



# Planning Committee

Application Address	Land at Former Hillbourne School and Nursery, Kitchener Crescent, Poole, BH17 7HX
Proposal	Proposed development of two sites on land at former Hillbourne Primary School and Nursery to provide 81no. two-storey houses and 29no. Independent Living apartments within a 3 storey building. Works to include new vehicle and pedestrian access with associated hard and soft landscaping, car parking and a new pedestrian link path between Kitchener Crescent and Hillbourne Road.
Application Number	APP/21/00748/F
Applicant	Poole Housing Partnership
Agent	Kendall Kingscott
Ward and Ward Member(s)	Creekmoor
<b>Summary of Recommendation</b>	<b>Grant with Conditions, Subject to S106 and CIL.</b>
Reason for Referral to Planning Committee	Major development where BCP Council has an interest in the land.
Case Officer	Emma McCready

## Executive Summary

### Summary of Key Issues

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

Objections were received from 4 individual addresses objecting to the proposal. A summary of the objections have been provided within the consultation section of the report.

### Principle of Development

The scheme is for 81 two-storey houses and 29 independent living apartments within a 3 storey building. This is to be spread across two sites, both accessed from Hillbourne Road with works to include new vehicle and pedestrian access with associated hard and soft landscaping, car

parking and a new pedestrian link path between Kitchener Crescent and Hillbourne Road. The site lies within the urban area and is allocated in the Local Plan for residential development for a minimum of 40 units (Policy PP9/U16).

### **Affordable Housing and Housing Mix**

The housing mix is for all affordable housing or shared ownership with 29 x 1-bed apartments, 40 x 2-bed dwellings and 41 x 3-bed dwellings.

### **Design, Layout Scale and Appearance**

The scheme layout consists of two separate sites to the north and south of the new Hillbourne School. Both sites have their vehicular access from Kitchener Crescent. The northern site includes the proposed flat block set amongst retained trees, incorporating open space. The southern site is a single residential cul-de-sac. The properties have traditional steep pitched forms with contemporary detailing. Materials are clay or grey roof tiles and light or dark red multi stock bricks

### **Impact on Residential Amenity**

The scheme will be adequately separated from existing properties to ensure privacy and acceptable living conditions are retained at existing properties. The scheme will not result in an overbearing impact or unacceptable loss of outlook to neighbouring dwellings. Living conditions for occupiers of the proposed properties is considered to be adequate.

### **Transport Considerations**

The highways authority have confirmed they have no objections to the proposals subject to conditions. The impacts of traffic generation on the capacity of the highway network are acceptable. The scheme complies with BCP Council Parking Standards Supplementary Planning Document (January 2021) in its parking provision.

### **Habitats and biodiversity**

The scheme provide acceptable mitigation for its impacts on protected areas through proposed contributions in the s106 and CIL. Measures to accommodate on-site biodiversity interests have been proposed and will be conditioned.

### **Trees and landscaping**

The scheme retains the majority of the existing trees within and adjoining the site. The trees officer has confirmed they have no objection to the proposals subject to conditions. The scheme incorporates new tree and hedge planting and the area around the retained tree belt on the western boundary of the northern site will be planted as a wildflower meadow.

### **Summary**

Subject to the heads of terms in the proposed s106 agreement and the proposed conditions, the scheme is considered to be acceptable and is recommended for approval.

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## **Description of Proposal**

1. Full planning permission for the erection of 81 two storey houses and 29 independent living apartments within a 3 storey building. This is to be spread across two sites, with works to include new vehicle and pedestrian access with associated hard and soft landscaping, car parking and a new pedestrian link path between Kitchener Crescent and Hillbourne Road.
2. The housing mix is for all affordable housing or shared ownership with 29x1bed apartments, 40x2bed dwellings and 41x3bed dwellings.

## **Description of Site and Surroundings**

3. The entire site was previously occupied by Hillbourne Primary School, which now only occupies the middle site following the approval of planning application APP/19/01335/F. The proposed sites are located to the north and south of the new primary school.
4. Site 1 is located to the northern part of the existing school site, this site currently has an existing two storey building, the Waterloo Community Centre, hardstanding play areas and a large, grassed running track and field. This site lies south of Hillbourne Road, with Kitchener Crescent to the east.
5. Site 2 is located to the southern part of the existing school site, this site currently has a one storey building, hard standing play area and a school field. This site lies north of Wavell Road, to the east is Kitchener Crescent and to the west Coventry Crescent.
6. Due to the scale of the wider area, it consists of a mix in character of residential properties, with two storey semi-detached properties prominent to the north, east and south of the site and two storey detached properties and bungalows to the west of the site.
7. The site is within the sustainable transport corridor and designated under the Poole Local Plan (2018) for the "Redevelopment and improvements to the existing school, with a minimum of 40 homes provided on surplus land".
8. The previously approved site to the middle, is to be occupied by 1 and 2 storey buildings occupying the school to the east of the site and both soft and hard play areas to the west and south of the site.

## **Relevant Planning History:**

9. 2021.  
APP/21/01802/F - Variation of Conditions 21 and 22 of Planning Permission APP/19/01335/F as described in that description of development to demolish former school buildings to floor slab level and following this remove the floor slabs including those that fall within the area linked to the proposed adjacent housing scheme currently awaiting planning approval to undertake delineation, remediation and watching brief works to inspect the ground conditions beneath the former buildings.  
**Pending.**
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APP/21/01223/F - Variation of Condition 18 of APP/19/01335/F so only proposed external lighting specified in the submitted Technical Report is installed. **Approved, October 2021.**

10. 2020. APP/20/01457/F – Non-material amendment following approval of APP/19/01335/F for: 1. Confirmation of the selected of elevation colours. 2. Alterations to the elevations in respect of two repositioned doors (south elevation) and the addition of one set of louvres (east elevation). 3. Alterations to the Monodraught windcatcher capping profile. 4. Addition of canopy to pre-school doorway. 5. Revised pedestrian paving and car park adjacent east end of hall and relocated substation. **Approved, December 2020.**
11. 2019. APP/19/01335/F - Demolition of existing school buildings and erection of 2 storey Primary school, including nursery, associated play grounds, playing fields, 2 x multi-use Games Area, parking and access. **Approved, August 2020.**
12. 2018. Pre-app 18/00146 proposed the principle of a new school on part of the site and housing on remaining parts. The principle of a new school and housing was supported, but concerns regarding the design in respect of the housing scheme were raised and design advice given.

