

PLANNING COMMITTEE



Application Address	22 Clifton Road, Poole, BH14 9PP
Proposal	Demolish existing building and erect two detached houses with integral garages and parking.
Application Number	APP/21/00082/F
Applicant	Coane Construction Ltd
Agent	Moxey Associates
Ward and Ward Members	Penn Hill Councillor Dion and Councillor O'Neill
Status	Public report
Meeting date	20 January 2022
Summary of 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	Number of objections exceed 20
Case Officer	Clare McCarthy

Executive Summary

Summary of Key Issues

1. The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations Received

2. In total 50 representations have been received of which 2 are in support and 48 are in objection to the proposed development. 30 of these objections were received on the plans as originally submitted. A further 18 letters of objection have been received in response to a further period of consultation following the receipt of amended plans. A summary of the objections has been provided within the representations section of the report below

Principle of Development

3. The proposal seeks development within an area supported by the Local Plan, as defined by Policy PP2, where plot severance and sub-division is accepted in principle under Policy PP28. The proposal is for a residential development of two four bedroomed two storey houses and demolishing an existing chalet bungalow, providing a net gain of one additional dwelling. The development would contribute towards the BCP Council housing targets. There is no principle objection to the development.

Impact on the character and appearance of the area

4. The proposal is situated within a road with numerous infill developments of a similar nature which have been approved and constructed. 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. The proposal, as amended, has taken account of the street scene, including an adjacent chalet bungalow. Its amended design would have acceptable impacts on the prevailing character of the area.

Design

5. The design of the proposed height bulk and mass of the dwellings, as significantly amended, would appear appropriate in their context within the street scene and with neighbouring properties. The proposed finishes and materials are proposed to be brick and render with feature details, which are also appropriate and in keeping with the surrounding area

Impact on Residential Amenity

6. The proposed development, as amended, 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, following a daylighting analysis, removal of first floor windows, distancing from boundaries and reduction in scale bulk, and height. The resultant site layout would be beneficial to No.24 eliminating any degree of overshadowing or overlooking and greatly reduce any overbearing impact. The flank windows, courtyard, living

room and studio would continue to enjoy good levels of daylight and privacy and would not be unduly enclosed by new development.

Protection of Trees

The proposal would have acceptable impacts on protected trees on site and would comply fully with Policy PP27(b) The retention of the prominent Beech tree at the front of the site with permeable hardstanding would be secured by condition, together with protective fencing for the tree at the front and group of trees at the rear of the site.

Highway and Parking issues

The proposed access and parking arrangements are sustainable and would not be detrimental to highway and pedestrian safety. The site would provide for cycle storage and electric vehicle charging, which would be sufficient to comply with Policy PP2. The visibility and access for Plot A has been improved and access moved away from the immediate boundary with No.24

Ecological/Biodiversity Issues and SAMM contributions

The scheme is capable of providing an adequate protection for bats through a Phase 2 Survey and an appropriate level of biodiversity enhancement, would be secured by conditions.

The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions.

Sustainability and Energy

The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources would be secured by condition, in accordance with Policy PP37.

Summary

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. Having recognised the collective benefits of the proposed scheme and having regard to the tilted balance and presumption in favour of sustainable development, it is concluded that the proposals would achieve the economic, environmental and social objectives of sustainable development, in compliance with the adopted policies of the Development Plan as a whole and the relevant provisions of the NPPF and should therefore be recommended for approval.

Description of Development

1. The proposal involves the demolition of the existing bungalow and its replacement with two detached dwellings on a sub-divided plot. Each of the proposed dwellings would have four bedrooms (two en-suite) and an integral garage. Parking for two vehicles per plot would be provided to the front with an additional access point created to make separate access points for each dwelling.

2. The proposals have been amended several times to include:
 - improvements to the access and frontage visibility,
 - a reduction in height both to the ridge and eaves,
 - a repositioning away from the boundary with No.24,
 - deletion of some first-floor flank windows,
 - the reduction in depth of the first floor on both plots and
 - increased separation between the proposed dwellings.

Key Issues

3. The key issues for consideration are:
 - Principle of development
 - Impact on the character and appearance of the area
 - Overall design considerations
 - Residential amenity
 - Protection of Trees
 - Highways' considerations (incl. parking)
 - Sustainability considerations
 - Biodiversity considerations
 - Other issues
 - SAMM compliance
 - The planning balance.

