



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. The application was deferred from the Planning Committee on 22 April 2021 to seek amendments to the scheme.

The amendments to the scheme are;

- increase of soft landscaping in the rear gardens in lieu of previously proposed patios;
- submission of bat survey;
- submission of a site plan showing the siting of the existing footprint against the proposed ones.

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:

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

Following the submission of amended plans, an additional consultation period was undertaken. Site notices were posted outside the site on 18 May 2021, with an expiry date of 01 June 2021. Further letters of representations have been received, raising objections to the proposal. The issues raised comprise the below concerns:

- j. The proposal being overdevelopment of the plot;

- k. Detrimental impact on the residential amenity;
- l. Loss of trees;
- m. Loss of bat habitat;
- n. The proposal being harmful to the visual amenity of the area.

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 two 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 a raised bank occupied by trees.
- 16. The trees on site and the adjacent land are protected by a Tree Preservation Order.

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 two ways of dropping into the para 11(d) requirements where the tilted balance applies, namely lack of 5-year housing land supply (HLS) 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 HLS, the tilted balance is engaged in decision making.
22. It is recognised that as the site is not designated, nor 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 two 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 a need for development to come forward outside of those areas to contribute towards meeting housing needs. A target of 1900 homes across the Plan period (Policy PP2 p.29) for areas outside the town centre and transport corridors/local centres is set out in the adopted Plan. There will continue to be a need for such development across the Local Plan area and the BCP area as a whole. Policy PP28 does not have any spatial restrictions and paragraph 9.9 of the Local Plan confirms it is applicable across Poole as a component of meeting the target of 1900 homes. The Council encourages the redevelopment of sites 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 opposite. However, the plot width of the site at 24m is identical to the combined width of No.40 – 40a and so the scheme would appear comparable in the streetscene. The key difference is the depth of the application site (31m – 23m max – min) in comparison to No. 40 – 40a (60m – 56m approx.). So 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 or overdeveloped.
38. The proposed ratio of soft landscape to hard standing has been improved by the proposed removal of the paved areas to the rear of the dwellings. The area of hardstanding to the site's frontage would be still comparable to the existing arrangement. 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 frontage position of the existing dwellings along this stretch of Compton Avenue is staggered, with dwellings sited at an angle and at different distances 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 be set slightly further off the southern boundary with No.45 but closer to the northern boundary with No.49 with a gap between the proposed dwellings. Nonetheless, it is considered that sufficient separation distance between the built form, comparable to the prevailing pattern of development in the area is retained.
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 proposed dwellings being set at a lower level, 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 existing dwelling on the application site.
48. To the south, the new dwelling would be set slightly further from No.45 but would be taller than the current garage wing to this side. However, overall this is not considered to result in an overbearing impact or significant loss of outlook to this neighbour. 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. 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. 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.
61. Each dwelling would need to provide secure and covered cycle parking for a minimum of 4 bikes. A condition (#5) is proposed to secure this. 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. This is proposed to be secured by way of planning condition (#7) as well.
62. 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:

63. 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.
64. The proposal would result in the loss of the group of Monterey Cyprus 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.
65. 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.
66. The proposed development presents a landscape opportunity for the provision of new trees and enhanced amenity of the area. 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 will be secured by condition. Furthermore, details of the proposed landscape planting scheme on site can be secured by condition.

67. 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.
68. 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. 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:

69. 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.
70. 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:

71. The proposal would result in the demolition of the existing dwelling. The application is supported by an Ecological Report. No evidence of roosting bats was found on site and the existing dwelling was classed as having negligible potential for bats. These findings are acceptable to the Council's Biodiversity Officer.
72. Additional biodiversity enhancement on site can be secured by condition in a form of a 1no. bat tube and 1no. swift box per dwelling, as advised by the Council's Biodiversity Officer and in line with the suggested biodiversity enhancement within the submitted Ecological Report. Furthermore, the provision of native planting on site would contribute to the biodiversity enhancement on site. This provision 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.

73. Subject to the above conditions, the Council's Biodiversity Officer supports the proposal.

Other considerations:

74. The concerns about structural impact of the proposal on the adjacent homes are noted but there is no evidence to demonstrate 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.
75. 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.
76. 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.
77. 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
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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	

78. 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.
79. 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.
80. 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.
81. 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

82. The proposal seeks development within an area supported by the Local Plan, as defined by Policy PP2. The proposed scheme would make an efficient use of the site. The proposal would have acceptable impacts on the prevailing character and layout of the surrounding development in the area. 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.
83. The proposed development would have acceptable impacts on the amenities and privacy of the occupants of the neighbouring and nearby properties, subject to conditions. The proposal would provide adequate living conditions for the prospective occupiers of the proposed dwellings.
84. The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety. The proposal would have acceptable impacts on protected trees on site. The provision of additional tree planting and landscaping scheme can be secured by condition. The proposal would not result in any materially harmful loss of biodiversity on site. The scheme is capable of providing an adequate level of biodiversity enhancement, secured by condition.
85. 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. The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions. The proposal would be CIL liable.

Planning balance

86. 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.
87. 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, further development on the site is still supported in principle under PP2. The proposed scheme would be in keeping with the pattern of development in the area.
88. 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.

89. 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 is therefore recommended for approval.

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.

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, and 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)

The development, hereby approved, shall be carried out in accordance with details of the approved Ecological Report (prepared by ABR Ecology Ltd, v1.0, dated 21/05/21 and received 21/05/21), and shall be supervised by an appropriate ecologist holding a nationally recognised licence.

Prior to the first occupation of any of the dwellings hereby permitted, biodiversity mitigation and enhancement measures, as specified in section 5 and Appendix 5 of the approved Ecological Assessment Report (prepared by ABR Ecology Ltd, v1.0, dated 21/05/21 and received 21/05/21) shall be carried out and installed on site 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).

11. 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).

12. Landscaping

No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the planting specification for 6 trees of suitable size and species, tree pits, root barriers, irrigation, underground support, installation and after care; hard surfacing materials; means of enclosure; details of boundary planting and treatments, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality.

13. 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
Proposed Roof Plan Diagram, Drg. no: 500, received 27/04/21
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.