



## Planning Committee Report

Application Address	31 Danecourt Road, Poole, BH14 0PG
Proposal	Demolition of the existing dwelling and the construction of a 3-storey apartment block with parking.
Application Number	APP/21/01690/F
Applicant	Fortitudo Property
Agent	
Date Application Valid	23 November 2021
Decision Due Time	27 May 2022
Extension of Time date (if applicable)	27 May 2022
Ward	Parkstone
Recommendation	Grant Subject TO CIL Contribution
Reason for Referral to Planning Committee	This application has been brought before Planning Committee at the request of Cllr Mrs Stribley, due to the concerns of the proposal being unneighbourly, out of character with the area and being an overdevelopment of the site.

### **Executive Summary**

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.

#### Presumption in Favour of Sustainable Development:

2. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

#### Principle of Development:

3. 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 reflect the presumption in favour of sustainable development contained in the NPPF.

4. The application site falls within the sustainable transport corridor location, as identified by the Policies Map, and therefore the principle of the residential development on site would be considered acceptable, in accordance with the provisions of Policy PP2 of the Poole Local Plan, subject to its compliance with other relevant adopted policies.

Impact on the Character and Appearance of the Area:

5. Whilst the proposal would result in an intensification of the use of the land, the layout of the proposed scheme would not result in an overdevelopment of the site that would be harmful to the pattern of development in the area. Furthermore, the proposal would be similar in scale, design and site layout to the recently approved flatted development at Nos 13 and 15 Danecourt Road, which forms a material planning consideration in this case. Irrespective of the other examples of similar scale development along Danecourt Road, the proposed scheme stands on its own merits and it would comply with the relevant provisions of Policies PP27 and PP28 of the Poole Local Plan (2018).
6. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the character and appearance of the area is provided in the Case Officer report, at paragraphs 67 - 85.

Impact on the Neighbouring Amenity:

7. The proposed block of flats by virtue of its forward siting, the orientation of the site and the retained separation distances to neighbouring dwellings and its proposed building height would not give rise to any materially harmful shading, loss of light or outlook to those neighbouring dwellings.
8. The proposed scheme would respect the privacy of the neighbours, subject to conditions securing retention of the proposed obscure glazing at first floor level to both sides of the proposed dwelling.
9. In terms of the amenities of the prospective occupiers, the proposed development would provide sufficient internal floor space with all habitable rooms benefiting from relatively large windows and adequate outlook. Sufficient amount of natural light would enter the habitable rooms throughout the day.
10. For the reasons set out above, the proposed development is not considered to be detrimental to the amenity of either of the neighbouring properties or the amenity of the future occupiers of the proposed development, and therefore it is compliant with the provisions of Policies PP27 and PP28 of the Poole Local Plan (2018).

11. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the residential amenities of the neighbours and prospective occupiers is provided in the Case Officer report, at paragraphs 86 – 98.

Impact on Parking and Highway Safety:

12. The proposed scheme has been assessed by the Council's Transportation Officer and found acceptable in terms of vehicular access provision, highway and pedestrian safety, on-site parking provision for cars and bicycles, and the provision of EV charging points. Subject to conditions securing the implementation of the proposed details, the Transportation Officer supports the proposed scheme and advises that the scheme complies with the provisions of Policies PP34 and PP35 of the Poole Local Plan (2018).
13. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the parking and highway safety is provided in the Case Officer report, at paragraphs 99 – 106.

Impact on Trees:

14. The trees on site are covered by a Tree Preservation Order and they positively contribute to the visual amenity of the area and provide screening between the properties. Their retention and protection would be necessary.
15. The application has been supported by an Arboricultural Impact Assessment and Method Statement and a Tree Protection Plan which identify that all of the proposed development could be erected without causing direct harm to the protected trees that are to be retained within the site. The documents have been assessed by the Council's Arboricultural Officer. The compliance with the Arboricultural Method Statement could be secured by condition.
16. In terms of the post-development phase, the proposed scheme would not result in an indirect impact to the retained trees as a result of the resultant long-term tree to building relationship.
17. The Council's Arboricultural Officer supports the proposed scheme, subject to the above-mentioned conditions. The proposal is therefore compliant with the provisions of Policy PP27 of the Poole Local Plan (2018).
18. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the trees is provided in the Case Officer report, at paragraphs 107 – 112.

