, the Council's Biodiversity Officer supports the proposal.

Other considerations:

80. The concerns about structural impact of the proposal on the adjacent homes are noted but there is no expectation that the site cannot accommodate the proposed development in a manner that would not lead to the instability of the land or of adjacent land.

81. Concerns were also raised with regards to the location of the boundary between Nos 47 and 49 Compton Avenue. The application is supported by a red line plan which confirms the land within the ownership of the applicant. This issue has been discussed between the landowners at Nos 45 and 47 Compton Avenue and the red line plan has been subsequently revised to exclude the land that was in dispute. It is understood that the land belongs to No 45 Compton Avenue and there is no intention to sell it to the applicant, despite the initial suggestion. The Local Planning Authority is therefore satisfied that the land within the red line belongs to the applicant only.
82. It is within the rights of the adjoining landowners, under common law or under the Party Wall Act 1996, to draft a legal agreement outlining the responsibilities for the maintenance of the shared boundaries or any other issues that may arise between the neighbours. The assessment of any planning applications would not alter or impinge upon these rights. It is however noted that the Party Wall Agreement is a legal document and therefore can be drafted when required and cannot be secured by planning conditions.
83. The likely levels of disturbance or nuisance associated with building works of this scale would not justify conditions intended to address the stated areas of concern, whilst the issues of access to the site to allow erection of scaffolding or any future maintenance of the proposed dwellings are civil matters and not material to the consideration of this application.

SAMM/CIL compliance:

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing	1	@ £394	@140
	Proposed	2		
	Net increase	1	£394	£140

Total Contributions		£394 (plus admin fee)	£140 (plus admin fee)
CIL	Zone A	@ £240.85sq m	

84. 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.
85. 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.
86. 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.
87. The applicant has paid the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM. As such, the proposed scheme complies with Policies PP32 and PP39 of the Poole Local Plan.

Summary

88. The proposal seeks development outside the sustainable location, as defined by Policy PP2.
89. The proposed scheme would make an efficient use of the site.

90. The proposal would not cause any material harm to the prevailing character and layout of the surrounding development in the area.
91. The scale, massing and design of the proposed dwellings, together with their external finishes, would be appropriate to the context of the surrounding built form and enable them to integrate in an acceptable manner within the street scene.
92. The proposed development would not cause material harm to the amenities and privacy of the occupants of the neighbouring and nearby properties, subject to conditions.
93. The proposal would provide adequate living conditions for the prospective occupiers of the proposed dwellings.
94. The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety.
95. The proposal would have acceptable impacts on protected trees on site.
96. The provision of additional tree planting and landscaping scheme can be secured by condition.
97. The submission of the bat survey can be secured by condition.
98. Biodiversity enhancement measures can also be secured by condition.
99. The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources can be secured by condition.
100. The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions.
101. The proposal would be CIL liable.

Planning balance

102. Given the shortfall of number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.

103. Whilst the site lies outside the most accessible locations in the Borough and it is not within the sustainable transport corridor, as identified by the Policy PP2 of the Poole Local Plan, the proposed scheme would be in keeping with the pattern of development in the area.
104. The scheme would also contribute to the Council's demand for new housing and it would achieve social benefits of delivering an additional family unit in an established residential area, in a manner that would preserve the area's residential character and without harming the residential amenities of the neighbours or protected habitat nearby.
105. Having recognised the collective benefits of the proposed scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF, and should therefore be recommended for approval.

RECOMMENDATION

It is therefore recommended that this application be Grant Subject To CIL Contribution

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

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

Reason -

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

2. AA01 (Non standard Condition)

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

Reason -

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

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

Both in the first instance and upon all subsequent occasions, the ground floor bathroom window in the side (north) elevation of Unit 1 all first floor bathroom

windows in both side elevations of the dwellings hereby permitted (facing Nos 45 and 49 Compton Avenue and also overlooking each other), shall be glazed in glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening, as shown on the approved plans. These shall all be installed prior to the first occupation of the dwellings hereby permitted and shall thereafter be retained at all times.