Planning Policies

4. Poole Local Plan (Adopted 2018)
 - PP01 Presumption in favour of sustainable development
 - PP02 Amount and broad location of development
 - PP07 Facilitating a step change in housing delivery

PP08	Type and mix of housing
PP27	Design
PP28	Flats and plot severance
PP32	Poole's Nationally, European and Intern important sites
PP33	Biodiversity and geodiversity
PP35	A safe, connected and accessible transport network
PP37	Building sustainable homes and businesses
PP39	Delivering Poole's infrastructure

5. Supplementary Planning Documents and Guidance

Poole Harbour Recreation Interim Planning Framework 2019

Dorset Heathlands Planning Framework 2020-2025 SPD

Nitrogen Reduction in Poole Harbour SPD

BCP Parking Standards Jn 2021

6. National Planning Policy Framework July 2021

Paragraph 8 requires development to seek to meet 3 main objectives including:

- Economic
- Social
- Environmental

Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. 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, 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; 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

The 2020 housing delivery test results show that the housing completions in the Poole local plan area are 73% of the target. As this is below the 75% threshold, the presumption in favour of sustainable development applies meaning that proposed developments should be granted planning permission unless their adverse impacts significantly and demonstrably outweigh their benefits. The 2019/20 monitoring year saw 1,281 new homes under construction in Poole with 2,022 further new homes with planning permission but where development had not yet commenced on site. Figures in relation to the 2020/21 monitoring year are currently being finalised.

In addition to Paragraph 11 the following chapters of the NPPF are relevant to the proposals:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong and competitive economy
- 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

7. DCLG (Department for communities and local government) Technical Housing Standards – nationally described space standard (2015 as amended) is also relevant.
8. Self-build and Custom Housebuilding Act 2015 - For the purposes of this application, in accordance with section 2 of this act , regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding. The applicant is offering one of the two dwellings proposed for self-build or custom-build and therefore provides adequate opportunity to associations or individuals with registered interest in acquiring a plot for self-build or custom-build.
9. The Equalities Act 2010
 14. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Relevant Planning Applications and Appeals

10. There is no significant planning history on the application site recorded on the Council's database. However, the applicant has drawn attention to a range of permissions and applications elsewhere in Clifton Road which they cite as having changed the character of the road in a manner akin to the character of the current proposal by sub-dividing sites into smaller plots. This issue is at the heart of the consideration of this application and any relevant decisions are referred to in the body of the planning assessment below.

Representations

11. Notification letters have been sent to neighbours and other interested parties firstly in regard to the initial submission and then a re-notification on the amended plans received in early October. The latest notification period came to an end on 21 October 2021 although representations received up to the date of this report (23 December 2021) have been taken into account. Members of the Committee will be up-dated on any subsequently received where relevant and received sufficiently in advance of the meeting.
12. The initial proposals yielded 30 responses from 23 different properties (triggering the need for referral to Committee). The amended proposals notified on 7 October has yielded 18 objections all of which reiterate comments previously made and two letters of support. The objections have raised the following planning issues:
 - Overdevelopment – grossly excessive
 - Inadequate space separation
 - Loss of character
 - Gradual erosion of character and greenness of the locality
 - Poor design – too narrow
 - Loss of hedgerows and trees
 - Need to protect beech tree at the front
 - Dangerous access with poor visibility
 - Loss of light and amenity to Nos. 20 and 24 Clifton Road
 - Overlooking
 - Dark outlook from the proposed properties
 - Poor orientation and internal sunlight
 - Side windows and doors would be unusable
 - Site boundary shows the site larger than it is
 - Lack of consideration for energy – increased carbon emissions

- Adverse impact on wildlife
- Loss of peace and natural beauty

The proposed letters of support make the following points:

- Beech tree will be preserved
- Significant attempt to cause minimal impact on flora
- Variety adds character to the road
- The layout and design is more in keeping than some other permitted projects
- Care has been taken to minimise impact on neighbours

Consultations

BCP Highways

13. Comments on the initial proposals raised concerns about visibility on the proposed additional access to Plot B. Officers sought amended plans that would demonstrate adequate visibility based on a traffic speed survey and with pedestrian visibility splays shown.
14. An amended site layout plan was received on 13 April 2021 supported by a report from Bellamy Roberts – Highway Consultants dated 9 April 2021.
15. Fresh comments were received from BCP Highways on 26 April 2021 as follows:

“The Highway Report confirms that a speed survey has been carried out, that shows visibility splays of 33.7m would be required in both directions. The plans provided show that the required visibility splays can be provided for the new vehicle access for Plot B. The report confirms that the existing vehicle access is substandard with regard to visibility and the proposal includes moving this access to the east, which will improve the visibility from this access.