Sustainability Considerations:

19. The proposal is capable of delivering an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations and the requirements of Policy PP37 of the Poole Local Plan (2018). This can be secured by condition.

20. Detailed assessment of all aspects of the proposed scheme in respect of its contribution to the provision of sustainable development in Poole is provided in the Case Officer report, at paragraphs 113 – 114.

Biodiversity Considerations:

21. Following the submission of the Preliminary Ecological Appraisal and Bat Mitigation Strategy Report (PEA and BMS Report), which identified potential for a bat maternity roost within the building, the provision of the proposed mitigation and remediation scheme has been considered acceptable by the Council's Biodiversity Officer.
22. Subject to securing the biodiversity enhancement on site in the form of hedgehog tunnels to the boundary treatments and bat bricks and bird boxes to be located on the proposed building, the proposed scheme would contribute to the enhancement of the existing biodiversity in the area, and it would comply with Policy PP33 of the Poole Local Plan (2018) and the NPPF.
23. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the biodiversity is provided in the Case Officer report, at paragraphs 115 – 118.

Drainage Considerations:

24. The application site is not located in an area prone to surface water flooding, however any excess run off would contribute to the already existing flooding problems downstream in North Road and around the Civic Centre, so drainage and SUDS are important in consideration of the impact of the proposal on the adjacent properties. A condition could be secured to ensure further details of the SUDs scheme and its subsequent implementation on site, in line with the provisions of Policy PP38 of the Poole Local Plan (2018).
25. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the drainage is provided in the Case Officer report, at paragraphs 119 – 121.

Waste Collection Considerations:

26. Sufficient bin storage is proposed on site to serve the proposed development. The scheme is supported by the Council Waste Collection Authority, subject to a condition securing the provision of details of the waste management plan. This can be secured accordingly. The scheme therefore complies with the provisions of Policy PP27 and PP28 of the Poole Local Plan (2018).
27. Detailed assessment of all aspects of the proposed scheme in respect of its impact on the waste collection arrangements is provided in the Case Officer report, at paragraphs 122 – 124.

SAMM/CIL Compliance

28. The applicant had entered into arrangements with the Council to seek to secure appropriate financial contributions towards both Heathland and Poole Harbour

SAMMs. As such, the proposal complies with the provisions of Policies PP32 and PP39 of the Poole Local Plan (2018).

### **Description of Proposal**

29. Planning consent is sought for the demolition of the existing dwelling and the construction of a 3-storey apartment block with associated parking provision.

### **Description of Site and Surroundings**

30. The application site is located on the northern side of Danecourt Road, at the junction with Hatherden Avenue and is currently occupied by a detached, two-storey dwelling.
31. The site rises up from Danecourt Road to the rear, with dwellings on Harbour View Road located on an elevated ground, above the application site.
32. The site has a substantial front garden, which is partially gravelled, with protected trees running along the boundary with Hatherden Avenue. The plot is significantly narrower in its northern end, with a steep slope abutting the rear garden of No 2 Hatherden Avenue.
33. The area is characterised by detached dwellings set within large plots, however recent development includes permissions for blocks of flats in the vicinity of the site (Nos 13 and 15 Danecourt Road and No 35 Danecourt Road).

### **Relevant Planning History:**

#### **34. Application site:**

No relevant planning history relating to the application site.

#### **35. Other relevant planning history:**

##### **33 Danecourt Road**

**2015** – Planning permission was granted for the front and rear extensions and new car port – Ref: **APP/15/01738/F**.

##### **9 Harbour View Road**

**2015** – Planning permission was granted to demolish existing house and erect 2 detached dwellings (Revised Scheme) - Ref: **APP/15/00158/F** (and subsequent variations to this permission).

##### **13 Danecourt Road**

**2021** – Planning permission was granted to demolish house and replace with a new development of 8no flats with associated parking – Ref: **APP/21/00345/F**.