### **Constraints**

13. TPO – introduced November 2021.  
The site is at risk of surface water flooding.

### **Public Sector Equalities Duty**

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.

### **Consultations**

15. Consultee responses
    - BCP Trees – “In principle, I recommend that the scheme should be approved subject to landscaping revisions and conditions for supervision of all arboriculturally sensitive operations.” Further comments set out below.
    - Dorset Wildlife Trust – Requested the submission of LEMP, recommend a figure (or the DEFRA biodiversity metric) is provided setting out the existing habitat areas, as well as the habitats to be lost, retained, created or enhanced as part of the development.
    - Wessex Water – “The applicant has not included any formal proposal for the discharge of proposed foul flows” “The applicant has not included any proposals for new water supply to the proposed development.” The applicant has since provided this information. “The applicant has proposed to discharge surface water
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- runoff from the development to the existing public surface water sewer and this has previously been discussed and agreed with Wessex Water”. provided
- BCP Transport – No highway objections, subject to S106 and conditions. Further comments set out below.
  - Dorset & Wiltshire Fire and Rescue: Recommendations are made under B5 of Approved Document B relating to The Building Regulations 2010 and to improve safety and reduce property loss in the event of fire.
  - BCP Flooding & Coastal Erosion Risk Management Team: “I am satisfied from a flooding perspective but it must be noted that the gardens of some of these properties will still be at risk of flooding in the future. Further the “storm water Alley” must remain clear at all times of any obstruction likely to impede the flow of water.”
  - Dorset CCG: Should the planning application be successful, we would require a financial contribution towards a surgery or a number of surgeries in the catchment area of Poole. For local primary care services the estimated cost of creating an additional clinical room (plus increased ancillary space in the region of £60,000, which equates to £9,600 from this planning development.
  - Urban Design Officer: “The proposals have some positive design qualities. The mature trees and hedge to Kitchener Crescent has been retained, and the new streets are overlooked by attractively designed properties. There could however be further improvements to the appearance of the buildings through increasing the size of the window openings, inclusion of some chimneys and ensuring buildings turn the corner. While the proposals make efficient use of the site, I consider the proposed layout is relatively cramped in comparison to its context, with limited spacing between buildings and a reliance on off plot parallel parking, this results in some parts of the scheme being dominated by parking. I would welcome any opportunities to improve the spacing between some of the properties and to enhance the provision of soft landscaping within the proposed streets.”
  - Waste Collection Authority – No objection.

## **Representations**

16. 4 letters of objection have been received. The objecting comments made have been summarised below.
- Removal of trees
  - Impact on wildlife
  - Loss of green/open space
  - Flooding concerns
  - Highway safety concerns
  - Loss of educational land
  - Layout of proposal and accessibility
  - Increase in traffic
  - Safety concerns over linked path
  - Addition of 1.8m fence to NE of site
  - Lack of biodiversity enhancement
  - Little architectural merit
  - Negative impact on nearby residential properties
  - How will the school operate and serve the surrounding community with increased population and less land
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- Scheme should be phased to suit local needs as well
- Suitable boundary treatments adjacent to the school needed

### **Other relevant duties**

17. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, 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.

Due to the scale and nature of the proposal, the scheme is not considered to be suitable for self-build / custom housebuilding.

### **Key Issue(s)**

18. The key issue(s) involved with this proposal are:
- Housing Delivery Test
  - Principle of development
  - Affordable housing contributions
  - Impact on the character and appearance of the area
  - Impact on the neighbouring amenity
  - Housing for ageing occupation
  - Impact on parking and highway safety
  - Impact on trees
  - Open spaces
  - Sustainability considerations
  - Biodiversity considerations
  - Flood and Drainage considerations
  - Waste collection considerations
  - Other Matters
  - Section 106 Agreement/CIL compliance/SAMM
19. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

20. 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
  - PP09 Urban allocations outside the town centre
  - PP11 Affordable Housing
  - PP12 Housing for an Ageing Population
  - PP24 Green Infrastructure
  - PP25 Open Space and Allotments
  - PP27 Design
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- PP28 Flats and plot severance
- PP31 Poole's Coast and Countryside
- PP32 Poole's Nationally, European and Intern important sites
- PP33 Biodiversity and geodiversity
- PP35 A safe, connected and accessible transport network
- PP36 Safeguarding Strategic Transport Schemes
- PP37 Building sustainable homes and businesses
- PP38 Managing Flood Risk
- PP39 Delivering Poole's infrastructure

21. Supplementary Planning Document

- 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)

22. National Planning Policy Framework (2021)

- Section 2 – Achieving Sustainable Development
  - Paragraph 8
  - Paragraph 9
  - Paragraph 11 –
 

*“Plans and decisions 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 of this Framework taken as a whole.”*
- Section 5 – Delivering a sufficient supply of homes
  - Paragraph 65 – *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership<sup>31</sup>, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.*
- Section 12 – Achieving well-designed places
  - Paragraph 130 –
 

*(a) “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or*

*discouraging appropriate innovation or change (such as increased densities);*

*(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and”*

- Section 16 – Conserving and enhancing the historic environment
  - *Paragraph 199 – “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
  - *Paragraph 200 – “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification .....*”
  - *Paragraph 202 – “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*

## **Planning Assessment**

### **23. Housing Delivery Test**

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 housing 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.

In accordance with NPPF para 11 (footnote 8) there are 2 ways of dropping into the para 11(d) requirements of the presumption in favour of sustainable development, namely lack of a 5 year housing supply or the failure to meet 75% of a local plan housing target over a defined 3 year period. So, regardless of whether Poole can demonstrate a 5 year housing land supply, the tilted balance will need to be considered in planning application decision making.

It is recognised that as the site is not designated and does not engage any of the policies relating to protected areas and assets as set out in footnote 7 of paragraph 11 of the NPPF (2021), the presumption in favour of sustainable development is engaged and the ‘tilted balance’ needs to be applied.

Given the shortfall of number of homes delivered in Poole, 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.

#### **24. Principle of development**

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.

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.

The preamble to PP2 defines sustainable transport corridors as parts of Poole within 400m walk of locations that are served or capable of being served over the plan period by a frequent bus service (at least 4 buses per hour). The application site is within a sustainable transport corridor and the principle of residential development is therefore supported subject to the proposal being tested against other relevant Local Plan policies.