Therefore, as the required visibility can be achieved for the new vehicle access and the visibility is being improved for the existing vehicle access, we can support the proposal... “
16. BCP Highway’s support is subject to imposing conditions to cover:-
 - Provision and maintenance of parking
 - Provision and maintenance of visibility splays
 - A scheme to close a section of the existing access (which is to be made redundant)

- Provision and maintenance of Electric Vehicle Charging Points

BCP Tree Officer

17. *"I can confirm that I have reviewed the proposal and that the two trees which are shown for removal are low quality and their loss will have no impact on the visual amenities of the locality. The slight crown lifting to T1 will also have no significant impact on visual amenity.*

The new drive and parking area is proposed as a no-dig solution which is appropriate for this location.

Based on the above I have no objection to the proposed development provided the arboricultural method statement (AMS) is implemented in full. Please attach an appropriate condition to ensure the AMS is tied into the decision."

Natural England

18. *No objection subject to securing the necessary mitigation of recreational impact on harbour and heath and nitrogen offsetting. In addition, would require biodiversity enhancement in line with the NPPF. This could be covered by a condition requiring the provision of 2no. bird boxes per dwelling.*

BCP Ecologist

19. *This does require a bat survey to be carried out to assess whether there are any potential bat roost features can be undertaken any time of year. If that survey shows possible roosts, then emergence surveys will have to be from May to September.*

Surveys to be compliant with Bat Conservation Trust's 'Bat Surveys for Professional Ecologist- Good Practice Guidelines' 3rd edition

A bat roost has been found in Links Rd and there is bat activity in Mornish Rd, Branksome Woods and Broadwater Pond. No bats records from Clifton Rd viewpoint, but that is because site has not been surveyed for bats. In the past I have surveyed woods at rear of this property from garden in Spur Hill Ave and had pipistrelle bats there, this species rots in trees and houses.

NE advice for biodiversity enhancement is bird boxes, but in this location bat bricks/tiles/tubes would be more suitable, away from direct effect of man-made lighting and on aspects and heights as recommended by Bat Conservation Trust http://www.bats.org.uk/pages/bat_boxes.html.

(NB: These comments have been addressed by submission of Phase 1 bat survey and phase 1 habitat survey received 6 December 2021).

Constraints

20. The site is not within a Conservation Area nor is it in proximity to a Conservation Area or any other heritage asset.

21. It is covered by a Tree Preservation Order – Area Order Ref. TPO 85/00150 which was served in 1985 and protects the older trees that were extant at the time.

Planning Assessment

Site and Surroundings

22. The site is presently occupied by a single detached chalet bungalow, which has accommodation within the roof. There are two outbuildings (including a garage) adjacent to the Western boundary slightly to the rear of the present house. It has a front garden which is given over mainly to lawn and a gravel drive and a rear garden backing onto woodland. The woodland is mainly on adjacent land but there are some trees within the rear garden area and a mature Beech on the road frontage.

23. The boundaries are marked by mainly evergreen laurel hedging. The entrance gap on the frontage hedge allows a view through to the woodland at the rear, over the roof of the applicant's garage.

24. The road is characterised by mainly two-storey houses in plots of varying widths and shapes although most are quite deep, backing onto the wooded margins on both sides of the road.

25. The stretch of frontage from the junction with Kings Crescent up to and including No.20 is marked by a laurel hedgerow. The rest has a mixture of low frontage walls, hedgerows, railings and more open frontages.

Key Issues

The principle of development

26. The Local Plan allows for new housing to be developed in sustainable locations with the existing urban area. These are the most accessible locations which include the town and district centres and sustainable transport corridors.

27. The application site is not within one of these so falls to be considered under Local Plan Policy PP2 (b) which says that development will be permitted elsewhere in the urban areas, provided it is delivering sustainable patterns of development including a policy compliant level of affordable housing. In this

instance the site is in a sustainable location and no affordable housing is required for a net increase of one dwelling.