Reason: To protect the amenity and privacy of the adjoining properties and the prospective occupiers of the approved dwellings and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. HW100 (Parking/Turning Provision)

The access, garaging and vehicle parking shown on the approved plan shall be constructed prior to the first residential occupation of the dwellings hereby permitted, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

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

5. HW110 (Cycle Provision)

Prior first occupation, secure cycle parking for 4 bicycles per dwelling shall be provided in accordance with a scheme which shall be submitted to and approved by the local planning authority, and thereafter retained on site for these purposes.

Reason -

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

6. HW200 (Provision of Visibility Splays)

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

Reason -

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

7. HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development hereby permitted, details of the provision of Electric Vehicle Charging Points (1 active point per dwelling) and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason:

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

8. GN162 (Renewable Energy - Residential)

Prior to first occupation of the dwellings hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

Reason-

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

9. HW230 (Permeable surfacing condition)

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

Reason:

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

10. AA01 (Non standard Condition)

Prior to commencement of any works on site, including demolition of the existing dwelling or any vegetation clearance, the existing dwelling on site should be subject to a bat survey carried out in line with Bat Conservation Trust's 'Bat Surveys for Professionals 3rd edition', by a bat ecologist holding a suitable professional accreditation. The findings of the bat survey shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works being undertaken on site. The works on site shall afterwards be carried out in line with the recommendations of the approved Bat Survey.

In the event of finding bats on site, a European Species Protected License shall be obtained from Natural England and suitable mitigation against the loss of identified bat habitat shall be provided. Details of such mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works being undertaken on site. The works on site shall afterwards be carried out in line with the agreed recommendations of the mitigation scheme.

Reason: In the interest of bat protection, in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and Policy PP33 of the Poole Local Plan (November 2018).

11. AA01 (Non standard Condition)

Prior to the first occupation of the development hereby permitted 1 No. bat brick/tube/tile per each dwelling (to be located away from direct effect of man made lighting) shall be installed in compliance with the requirements of the Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html and shall thereafter be retained.

Reason -

In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2019 paragraph 170 'minimising impacts on and providing net gains for biodiversity' and BSI 42020:2013 'Biodiversity - code of practice for planning and development' and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

12. TR070 (Tree Protection - Protective Fencing)

Protective fencing, conforming to specifications in BS5837:2012 'Trees in Relation to Construction', as shown on the approved Tree Protection Plan (Drg. no: DS/60821/AL, received 01/03/21) shall be erected before any equipment, machinery or materials are brought on to the site and before any ground

clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

Reason -

To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

13. TR010 (Arb Method Statement-Submission Required)

Notwithstanding the submission of the Arboricultural Method Statement (ref: DOS/60821/AL, dated 25/02/21), a revised arboricultural method statement, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development on site. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- a) erect 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) erect scaffolding and ground protection within tree protection zones in accordance with BS5837;
- c) ensure an area for storage of materials, concrete mixing and use of fires is provided;

d) ensure the plans and particulars showing the siting of the service and piping infrastructure is implemented;

e) ensure the 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 access driveway including details of the no-dig specification and extent of the areas of the driveway are constructed using a no-dig specification;

f) ensure the works requiring arboricultural supervision are carried out by the developer's arboricultural consultant, and details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits are recorded,

g) details of all other activities which have implications for trees on or adjacent to the site are notified to the Local Planning Authority; and

(h) landscaping scheme including the planting specification for 6 trees of suitable size and species, tree pits, root barriers, irrigation, underground support, installation and after care.

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).

14. PL01 (Plans Listing)

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

Location and Block Plans, Drg. no: 001, rev. A, received 02/03/21

Proposed Street Scene, Drg. no: 200, rev. A, received 02/03/21

Proposed Site Plan, Drg. no: 002, rev. D, received 30/03/21

Unit 1- Proposed Floor Plans and Elevations, Drg. no: 100, received 01/02/21

Unit 2- Proposed Floor Plans and Elevations, Drg. no: 150, received 01/02/21

Tree Protection Plan, Drg. no: DS/60821/AL, received 01/03/21

Proposed Site Cross Boundary Section, Drg. no: 400, received 25/03/21

Reason -

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

Informative Notes

1. IN72 (Working with applicants: Approval)

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

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

Also:

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

2. IN74 (Community Infrastructure Levy - Approval)

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

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

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

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking

enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Poole website:

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

3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.111 agreement and have been received.

4. IN84 (AA passed)

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

5. 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.