In addition, the site falls within the PP9 - Urban Allocations outside the town centre, 'U16 Hillbourne', which requires the redevelopment and improvements to the existing school, which has been met under application APP/19/01335/F and a minimum of 40 homes provided on surplus land, which this application aims to surpass.

#### **25. Affordable housing contributions**

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 is for 110 units with the overall floor space exceeding 1,000 square metres. Therefore, the proposed development meets the thresholds that would trigger the requirement for the provision of affordable housing. Due to the location of the application site, the affordable housing target that is to be sought in relation to this current proposal is 40% affordable housing.

The proposal is for 100% affordable housing or shared ownership, making the proposal compliant with policy PP11 of the Poole Local Plan (2018). The affordable housing contribution on site will be secured by a S106.

#### **26. Impact on the character and appearance of the area, including heritage assets**

The Urban Design Officer has been consulted, and their comments have been summarised in the below paragraphs.

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Within the Poole Local Plan, Policy PP27 requires a good standard of design that reflects and enhances local patterns of development considering layout and siting, height and scale, bulk and massing, materials and detailing, landscaping and visual impact.

The National Planning Policy Framework (NPPF) supports the creation of high quality, beautiful and sustainable places. Among other things it sets out that new development should function well, be visually attractive as a result of good architecture, layout and landscaping, is sympathetic to local character and creates places that are safe, inclusive and accessible.

The NPPF is supported by the National Design Guide. This sets out the ten characteristics of good design. It reaffirms the importance of new development being influenced and integrating positively into their context and the importance of local identity and built form.

### **Layout**

Site 1 is laid out with an internal road running east west through the site and an internal perimeter block of housing, the block of sheltered apartments is located in the west of the site beyond the tree belt that bisects the site. The road layout in site 1 forms a connected network of streets and has an additional pedestrian connection through to Hillbourne Road. Site 2 is laid out as a cul-de-sac with properties facing the internal street, backing onto the new school and Wavell Avenue.

To create a clear distinction between public and private space, as advocated by design guidance, the homes are arranged to address the proposed streets with private gardens to the rear. The trees and vegetation across the site currently contribute to its character and this has been retained through the mature trees and hedgerow that run north to south across site, creating an attractive natural feature, that has been incorporated into the development. It is acknowledged that some trees are proposed to be removed to allow the development to come forward, these have been discussed in a separate section further in the report.

The National Design Guide states how street trees should be used to soften areas of car parking and how parking solutions should support place making. The importance of street trees is now also established with the NPPF which sets out that new streets should be tree lined. Trees have been proposed to break up the expanses of hard standing on plots 25-31 and 51-58. The Urban Design officer has raised concerns over the dominance of the parking and hardstanding in the site. The need for the proposed level of parking has been discussed in a separate section further in the report, and the applicant has worked with the transport team to provide acceptable parking levels and easy access through the site. To counterbalance this, the scheme proposed to retain the mature trees across the site and the hedge row along the site frontage, as well as introduce new trees and soft landscaping throughout the site.

The layout proposed across both sites appears relatively compact and urban in character, in comparison to the more spacious, suburban arrangement found within the surrounding context. However, this has allowed for the site to maximise the amount of affordable housing able to be provided without compromising on the amenity of the future residents. The applicant has provided further justification for the design of the layout, as plots which are close together have been designed and located opposite dwellings which have wider gaps and are more spacious in design. This is to allow views through the site which will mitigate the compact appearance of

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the site and create a development in keeping with the character and appearance of the surrounding area. It should also be acknowledged that the opportunity for larger schemes to create their own character, is seen throughout the BCP borough and so, it is not uncommon for a new development to have a slightly differing urban grain to that of its immediate surrounding area.

The independent living apartments are located to the west end of site 1. They are separated from the rest of the scheme by the line of mature trees that runs north to south across the site. The apartments make good use of this separate part of the site and are orientated to overlook the open spaces and car parking which surround the site.

### **Scale**

With the exception of the sheltered unit the houses proposed are all two storey. At this scale the development is consistent with the scale of the surrounding context. The independent living apartments are three storey, located on rising land in the west of site 1. The scale of the development will be largely obscured by the surrounding mature vegetation and by the nature of the building being partially cut into the existing land profile. The proposed building does not breach the tree canopy of these trees. Similar from Wheatherby close the scale of the building will not be visible over the surrounding vegetation. Due to the isolated nature of this part of the site, the space around the building and the presence of the mature trees there is no objection to the three-storey element of the proposal.

### **Appearance**

A variety of house types are proposed across the site. In keeping with the site context the proposals are brick built within clay effect and concrete tiles. Various brick details are proposed to add interest to the elevations. The Urban Designer raised concerns over some of the properties containing a high proportion of solid brick work compared to void window space, with the windows appearing relatively small in the composition of the whole elevation. The applicant has provided further detail on this, confirming that the properties have been designed based on passive house principles and the window design and scale proposed to prevent heat loss to these properties.

While the site context contains predominately hipped roofs with chimneys the proposed roofs proposed are all gabled, to reflect the proposed architecture of the buildings. The large majority of the gables are oriented east to west. The Urban Design Officer commented on the incorporation of chimneys, similar to the above, these have purposely not been added to the design of the properties to ensure the properties remain highly insulated and that thermal bridging is reduced.

It is acknowledged that the scheme would result in a housing development which differs to its immediate surrounding area, however, as stated above, the layout, scale and appearance of the proposal has similar qualities to that of the surrounding area albeit not an exact match. The large scale of the site, and the mix in character of its surrounding boundaries, prevent a scheme coming forward which would be able to satisfy the mix of character seen along each boundary. The proposal has incorporated layouts and scales of nearby developments, to create a new character which would be in keeping with that of the surrounding area.

The contemporary design of the site, in addition to the properties themselves having been designed to incorporate sustainability to create better housing for future

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occupiers, are considered to respect the character of the surrounding area and the aims of the Poole Local Plan and NPPF, in respect to sustainable development.

The applicant has worked with both the Urban Design Officer, Arboricultural Officer and the Transport Officer to provide a scheme which can provide good quality affordable housing without compromising its surroundings or having a detrimental impact on the wider character or appearance. The proposed development would be compliant with the Poole Local Plan Policies PP27 and the aims of the NPPF.

## **27. Impact on the neighbouring amenity**

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.130).