### **15 Danecourt Road**

**2021** – Planning permission was granted to demolish residential property and erect a new development of 8no flats with associated parking – Ref: **APP/21/00127/F**.

### **35 Danecourt Road**

**1994** - Planning permission was granted to erect a block of five flats with associated parking – Ref: **94/42834**.

### **Constraints**

36. The trees on site are protected by a Tree Preservation Order.

### **Public Sector Equalities Duty**

37. 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; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other Relevant Duties**

38. 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.
39. 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.

### **Consultations**

40. BCP Highways Authority - supports the proposal, subject to conditions.
41. BCP Biodiversity Officer – supports the proposal, subject to conditions.
42. BCP Arboricultural Officer – supports the proposal, subject to conditions.
43. BCP Waste Collection Authority – supports the proposal, subject to conditions.

44. BCP Urban Design Officer – offered comments regarding the siting and scale of the building; the position of the car parking to the front of the site; the siting of the bike store under the canopies of the trees and siting of the underground bins within the site's frontage. The proposal was considered to be contrary to the provisions of Policies PP27 and PP28 of the Poole Local Plan.

*“This application is not a major proposal as it is for a block of 9 flats. However, the existing house with its large open front garden and mature trees is an attractive positive feature in the street scene. The proposal is for a substantially larger building, which mirrors the height and architectural features of the unattractive neighbouring dwelling to the east. The footprint of the more massive structure will also encroach further towards the boundaries of the site. In addition, the open front garden will be occupied by car parking, which will not be a positive enhancement of the local area. I also note that the bicycle store will sit under the canopy of the mature trees on the site and that some of the parking bays will do the same. The positioning of the underground bins at the apex of the site at the prominent junction of Danecourt Road and Hatherden Avenue will be clearly associated with the building on the site being used for flats, whereas the predominant local character is of single detached houses. As such, the development will not meet the requirements of adopted Poole Local Plan Policy PP27 Design and PP28 - Flats and Plot Severance”.*

45. Health and Safety Executive – the proposal does not fall under the remit of the height condition and therefore the proposed building is not considered a relevant building of over 18m in height.
46. Dorset Fire and Rescue – acknowledged the application, offered comments regarding building regulations compliance.
47. BCP Flood Risk Engineer – the submitted details are not sufficient for a major scale proposal, however this scheme is not of major category and therefore the submission of the SUDs scheme, which would be viable on site, can be conditioned to be submitted prior to commencement of works on site.

## **Representations**

48. Site notices were posted outside the site on 09/12/2021 with an expiry date for consultation of 02/01/2022.
49. 38 letters of representation have been received, raising objection to the proposal. The issues raised comprise the following:
- The proposal would give rise to highway and pedestrian safety risks in the vicinity of the site and close to the Poole College;
  - The proposed scheme doesn't offer sufficient parking for residents and visitors on site and it would result in more pressure on the on-road parking provision;
  - The proposal would pose a risk to trees on site;

- The proposal would be out of keeping with the character of the area, where detached single dwellings prevail;
- The proposal is overdevelopment of the plot in terms of the scale, height and mass of the building and the provision of parking to the site's frontage;
- Loss of privacy and light to 2 Hatherden Avenue; 33 Danecourt Road and 9 Harbour View Road;
- The proposal would be overbearing to the adjoining properties;
- The proposed scheme would generate additional noise associated with the flatted nature of the scheme;
- No information regarding drainage/sewage solution on site;
- The proposal would have a detrimental impact on the surface water flooding and drainage in the area;
- The proposed flatted development would set an unwelcome precedent in the area for higher density development;
- Supportive comments received for this proposal are out of the immediate area of the site and therefore irrelevant to this proposal and they should be investigated;
- The proposal does not provide any affordable housing;
- The proposal is not built to passive home quality; and
- The reputation of the developer does not inspire confidence in providing good quality proposals.

50. 20 comments of support were also received:

- The proposal would provide additional housing and promote private home ownership;
- The proposal would be similar to those approved at Nos 15 and 19 Danecourt Road and therefore it should be supported;
- The Council should encourage higher density development, where possible, to avoid building in Green Belt;
- There is a need for smaller flats in the vicinity of the town centre, for college and hospital employees;
- The design of the proposal is attractive; and
- The proposal would be modern and therefore it would be more ecologically friendly and sustainable than the existing dwelling.