28. The measure of sustainability is to be gauged against all three principal criteria in the NPPF and is considered in the planning balance below. However, Policy PP2 specifically expects the proposal to demonstrate how suitable sustainable transport measures have been incorporated into the proposal to connect the development with the town. In terms of sustainable transport, the site will provide for cycle storage and electric vehicle charging, which would be sufficient to comply with Policy PP2.
29. Plot severance and sub-division is accepted in principle under Policy PP28.
30. The presumption in favour of sustainable development in Policy PP1 reflects that in Paragraph 11 of the National Planning Policy Framework and is fundamental to the consideration of this application.
31. In principle, the intensification of development on this site is acceptable and will comply with Policies PP1 and PP2 of the Local Plan.

Impact on the character and appearance of the area

32. This is one of the principal issues for consideration in this case. The replacement of a single chalet bungalow roughly in the centre of the site with two houses that largely fill the width of the plot will change the aspect from the street. The proposed development will present two storey facades to a more open road frontage such that the development will be more visible and more prominent than the existing development on the site which is relatively low-lying and largely hidden behind a frontage hedge.
33. The amended proposals now feature some retained boundary hedgerow, where achievable, and narrowed houses with less bulk and height and a slightly improved spatial separation.
34. As many of the objectors have pointed-out, the existing plot narrows towards the rear, so the amended houses proposed have a stepped side elevation with the house width reducing slightly to accommodate this.
35. The site plan (Drawing B.3 Revision E) shows the roof of each house, including the eaves overhang as proposed, but the street scene drawing B.6 Revision D) shows how, when viewed from the front there would be a

separation gap between the houses of 1.5 metres, a gap from the dwelling at No.24 of 3.3 metres and separation from the flank wall of No.20 of at least 4.4 metres.

36. The amended plan places the proposed dwellings in a better relationship with No.24 and increases the likely perception of space.
37. The bulk and height of the proposed dwellings has been reduced, by dropping the eaves and reducing the proposed pitch of the roofs for Plots A and B. The eaves have dropped down to 4.95m from ground floor level and the ridge at 7.1m from ground level. The slab level of Plot A has also been reduced by 20cm to the same level as Plot B, thereby reducing the overall height further in relation to No 24.
38. The Street scene illustrates how the proposed dwellings would sit in relation to their neighbours and their overall scale would not be appreciably dominant or out of keeping. They would nestle-in as part of the established street scene, albeit more exposed to view than the existing dwelling.
39. The depth of the first-floor element of each house has been reduced such that the central gap between the proposed houses would not be so tunnel-like or austere and the appearance from the street will be improved over the initial submission commensurately.
40. The position of the proposed houses on the plot has been optimised from front to back as well. The overall depth is not much greater than the existing dwelling. The front elevations will be slightly closer to the road but would fall on the building line set by the neighbouring dwellings and will not look out of place. The rear of the houses will afford sufficient space for garden use and the aspect towards the woodland will be favourable. The rear of the proposed houses face North and the tree will not therefore have any adverse overshadowing impact on the new accommodation. The relationship is favourable.
41. Neighbours and respondents from further afield have expressed strong opinions about the adverse impact that this development would have on the character and appearance of the road. The sense that the sylvan character of the road is being steadily eroded and that this plot is too narrow to accommodate two dwellings is the overwhelming opinion expressed.
42. On the sylvan character, there is no doubt that the amount of greenery visible would be reduced and that views through the site to woodland at the rear

would be narrowed. There is every likelihood that some of the boundary hedgerow alongside No.20 will be under pressure for removal as well, due to the proximity of the proposed construction of Plot B.