Firstly, looking at site 1 (north site), due to the retention of the existing trees, the west elevation of this site is completely screened preventing any detrimental impact to neighbouring amenity along Wetherby Close. The minimal distance between the proposed dwellings and the rear of the properties along Hillbourne Road is 21m (maximum 31m) and the properties have been positioned to prevent direct overlooking to either existing or proposed dwellings to protect privacy. No. 1 of the proposed property has been angled away from 53 Kitchener Crescent, to prevent any direct overlooking from the first floor side facing bedroom window. As this would not be the only window providing light to this bedroom, a condition can be placed on the application for this side facing window to be obscure glazed. The first-floor side facing window to no. 53 Kitchener Crescent provides light to a bathroom and has obscure glazing. The distance between the proposed dwellings and the school buildings and sports pitches is around 20m, this is an acceptable distance to prevent any detrimental overlooking or privacy concerns to either party.

To site 2 (south site), the proposed dwellings would have a distance of around 15m from the school facilities and would have a minimum distance of around 25m with the rear of the neighbouring properties along Coventry Crescent. The minimum distance between the proposed dwellings and the rear of the properties along Wavell Avenue is around 28m. Similar to site 1, the proposed properties have been orientated to prevent direct overlooking and where possible, existing vegetation and trees have been retained to further mitigate the impact of the proposed dwellings on neighbouring amenity.

The scale, design and orientation of the proposed properties and the layout of the site, has been designed to mitigate the impact the proposed scheme as a whole would have on the neighbouring properties.

In relation to future occupants, each dwelling proposed, including the flats to the north west of the site, provide internal floorspaces which would meet the Government's Technical Housing Standards – nationally described space standards. As stated

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above, due to the layout, orientation and design of the properties, they would provide an acceptable level of privacy to habitable windows. It is acknowledged that a degree of overlooking would occur, however, this is common within urban areas, and is not considered to be at a level which would compromise the privacy of the future occupants. The properties have been designed to maximise the levels of light to habitable windows and the rear private amenity space to each dwelling. The soft landscaping incorporated between the dwellings and the access routes, reduces the impact of the site appearing dominate in hardstanding to future occupiers and gives the wider scheme and streets a sense of safety and security.

In response to neighbouring comments, the applicant has provided a drawings detailing the proposed boundary treatments and fencing. This will provide neighbouring residents and future occupants with increased levels of privacy and security.

The proposed scheme, through layout and landscaping and the design of each dwelling is considered to be acceptable in protecting the amenity of both the neighbouring residents and the future occupiers of the scheme. The size, level of natural light, available outlook and proposed amenity space provided to each dwelling is considered to be acceptable and would comply with these provisions of policies PP27 of the Poole Local Plan.

## **28. Housing for ageing occupation**

In order to meet the needs of the ageing population Policy PP12 (3) requires at least 20% of a mix of the housing types on sites over 1,000sq.m floor space to comply with Part M4 (2) of the Building Regulations, in order to deliver adaptable and accessible homes. The proposals have been demonstrated as being potentially capable of complying with this requirement.

The 29 apartments proposed have been designed to M4 (2) accessibility standards and so, the proposal would be compliant with Policy PP12, a condition will be added to the proposal to ensure the implementation of these.

## **29. Impact on parking and highway safety**

The Transport team were consulted on the application and their comments have been summarised in the below paragraphs.

The proposals include the formation of a new access to the northernmost site and southernmost site, both of which would require a new kerb crossing. The existing northernmost site school access being closed. The access point to the southernmost plot would require the relocation of the existing traffic calming feature, details of this relocation can be secured by condition. As part of the discharge of this condition, the applicant should incorporate a cycle by-pass. Both accesses have sufficient width for vehicle passing and been designed to show pedestrian visibility splays, the implementation and retention of these visibility splays will be conditioned as will an adoptable lighting scheme.

The level and standard of pedestrian access via dedicated pedestrian footways is considered acceptable. It is envisaged that the roads within the site would operate as shared space for both vehicle and pedestrian movement and the roads have been

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designed to allow for views across upcoming turns or corners to ensure pedestrian safety.

The transport team have requested that both the access roads, and on-street parking bays are given over to be adopted as public highway (Section 38). This would form part of the S106 agreement.

The level of parking proposed on site is 184 parking spaces across both sites, 68 of those are to be allocated on plot spaces, 79 allocated to on street parking, 12 will be non-allocated for visitor spaces and 25 are provided for the apartment building, of which 5 will be allocated as disabled parking bays and 2 as visitor parking bays. The level and standard of parking provided across the two sites would meet the guidelines of the BCP Parking Standards SPD. Sufficient passing and manoeuvring space is provided throughout the site. The SPD sets out that at least one active EV charging point is required for on plot parking spaces, and 50% of the remaining parking spaces need to have "active" EV charging points with the rest being passive (EV ready). The EV requirement will be secured by condition.

The proposal includes the provision of a communal cycle store for the Independent Living Apartments, and private stores within the curtilage of each dwelling. The level and standard of cycle parking provided is considered acceptable and would meet the standards required under the SPD.

Vehicle tracking plans show that refuse vehicles would be able to make collections and manoeuvre safely and efficiently throughout both sites.

The transport team have assessed the number of dwellings being proposed and the trip data provided by the transport consultant and concluded that it is not envisaged that the traffic volumes generated by the proposals would not cause a significant adverse impact upon the local highway network.

The applicant has worked closely with the transport team to create a development that would be able to provide safe and secure access to the scheme with minimal impact to the safety or traffic of neighbouring roads. The transport team have raised no objections to the proposal subject to the S106 obligations and conditions discussed above.

### 30. **Open Spaces**

In accordance with Policy PP25, strategic sites (i.e. those that include 40 or more dwellings) should provide open space on-site or, where this cannot be achieved, provide off-site provision in lieu of on-site provision secured through Section 106, which the Council will use to enhance nearby existing open spaces.

The dwellings provided mostly have access to private amenity space to the rear of their properties, with the apartments having a significant amount of soft landscaping surrounding the building providing shared amenity space. The applicant has proposed the addition of a small play area to the northwest of site 1. The applicant has confirmed this will meet the LAP requirements and further detail of this, including the management of this area will be secured under a condition as part of this application. In addition to what is provided onsite, both sites are located within a 5-minute walk from Gough Crescent Recreational Ground, which is a large area of open space which can be accessed via Hasting Road to the east of the sites. Due to the location

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of the school site between the two sites, safe access across Kitchener Road will be provided.

Subject to a condition for further detailing for the onsite provision of open space, the scheme would be compliant with the aims of Policy PP25.

### 31. **Impact on trees**

After the submission of the application, the council considered it expedient to make a new tree preservation order (TPO) on 9th November 2021 as a preliminary safeguard and to allow more time to fully consider the implications of any permitted demolition and planning proposals of this scheme. The councils arboricultural team went on site and were consulted on the application, with their comments summarised below.

The majority of site 2 will be cleared of all existing vegetation and trees; the greater mass of tree cover (T80, T81, T82, G83 and G25) over this area is predominantly along the southern boundary. The majority of the trees are self-sown and are graded as category C (unremarkable low-quality trees of very limited merit or such impaired condition that they do not qualify in higher categories); C category trees will usually not be retained where they would impose a significant constraint on development. The landscape plan has been updated to show the mature trees along the southern boundary behind plots 48-54, will be retained and pruned back where appropriate rather than removed. G24, a group of 3 oaks, in the south west corner and T80 a purple beech in the south east corner have both been graded as category B (trees of moderate quality with an estimated remaining life expectancy of at least 20 years). It is acknowledged that the loss of existing tree cover will have an initial impact, however, it is considered this will later be off-set by replacement planting found in the detail of the landscaping proposals.

Moving to the south west corner it is noted that G24, a group of mature oaks are marked for removal to facilitate the provision of units 60 and 61. The existing area proposed for units 59 and 60 is occupied by a linear group of garages and concrete hardstanding currently accessed between no.67 and no.69 Wavell Avenue. There is a level change step up to the boundary on which the trees (G24) are located. The trees did not appear to have been purposefully planted and are more likely to have been self-sown and left unmanaged in this corner location that has not been utilised. As a group they provide visual amenity in the wider landscape and are partially visible from Coventry Crescent and Wavell Avenue. On closer inspection from the arboricultural officer it was considered their form was at best average, and consideration to their position, form and amenity, on balance they were not considered to be highly valuable specimens that warrant overriding retention as remnants. As part of the revised landscaping plan the applicant has agreed for 3no. oak trees are to be planted in the rear gardens of plots 59 and 60 to replace those that are to be felled.

The removal of G23 on the western boundary, a mixed group of category C trees (low quality trees), will have a small localised impact in the loss of some screening to neighbouring properties on Coventry Crescent. There is a level change at this point and the site is demonstrably lower from the extant boundary which will mean that the new development will have a reduced visual impact being at a lower perspective.

Within site 1, there is an existing open space area surrounded by large mature trees which is proposed to be occupied by a block designated as independent living

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apartments with associated parking arrangements. The trees (G16) along the western boundary and adjacent to the western elevation of the proposed block are predominantly large mature Oaks designated as category A (trees of high quality with an estimated remaining life expectancy of at least 40 years) which are important features and provide a useful buffer between the existing properties of Whetherby Close. From an overview perspective the footprint of this proposed building appears to be maximised to occupy all available space up to the edge of the root protection areas (RPAs) of nearby trees and indicative protective fencing denoted as a broken black line/polygon on the Tree protection plan (TPP) Barrell Plan Ref. 20002-1. The eastern elevation of the building faces out to another strip of significant mature Oaks (category A) with the proposed access sitting between T42 and T44 with the loss of T43 to facilitate this. The loss of T43 (category C) will have little impact to the group. The yellow highlighted sections on the plan are designated as precautionary areas where incursion into the RPAs of retained trees require an engineering solution using 'no dig' and permeable specification to ensure no damage to the existing rooting environment and that gaseous exchange and water penetration can still occur. This section of the link footpath and road installation is to be overseen by specialist arboricultural supervision and documented accordingly, this will be secured by condition.

The central north and north east part of the site will see further tree losses (G49 – T65 incl.) in order to facilitate 43 units with associated access and parking. All bar T59 and T63 have been assigned as category C (low quality). T59 and T63 have been assigned as category B (moderate quality) and are currently visually prominent Kitchener Crescent. The arboricultural officer has considered that on balance the overall benefit of the development would outweigh the collateral loss of these two particular trees.

It is recommended that rather than the proposed fence along the boundary with the school that a narrow buffer strip to include species such as Field Maple, hawthorn and hazel is proposed to soften the contrast of the built form. The applicant is reluctant to place too much planting in the private rear gardens as they are unable to be managed or maintained following the occupation of the properties. This could lead to future maintenance issues for both neighbouring properties and future occupants. It is likely that future homeowners / tenants will plant their own trees and planting, which they will have the ability and want to maintain themselves.

The arboricultural officer is content that the proposed layout demonstrates that the scheme is viable and respects the retention of high-quality trees. Whilst 16 good category trees are being lost to allow for the development, a total of 59 new trees are to be planted across the scheme and it is considered that on balance, the collateral loss of the relatively small number of category B trees is largely outweighed by the provision of housing the scheme provides. The applicant has worked with both the arboricultural officer and the urban design officer to provide acceptable levels of trees and soft landscaping throughout the site, which would provide visual amenity while protecting neighbouring and future occupants amenity. A revised landscaping scheme has been submitted showing an updated tree schedule providing a greater number of larger specimen trees. Trees are also to be planted along the northern boundary of the school site and existing trees are being retained in the gardens directly to the south of the southern site, both of which will help to provide and maintain soft edges between the sites. The proposal is considered to respect the existing landscaping and TPO of the site and has been designed to incorporate this where possible into the



proposed scheme. The proposal would therefore meet the aims of Policy PP27 of the Poole Local Plan.

### 32. **Sustainability considerations**

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. A condition to secure details of the measures to achieve 20% of the energy needs of the proposed development through renewable energy sources will be secured in accordance with Policy PP37.

As stated previously in this report the proposed dwellings have been designed on passive house principles and so will be highly insulated, be designed to reduce thermal bridging and built to high air tightness standards. Thermal modelling was undertaken by a specialist to understand heat loss and gain for the proposed dwellings, this has resulted in the window design for the dwellings, as they will reduce heat loss in winter and provide solar gain in the summer. This increases the efficiency of the building fabric which reduces the energy demand required from the Air Source Heat Pumps to heat the homes.