43. Nonetheless, all significant trees will be preserved and protected including the mature beech on the road frontage (further details provided at paragraph 63 below). Much of the boundary vegetation can be retained and new planting, up to 600mm in height is proposed for the road frontage. There would still be some visibility of the rear woodland and the overall character of the area would not be substantially reduced in its sylvan character. The point about incremental change is understood but it is not possible to achieve the necessary step-change in housing delivery as set out in Policy PP7 or take account of para 124 of the NPPF regarding achieving appropriate densities by making efficient use of land, without intensifying the amount of built development and changing, to some extent, the spatial characteristics of an area.
44. Clifton Road is not within a Conservation Area and the assessment of impact on character must be principally against the criteria in Policy PP27.
45. The proposal arguably does reflect local patterns of development, it responds to natural features and does not involve the loss of any important trees (see the section below on the impact on trees).
46. The degree to which the proposal does or does not reflect or respond to the established character of the area is a point of significant concern for the objectors that have responded.
47. The applicants, on the other hand have sought to point out that there is a history of plot subdivisions in Clifton Road and whilst the Council is not bound by any apparent precedent in determining this application, which must be assessed on its own merits, the previous decisions of the Council as Local Planning Authority have had an impact on the character of the locality, and this is where some of the applicant's argument has relevance.
48. Their "Single Plot Analysis" document shows that a number of approvals have been given for plot subdivisions not dissimilar to the proposed scheme and whilst not all have been implemented there is and will be an impact on the street scene, particularly at the Western end of Clifton Road. For instance, the houses that replaced No.36 Clifton Road have a similar spatial relationship to their plot and neighbours as the current proposal. The scheme approved in 2013 (Ref. APP/13/01488/F) followed an earlier scheme allowed

on appeal and replaced a bungalow of similar character to that existing at No.22. The frontage hedgerow was opened-up and new access points introduced. The original scheme had been refused on the following grounds but was allowed on appeal:

“Due to the restricted plot sizes, width of plots and loss of gaps in between dwellings, it is considered that the proposed houses would appear cramped and out of character with the locality and fail to assemble sufficient land in order to accommodate a type, scale, density and layout of development that would preserve the residential character prevailing within Clifton Road.”

49. A more recent approval to subdivide a plot at No.47 Clifton Road (Ref. APP/19/00080/F and earlier approval APP/17/01501/F) cited this earlier decision at no. 36 and other subdivision approvals at Nos. 40 and 42 Clifton Road (Refs. APP/12/01319/F and 06/10657/020/F respectively. The officer in that case concluded that:

“The development would involve a significant increase in built mass. The proposed dwellings would not be overly dominant or out of keeping given their set back from the highway; their split-level design and the topography of the site; their ridge height, eaves height and width in relation to No.45b; the evolving character of the area and varied appearance of neighbouring dwellings; the extensive depth of the plots; and the verdant character of the area.”

50. The inspector on the No.36 decision also referred to the mixed and evolving character of the area in his decision letter as follows:

“[the street] forms part of a wider suburban residential area noted for the excellent quality of its housing, set in verdant surroundings. An eclectic range of styles and designs are displayed in the street, including detached dwellings of varying sizes, bungalows and dormer bungalows. Many dwellings have been substantially modified and/or extended. Contrasting built forms occasionally sit next to each other in the street, as is the case with Nos. 24 & 26, where a bungalow sits next to a large detached dwelling, but despite the absence of a design theme or consistency the properties generally relate well to one another throughout the street. All appear to be set in generous plots, and generally, the dwellings are reasonably set apart”.

51. In summary on character and appearance it is concluded that, as amended , the proposed redevelopment of No.22 Clifton Road would sufficiently reflect local patterns of development. The evolving character would still be defined by largely detached houses in substantial plots within a sylvan context. The revised proposal affords sufficient space around the development and preserves sufficient vegetation at the front and rear and along side boundaries to ensure that this character would be perpetuated.

52. Other criteria under Policy PP27 will be considered further below.

Overall design considerations

53. The design of the proposed height bulk and mass of the dwellings, as amended, would appear appropriate in their context within the street scene and with neighbouring properties. The proposed finishes and materials are proposed to be brick and render with feature details which are also appropriate and in keeping with the surrounding area (Condition No.2).
54. The proposal has been designed with generous internal and external space for the living requirements of the future occupants, exceeding DCLG minimum housing space standards, referenced in Para 7 above. Overall the proposed dwellings will provide an accessible flexible and safe environment for all users.