### 33. **Biodiversity considerations**

The site has an area greater than 0.1 ha and therefore a biodiversity appraisal is required as per the pre-ambles to Policy PP33. The applicant has submitted the following reports:

- Preliminary Ecological Appraisal (PEA) - Tyler Grange - July 2018
- Addendum to PEA - KJF Consultancy Ltd - September 2019
- Bat Activity Survey - KJF Consultancy Ltd - August/ September 2019
- Phase 2 Ecology Report - Biodiversity Mitigation & Enhancements - KP Ecology - 30<sup>th</sup> April 2021.

Both sites have been extensively surveyed for potential bat roost features and the correct procedures followed as set out under the Bat Conservation Trust's 'Bat Surveys for Professionals 3rd edition'.

The mitigation required on site for protected habitats and species is set out in the Phase 2 Ecology Report (2021) and the application will be conditioned to provide a LEMP, to ensure long-term protection and management of the sites nature conservation assets. With regards to Biodiversity Net Gain, there are a considerable amount of enhancements for biodiversity put forward in the Phase 2 Ecology Report (2021), such as:

- Hedges - A minimum of 200m of hedges will be planted on the site. These will link habitats on the site to ensure connectivity especially around the boundaries. These will include species; Hawthorn *Crataegus monogyna*, Field maple *Acer campestre*, Oak *Quercus robur*, Blackthorn *Prunus spinosa*, Hornbeam *Carpinus betulus*, Holly *Ilex aquifolium*, Elder *Sambucus nigra*, Guelder rose *Viburnum opulus*, Crab apple *Malus sylvestris* and Dogwood *Cornus sanguinea*.
  - Bats - Approx. 50% of houses/independent living area around the boundaries of the site will have bat tubes or bat boxes built integrally into either the S or W facing elevations.
  - Bee Bricks - Approx. 20% of houses will have bee bricks installed.
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- Bird Boxes - The provision of five Schwegler 1B bird boxes and three Schwegler 1N nest boxes will be installed on mature trees on the site after landscaping is completed. Exact location will be agreed with the ecologist. Six swift boxes will be built integrally into the Apartment Building at the NW corner of the site.

Both the Conservation Officers (Planning) at Dorset Wildlife Trust and the Biodiversity Officers at BCP Council have been consulted on the application and worked with the applicant to provide suitable mitigation to protect species and habitats and opportunities to provide long-term enhancement for biodiversity. As such, the enhancements proposed would accord with policy PP33 of the Poole Local Plan and guidance contained within Section 15 of the NPPF. The mitigation and enhancement provisions contained within the submitted reports, will be secured by condition as part of this application.

#### 34. **Drainage considerations**

The Local Authority Flooding Officer raised concerns over the overland flooding flow routes. The applicant has worked with the flooding officer and submitted revised drawings showing an acceptable scheme.

A stormwater alley to the far north east corner of the site to direct flood water away from the site and towards Kitchener Crescent has been introduced and the floor levels on plots 1-3 have been raised to avoid any internal flooding to these homes.

Site levels on the northern site have been altered to ensure overland flooding is directed along the new access road and towards Kitchener Crescent, the southern site ground levels remain unchanged.

The submitted drainage strategy is clear and concise and further detail on a sustainable urban drainage system will be secured by condition.

The ground should be suitable for infiltration, which agrees with the information held by the Council, however, a condition will be placed on the application to ensure all surfaces are permeable where possible, this will ensure there is no increase in surface water run-off from the site.

It should be noted that it is not reasonable or even possible to prevent flood water flows onto the site from elsewhere without re-directing the flood water into somebody else's property. The applicant has worked with the Local Authority Flooding Officer to provide a satisfactory scheme which would allow a safe passage of this water through the site in times of extreme rainfall with a view to avoiding internal flooding and limiting the extent of external flooding.

#### 35. **Waste collection considerations**

The proposal has been assessed by the Council's Waste Collection Officer and they are content that it has been design with the ability to allow for sufficient and efficient waste collection. As stated above, the vehicle tracking plans show that refuse vehicles would be able to make collections and manoeuvre safely and efficiently throughout both sites. No objections have been raised by the Council's Waste Team and so, the proposal would be acceptable in relation to this.

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36. **Other Matters**

The comments made by the Fire Safety Inspector of the Dorset & Wiltshire Fire and Rescue Authority are noted and are available for the applicant/agent to view. The comments are offered as early recommendations regarding Building Control requirements.

Dorset Clinical Commissioning Group has advised that the completed development would have an impact on the NHS resources within the Poole Central Primary Care Network. A financial contribution of £9,600 is requested towards a surgery or number of surgeries in the local area of the Network. Appendix B.5 of Poole’s Infrastructure Plan (PIP) dated June 2017, which supports the Poole Local Plan, outlines the justification for these funds. The contribution is therefore justified under Policy PP39 and the developer has agreed to such a contribution. This will be secured by a S106 legal agreement.

Environmental Health have commented on the application and although they have no objection, a contamination condition has been requested.

37. Section 106 Agreement/CIL compliance/SAMM

<b>Contributions Required</b>			<b>Dorset Heathland SAMM</b>	<b>Poole Harbour Recreation SAMM</b>
Flats	Existing	0	@ £271	@ £97
	Proposed	29		
	Net increase	29	£7859	£2813
Houses	Existing	0	@ £397	@ £141
	Proposed	81		
	Net increase	81	£32157	£11421
<b>Total Contributions</b>			£40,016 (plus admin fee)	£14,234 (plus admin fee)

CIL	Zone A	@ £120.42sq m	
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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.

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.

The development is for over 50 units it is in the urban area. Para 5.12 of the Heathlands SPD advises that in built up areas, opportunities to provide HIPs alongside large developments are more constrained, consequently approaches will vary according to local circumstances. It maybe therefore that in one area a financial contribution towards a specific strategic HIP may be adequate, but in another area a bespoke HIP may be necessary for the Council to be certain that the urban effects can be mitigated and thereby planning permission granted.

Each planning application will be considered on a case by case basis as the nature of some sites will enable the provision of a HIP within the scheme and again will depend upon the specific requirements of that area. The site has been through the local plan process (although for less units) and no issue was raised with the site by Natural England or through the Local Plan HRA. The site is not near a specific heathland so a standard contribution of SAMMs with HIPS and nitrogen covered by CIL is considered acceptable in respect of this scheme. An appropriate assessment has concluded that the proposed mitigation in this scheme is acceptable to ensure the integrity of the heathlands is not adversely affected.

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.

The applicant has not submitted any upfront payments through S111 of the 1972 Local Government Act; however, the payment of the relevant contributions towards both Heathland and Poole Harbour SAMMs as agreed, will be included in the Section

106 Agreement. As such, the proposal will be compliant with the provisions of Policies PP32 and PP39 of the Poole Local Plan.

38. Summary:

- The proposal would provide 110 additional residential units of accommodation on site, all of which will be affordable.
- The application site is within a sustainable transport corridor and allocated under the local plan for residential, therefore the principle of residential is supported.
- The proposal by virtue of its proposed design, layout, scale, mass, the relationship to boundaries, would preserve the character of the wider and respect the local patterns of development.
- The proposed scheme, due to its proximity to neighbouring developments, orientation with these properties and retained vegetation would not give rise to privacy concerns to future occupiers or neighbouring properties through the level of overlooking.
- The proposal would provide adequate standard of accommodation for future occupants.
- The proposed access routes and roads would meet council guidelines, with further detail able to be secured by condition.
- The vehicle tracking plan show that waste collection could take place without compromising safety.
- The proposal would provide acceptable levels of car parking and cycle parking, as per the requirements set out in the Parking Standards SPD.
- The proposal has been designed to mitigate the impact to the existing biodiversity and would provide appropriate levels of biodiversity enhancement, subject to condition.
- The proposal would result in the loss of trees, however, this will be offset with enhancements to landscaping and tree planting throughout the site.
- The proposal would be capable of providing appropriate level of renewable energy sources, subject to condition.
- The provision of suitable and comprehensive SUDS is to be secured by condition and the design of the site is acceptable in relation to impact on surface runoff.
- The proposal provides suitable private amenity for each dwelling and further detail will be required in relation to onsite provision of shared open space.
- The proposal would require a financial contribution to the Dorset Clinical Commissioning Group which will be secured by a S106 legal agreement if the scheme was acceptable in all other regards
- The proposal would be liable to SAMM contributions and would be CIL liable.

### **Planning Balance / Conclusion**

39. Given the shortfall of number of homes delivered in Poole, 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.
40. The Council encourages sustainable development. This seeks to strike a balance between the economic and social benefits of new housing with any potential
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environmental impacts that result from the residential redevelopment of the plot and potential impact on residential amenities, and the social benefits derived by the creation of much needed housing.

41. The proposed scheme would contribute to the Council's demand for new housing, delivering 110 additional residential units of accommodation on site, all of which will be affordable housing.
42. In conclusion, the social and economic benefits of providing 110 dwellings with built form which is in keeping with the pattern of development in the area outweighs any minor harm to the existing environment which cannot be overcome by the proposed enhancements and therefore, the scheme would achieve the economic, social and environmental objectives of sustainable development, compliant with the adopted local plan policies and the provisions of the NPPF and should therefore be recommended for approval.

### **Recommendation**

43. GRANT permission subject to
  - a. the following conditions; and
  - b. a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified:
    - Provision of affordable housing
    - Strategic Management Monitoring financial contribution in line with Dorset Heathland Framework 2020-2025 of £42,016.80.
    - Harbour Recreation Strategic Access Management & Monitoring Contribution (SAMM) of £14,945.79
    - NHS contribution of £9,600
    - Provision and ongoing maintenance of open space and play area

### **Conditions**

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

190090 1100-P11 SITE LOCATION PLAN  
190090 1400-P11 Proposed Site Masterplan  
190090 1401-P17 Proposed Site Plan & Ground Floor  
190090 1402-P11 Proposed House Type Plan  
190090 1403-P11 Tree Retention \_ Removal Plan

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190090 1404-P11 Proposed Materials Plan  
190090 1405-P11 Proposed Parking  
190090 1406-P11 Proposed Refuse  
190090 1407-P11 Proposed Boundary Treatment  
190090 1410-P01 PROPOSED SITE PLAN - APARTMENTS  
190090 1411-P01 PROPOSED GROUND FLOOR PLAN - APARTMENTS  
190090 1412-P01 PROPOSED FIRST FLOOR PLAN – APARTMENTS  
190090 1413-P01 PROPOSED SECOND FLOOR PLAN - APARTMENTS  
190090 1414-P01 PROPOSED ROOF PLAN - APARTMENTS  
190090 1420-P01 APARTMENT TYPE 1A - FLOOR PLAN  
190090 1421-P01 APARTMENT TYPE 1B - FLOOR PLAN  
190090 1422-P01 APARTMENT TYPE 2 - FLOOR PLAN  
190090 1423-P01 APARTMENT TYPE 3 - FLOOR PLAN  
190090 1460-P10 HOUSE TYPE B1.1 PLANS & ELEVATIONS  
190090 1461-P10 HOUSE TYPE B1.2 PLANS & ELEVATIONS  
190090 1462-P10 HOUSE TYPE B2.1 PLANS & ELEVATIONS  
190090 1463-P01 HOUSE TYPE B2.2 PLANS & ELEVATIONS  
190090 1464-P10 HOUSE TYPE B2.3 PLANS & ELEVATIONS  
190090 1465-P10 HOUSE TYPE B2.4 PLANS & ELEVATIONS  
190090 1470-P01 HOUSE TYPE D1.1 PLANS & ELEVATIONS  
190090 1471-P10 HOUSE TYPE D1.2 PLANS & ELEVATIONS  
190090 1472-P10 HOUSE TYPE D1.3 PLANS & ELEVATIONS  
190090 1473-P10 HOUSE TYPE D2.1 PLANS & ELEVATIONS  
190090 1474-P10 HOUSE TYPE D2.2 PLANS & ELEVATIONS  
190090 1475-P10 HOUSE TYPE D2.3 PLANS & ELEVATIONS  
190090 1501-P01 PROPOSED EAST ELEVATION – APARTMENTS  
190090 1502-P01 PROPOSED SOUTH ELEVATION – APARTMENTS  
190090 1503-P01 PROPOSED WEST ELEVATION - APARTMENTS  
190090 1504-P01 PROPOSED NORTH ELEVATION – APARTMENTS  
190090 1510-P01 PROPOSED SECTION 1 - APARTMENTS  
190090 1511-P01 PROPOSED SECTION 2 – APARTMENTS  
190090 1512 PROPOSED SECTION 3 – APARTMENTS  
190090 1513-P01 PROPOSED SECTION 4 – APARTMENTS  
190090 1514-P01 PROPOSED SECTION 5 – APARTMENTS  
190090 1515-P01 PROPOSED SECTION 6 – APARTMENTS  
190090 1520-P01 PROPOSED SITE SECTIONS & STREET SCENES  
190090 1521-P01 PROPOSED SITE SECTIONS & STREET SCENES  
856\_LANDP001\_rev07  
856\_LANDP002\_rev07  
856\_Planting Schedule\_rev01  
856\_PP001\_rev02  
856\_PP002\_rev02  
856\_TP001\_rev02  
856\_TP002\_rev02  
80468-101-01 Rev. D Drainage Layout (Residential)  
80468-403 Rev. E Overland Flow Route  
80468-110-01 Rev. D ROAD LEVELS RESIDENTIAL NORTH  
80468-110-02 Rev. C ROAD LEVELS FLATS NORTH  
80468-111 ROAD CONSTRUCTION DETAILS  
80470 -110 Rev.C ROAD LEVELS – SOUTH  
80470 -120 Rev.B TRAFFIC CALMING  
KPI 7065 ECOLOGY MITIGATION PLAN  
020 0589 001 RESIDENTIAL SCHEME - REFUGE VEHICLE TRACKING