Residential Amenity

55. Objections to the development have focussed in-part on the adverse impact that the proposals would have on the neighbours.
56. In terms of privacy, the number of proposed first-floor flank windows facing no.24 has been reduced even though they were to be obscure-glazed. There is now just one first-floor flank window on the proposed West elevation of Plot A and this is to serve an ensuite bathroom. The proposed ground floor windows and door will not lead to additional overlooking due to the boundary enclosure and relative levels.
57. The corresponding east-facing elevation of Plot B facing No.20 Clifton Road has four first-floor windows all of which can be conditioned to be obscure-glazed (Condition No. 3). They are either secondary bedroom windows or they serve en-suite bathrooms. They will face the boundary of No.20 across the existing driveway and facing the flank wall of No.20 which has several windows facing West. There would be no overlooking of those or consequent loss of privacy. The relationship with No.20 will also be acceptable in terms of daylight and sunlight. There will be some loss of outlook but the windows are mainly of a secondary nature facing the driveway and boundary and they are, to some extent, already affected by the existing dwelling at No.22.
58. A lot of attention has been paid to the likely impact on the daylight and sunlight enjoyed by No.24. The existing house there has an unusual arrangement of both an artist's studio and a living room which independently meet the side boundary with No.22 with an intervening courtyard. Objections from the occupants of that property and a proper BRE-

compliant daylight and sunlight assessment revealed that there would be no undue impact on daylight and sunlight beyond the prevailing situation where windows are already affected to some extent by the shading of the existing house itself at No.24. Nonetheless, there was residual concern that, whilst there would not be undue overshadowing, the bulk, height and proximity of the long flank elevation would be overbearing in its visual impact.

59. In response, the applicant has moved the proposed Plot A one metre further away from the boundary with No 24, to sit 3.3 metres from its side wall and Plot 4 would be 4.4 metres from the dwelling at No.20. Also by narrowing the proposed house-types, this improved spacing has been achieved without unduly cramping the application site elsewhere.
60. The resultant site layout would be very beneficial to No.24 and would eliminate any degree of overshadowing or overlooking and greatly reduce any overbearing impact. The flank windows, courtyard, living room and studio will continue to enjoy good levels of daylight and privacy and will not be unduly enclosed by new development.
61. The relationship with neighbouring properties is now considered to be satisfactory and, overall, the proposals are considered to be compliant with Local Plan Policies PP27 and PP28.

Protection of Trees

62. The application is supported by a tree survey and impact assessment as well as tree protection proposals during construction. The Council's Tree Officer has been consulted and has raised no objections to the proposals subject to implementation of the Arboricultural Method Statement (AMS).
63. The tree officer agrees that no trees of any significance are to be removed. Just two small and low-quality specimens (T2 and T3g), which are not covered by the TPO, are to be removed. Neither can currently easily be seen from outside the site. The proposed development would be compatible with the retention of all the other existing trees and their ongoing protection and good health. Retention of T1 (Beech) is compatible with providing sufficient highway visibility (see below). It does not need to be removed and the case officer has checked the precise plotting of the tree on site to ensure that the bole of the tree is accurately shown, which it appears to be. A no-dig construction method is proposed for the additional permeable hardstanding within the tree's Root Protection Area and the normal tree protection condition can be used to secure compliance with the Arboricultural Method Statement.

64. The Tree protection details were updated in response to the amended site layout plans and there are no issues arising from the amendments.
65. Subject to the imposition of condition no.11 the proposals would comply fully with Policy PP27(b).

Highways' considerations (incl. parking)

66. The Highway Authority raised concerns about the initial proposed access arrangements due to the poor visibility attainable from the additional access point proposed for Plot B. The proposed access to Plot A was also substandard but was already in existence so there was no material adverse change as a result.
67. On advice from BCP the applicant commissioned a speed survey and a report was prepared by transport consultants Bellamy Roberts (Dated 09.04.2021). This showed that the visibility from the proposed access to Plot B could be improved and that it would meet the traffic speed conditions on that road. Furthermore, improvements to the visibility from the access to Plot A could also be improved by moving the access further eastwards within the site, delivering a net improvement to the prevailing situation. Along with the provision of pedestrian visibility splays, which do not currently exist, the Highway Authority's concerns have been allayed, and they now do not object to the proposal subject to the imposition of conditions.
68. It is acknowledged that objectors have raised concerns about visibility as well as the potential for pressure to have the Beech tree (T1) removed. Officers are satisfied, nonetheless, that the arrangement will be satisfactory and should not give rise to any pressure to have the tree removed because of the permeable surface to enable tree roots to continue to grow.
69. Parking arrangements show two spaces per dwelling on the frontage with integral garages in addition. This is in excess of the Parking Standards but as most garages are used for storage purposes and for cycle parking this is not considered to be an issue. Conditions Nos. 4 – 8 are those recommended by BCP Highways and, subject to those, the proposals comply with Policy PP35.