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020 0589 002 Rev. A RESIDENTIAL SCHEME - EMERGENCY VEHICLE TRACKING

020 0589 003 Rev. A RESIDENTIAL SCHEME - PRIVATE VEHICLE TRACKING  
2002-1 TREE PROTECTION PLAN

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

3. Unless otherwise agreed by the Local Planning Authority, development shall not commence until the following have been complied with:
  - a. Remediation Scheme:- A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - b. Implementation of approved remediation scheme:- The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

4. Reporting of Unexpected Contamination: In the event that unexpected contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order, no access, vehicular or pedestrian, other than that shown on the approved plan, shall be formed to the site.

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

6. The development hereby permitted shall not be brought into use until the access, turning space, garaging, vehicle parking and cycle parking shown on the approved plan have been constructed, 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).

7. Plans and particulars showing the layout, together with details of levels, sections, drainage, and street lighting of the proposed road(s), shall be submitted to, and approved in writing by, the Local Planning Authority and development shall not be commenced before these details have been approved, unless otherwise agreed in writing.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and in accordance with Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

8. Within a period of two years (or such period as may be defined in any separate Agreement concluded with the Local Highway Authority pursuant to Section 38 of the Highways Act 1980), or within six months of the completion of 75% of the buildings if this is sooner, completion of the roadworks shall occur. This will entail the making good of works previously undertaken and the final surfacing, grassing and landscaping, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety and convenience, and a well co-ordinated development in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

9. Concurrently with the construction of the development hereby permitted, the first 4.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

10. 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 splay(s) as indicated on the approved plan(s) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level
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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).

11. Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points 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.

12. Prior to the first occupation of the development hereby approved, the developer shall submit a scheme and program of works to be agreed in writing with the Local Planning Authority, for the relocation of the highway 'build out'/ traffic calming feature located on Kitchener Crescent in front of the approved access to the southernmost site, including any necessary amendments to relevant signage, and the existing Traffic Regulation Order, corresponding with the formation of the new access to the site. The scheme shall comply with the standards adopted by the Local Highway Authority and must incorporate a 'cycle by-pass' feature. The agreed scheme shall thereafter be fully implemented, at the developer's expense, in accordance with an agreed programme of works prior to first occupation of the first dwelling hereby approved.

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

13. Prior to the commencement of development, a scheme for the drainage of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the provision and maintenance of the proposed stormwater alley to ensure it remains clear of obstruction as shown on the submitted plan Drwg. No. 80468-403 Rev. D by Such Salinger Peters prior to the first occupation of any dwellinghouse on the site. The drainage works shall be implemented in accordance with the approved scheme and thereafter retained.

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

14. The development shall be carried out in accordance with the proposed materials as set out on the approved plan Drwg. No. 190090 1404 P10 unless the Local Planning Authority gives prior written approval to any variation.

Reason: In the interests of the character and appearance of the area.

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15. The proposals for the landscaping of the site, shall be carried out as shown on the approved plans Drwg No. LANDP001 Rev. 07; LANDP002 Rev. 07; PP001 002; PP002 002; TP001 002 and the submitted Planting Schedule 856\_JPS and Tree Schedule & Planting Specification TP002 as follows:
- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
  - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
  - c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
  - d) the whole scheme shall be subsequently retained.

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

16. The proposed boundary treatments as shown on the approved plans Drwg. No 190090 1047 – P10 shall be completed in their entirety prior to the first occupation of the residential unit to which they relate. The boundary treatments shall thereafter be retained.

Reason: In the interests of the living conditions of existing and proposed occupiers.

17. The facilities for refuse provision as shown on the approved plan Drwg. No. 190090 1406 P10 shall be provided in their entirety prior to the first occupation of the residential unit to which they relate. The refuse provision facilities shall thereafter be retained.

Reason: In the interests of the living conditions of the proposed occupiers.

18. No works above damp proof course on any building shall place before a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the protection and enhancement of landscape features and and biodiversity within the site.

19. The development shall be carried out in accordance with the measures in the submitted Phase 2 Ecology Report Biodiversity Mitigation & Enhancements dated 30th April 2021.

Reason: In the interests of the protection and enhancement of protected species and biodiversity within the site.

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20. The development shall be carried out in accordance with the proposed measures in the submitted Arboricultural Method Statement by Barrell Tree Consultancy dated 17 March 2021.

Reason: In the interests of protection and preservation trees

### **Informative Notes**

1. 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.
  - in this case the applicant was advised of issues after the initial site visit
  - in this case the applicant was provided with pre-application advice and this was reflected in the proposals
  - in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
  - the application was considered and approved without delay
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990, Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations.
3. 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).
4. 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 website: <https://www.bpcouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

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5. This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.
6. As a required adjunct of this access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge) restored. Normally this work will be undertaken at the expense of the developer by the Highway Authority although, on occasions, there might be instances where the developer, under supervision, can undertake this work.
7. 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 Documents:**

Case files: APP/21/00748/F  
Case Officer Report Completed:  
Officer: Emma McCready  
Date:

Agreed by: Artemis Christophi  
Date: 04/01/22  
Comment:

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