Sustainability considerations

70. There is no reason why the proposed dwellings cannot be constructed to a high standard of sustainable design even-though they face North. For the purposes of policy compliance much of Policy PP37 is now delivered through the Building Regulations. However, it is a requirement that a minimum of 10% of future energy use is provided from on-site renewable sources. This can be secured through a planning condition in compliance with the policy - PP37 - (Condition No. 8).
71. In order to mitigate against surface water run-off from the site it is also appropriate to impose a standard condition requiring that all new surfaces should be permeable in nature (Condition No. 9). Subject to this, the proposal will comply with Policy PP38 of the Local Plan.

Biodiversity considerations

72. The mitigation of biodiversity impacts on the wider environment is addressed below. In addition, biodiversity enhancements can be provided on site, and these can be secured by means of a suitably worded condition. The applicant's Ecology Appraisal makes a number of recommendations in this respect, and these are adopted in recommended condition No.10.
73. The applicant has undertaken an Ecological Appraisal and Phase 1 Bat Survey. This shows that there is a moderate potential to support roosting bats within the buildings that are to be demolished. The Council's Ecologist supports the imposition of a planning condition to address this issue. Conditions Nos. 13 and 14 refer.
74. The ecological appraisal also recommends mitigation against harm to nesting birds (Condition 16). In addition, it is very desirable to ensure that the woodland edge, where the rear gardens of these houses would abut the adjacent woodland habitat, the woodland edge should be protected from inappropriate encroachment by incidental domestic structures. It is therefore recommended that permitted development rights be restricted for outbuildings, enclosures and other structures (Condition No. 15).
75. With the above-mentioned conditions, the proposed development will protect and enhance the biodiversity of the site and would comply with Policy PP33 of the Local Plan.

Other issues

76. Residents have raised concerns about several non-planning issues.

77. In addition, comments have been made about the accuracy of the red line site boundary plan. The Local Planning Authority has queried this with the applicant's agent and based on their response, we believe the red line to be accurate. The proposed East elevation of Plot B is shown to be within a metre of the boundary with No.20 Clifton Road and it may be that the retention of the existing hedge would be incompatible with the proposed construction. Nonetheless, this would not affect the planning merits of the proposals except that it might jeopardise the retention of that length of hedge which is not considered essential to the acceptability of the scheme, given the greater protection afforded by the retention of the Beech tree on the front corner of the site alongside No 20 Clifton Road.
78. Beyond any planning merits that the hedge may have in terms of softening the boundary visually, any impact on the boundary otherwise is a civil matter for which appropriate protection is afforded under the law including the Party Wall etc. Act 1996.

SAMM compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing	1	@ £397	@141
	Proposed	2		
	Net increase	1	£397	£141
Total Contributions			£397 (plus admin fee)	£141 (plus admin fee)
CIL	Zone A		@ £240.85sq m	

79. 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.

80. 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.

81. 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.

82. The Council has secured 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

83. 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.

84. On-balance it is considered that the proposal would have acceptable impacts on the prevailing character of 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.

85. 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.

86. The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety.

87. 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.

88. The scheme is capable of providing an adequate level of biodiversity enhancement, secured by conditions.

89. 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.

90. The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions. The proposal would be CIL liable.

Planning Balance

91. 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.

92. 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 still falls within an urban area and is supported in principle under PP2. The proposed scheme would be in keeping with the pattern of development in the area.

93. 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.

94. Notwithstanding the concerns about the impact on the character of the area expressed by residents, the proposal is on-balance, considered to preserve that character and be acceptable in terms of Policies PP27 and PP28.

95. 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. In conclusion, the proposals would comply with the

requirements of the Development Plan when read as a whole and with the provisions of the NPPF and is therefore recommended for approval.

RECOMMENDATION

Grant subject to the following conditions:

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. GN030 (Samples of Materials)

Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building(s) is satisfactory 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, all first floor side-facing windows on both Plots A and B 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. Non-standard Condition – Closure of existing access

A scheme to close the westernmost section of the existing access (which is to be made redundant and to be replaced by a new access to Plot A to be inset from the western boundary) shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerbs and reinstate the footway to the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall be completed in accordance with the approved scheme prior to first occupation of the new development.

Reason: In the interests of highway safety and in accordance with Policies PP27 and PP35 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. No part of the development hereby permitted shall be occupied until those details have been approved by the Local Planning Authority, the approved details have been implemented and the charging points made operational. 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 and retained 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 the first occupation of any of the dwellings hereby permitted, the following biodiversity mitigation and enhancement measures shall have been submitted to and agreed in writing by the Local Planning Authority, installed and thereafter be retained: :

- Two pairs of double house martin nest cups and a sparrow terrace or bird brick nest box will be installed under the eaves on the buildings away from windows to provide nesting opportunities for birds. These will be located on the northern elevations.
- Native planting and trees within the landscape will provide nesting and foraging habitat for a range of fauna.
- Flowering grassland seed mixes from a supplier of seeds of local provenance will be used to seed and enhance new within the design of the development (such as Emorsgate EL1). Such grassland provides better nectar sources for invertebrates and hence is of greater value for foraging birds, reptiles and amphibians.
- Where close boarding fencing is installed, gaps measuring 13cm by 13 cm will be provided to allow movement of hedgehogs across the site.

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 associated with the carrying-out of any works in connection with the development hereby permitted 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, including details of retention of sections of existing hedgerows, and/or details of replacement species enhanced hedgerows on east and west side boundaries with 20 and 24 Clifton Road, have been submitted to and approved in writing by the local planning authority. These details shall include the planting specification listing size, species, numbers/densities of plants, details of tree pits, root barriers, irrigation, underground support, installation and after care; hard surfacing materials and means of enclosure. All hard and soft landscape works shall be carried out, in accordance with the approved details, 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 commencement of above ground work as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality.

13. Bats

Before any development commences or vegetation is cleared the pre-works survey recommended in Section 5.4 of the Ecological Appraisal and Phase 1 Bat Survey by LC Ecological Services, dated December 2021 shall be undertaken by a licenced bat ecologist and thereafter the recommendations in Section 5.4 of that report shall be followed in full.

Reason -

To mitigate against any harm to protected species in accordance with policy PP33 of the Poole Local Plan (November 2018).

14. Before either of the new dwellings is occupied, a lighting strategy prepared in accordance with "*Bats and Artificial Lighting in the UK (BCT,2018)*" shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall then be installed and maintained thereafter in accordance with that strategy.

Reason -

To mitigate against any harm to protected species in accordance with policy PP33 of the Poole Local Plan (November 2018).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, and the Town and Country Planning Act 1990, or any subsequent re-enactment thereof, no outbuildings, enclosures swimming or other pool shall be erected in the rear gardens of either of the houses hereby approved without express planning permission first being obtained from the Local Planning Authority.

Reason -

To protect the woodland edge from encroachment, in the interests of protecting biodiversity and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

16. No demolition or vegetation clearance works shall be undertaken during the period March to September, unless a Natural England licenced ecologist has checked and authorised that there are no potential nesting habitats, immediately prior to works commencing. In this instance this will involve checking the trees, shrubs and hedgerow immediately surrounding the building that will be removed if undertaken within the bird nesting season. Where nesting birds are encountered, a 5-metre buffer zone will be provided around the nest and works must be postponed in this area until the nestlings have fledged.

Reason -

To protect nesting birds from disturbance in accordance with Policy PP33 of the Poole Local Plan (November 2018).

17. PL01 (Plans Listing)

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

Proposed Site Plan, Drg. no: B.3, rev. E, received 13/10/21

Plot A – Plans and Elevations, Drg. no: B.4, rev.D, received 04/10/21

Plot B – Plans and Elevations, Drg. no: B.5, rev.D, received 04/10/21

Proposed Street Scene, Drg. no. B.6, rev.D, received 04/10/21

Tree Protection Plan, Drg. no: DS/59120/AL, received 13/10/21

Bellamy Roberts visibility splay plans attached to their Highways Report, received 13/04/21 – Drawings nos. 5588/01, 5588/02 and 5588/03

Ecological Appraisal and Phase 1 Bat Survey by LC Ecological Services, dated December 2021 and received on 6 December 2021.

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 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. IN12 – Kerb Crossing Raised

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

6. IN13 – Kerb Crossing Lowered

The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council and complete an online application form at: <https://www.bcpCouncil.gov.uk/Roads-and-transport/Dropped-kerbs/Apply-for-a-dropped-kerb.aspx>

Background papers

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes:

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.