51. Society for Poole – object to the proposal, due to the below concerns:

- The proposal is an insensitive overdevelopment of the site;
- The proposal would contribute to the traffic congestion in the vicinity of the site;
- The proposal would not provide an adequate amount of parking and recreational amenity areas on site;
- Lack of affordable housing provision on site.

52. Viewpoint Residents Association - object to the proposal due to the following concerns:



- The proposal would be of an excessive height and mass;
- It would be an overdevelopment of the plot;
- It would give rise to highway and pedestrian safety;
- It would increase the risk of surface water flooding in the area; and
- It would put additional pressure on the existing sewage infrastructure.

53. Furthermore, the application has been called in to Planning Committee by Cllr Mrs. Stribley, who has raised the following concerns:

- The proposal being unneighbourly;
- The proposal being out of character in the area; and
- The proposal being overdevelopment of the site.

### **Key Issues**

54. The key issues involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development
- Impact on the character and appearance of the area
- Impact on the neighbouring amenity
- Impact on parking and highway safety
- Impact on trees
- Sustainability considerations
- Biodiversity considerations
- Drainage considerations
- Waste collection considerations
- SAMM/CIL compliance

55. These issues will be considered along with other matters relevant to this proposal below.

### **Policy Context**

56. Local documents:

#### Poole Local Plan (Adopted November 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and Broad Location of Development
- PP20 Investment in education
- PP21 Talbot Village
- PP27 Design
- PP33 Biodiversity and Geodiversity
- PP34 Transport strategy
- 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

57. Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)  
The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)  
Nitrogen Reduction in Poole Harbour SPD  
Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)  
Talbot Village SPD (2015)

58. National Planning Policy Framework ("NPPF" / "Framework")

Section 2 – Achieving Sustainable Development

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

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

**Planning Assessment**

Presumption in Favour of Sustainable Development

59. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Policy PP01 of the Poole Local Plan.

60. Paragraph 11 of the NPPF states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
61. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
62. The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Poole area, there is a 4.1 year housing land supply with a 20% buffer (a shortfall of 423 homes) and a 2021 HDT result of 78%. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
63. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance. It is however noted, as outlined in the latter parts of the report, that the proposal is not capable of delivering affordable housing and for that reason, it does not provide the benefit in this respect.

#### Principle of Development

64. 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.
65. 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. This approach is reinforced by Policy PP34 which also states that new development will be directed to the most accessible locations which are capable of meeting a range of local

needs and will help to reduce the need for travel, reduce emissions and benefit air quality, whilst Policy PP35 also states that proposals for new development will be required to maximise the use of sustainable forms of travel. Significant weight therefore has to be applied to the provision of additional residential accommodation which meets these policy objectives.

66. The application site falls within the sustainable transport corridor location, as identified by the Policies Map, and therefore the principle of the residential development on site would be considered acceptable, subject to its compliance with the adopted policies. This is discussed below.

#### Impact on the Character and Appearance of the Area

67. Policies PP27 and PP28 of the Poole Local Plan set out the criteria against which all new development and specifically flatted development should be assessed to ensure that the established pattern of development and residential character of the area is preserved or enhanced.
68. Policy PP28 of the Poole Local Plan states that flats will be permitted in the locations where the plot can accommodate a form of development that ensures:
- The scale and massing of the building(s), including the width, height and roof profile and spacing between buildings is in keeping with neighbouring buildings and the established pattern of development in the street or part of the street, where the site is located;
  - the resultant plot coverage (including buildings, cycle storage, bin storage, car parking, roads, and any other hard surfacing) respects that which prevails in the street, or part of the street where the site is located;
  - car parking and turning areas do not dominate the site, allowing for the retention, or provision, of a boundary between the site and the adjacent streets; and
  - car parking, turning areas and vehicle access should avoid harm to the neighbouring residents privacy and quiet enjoyment of their gardens.
69. The NPPF states, inter alia, that planning decisions should ensure that developments will function well and add to the overall quality of the area over their lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are welcoming and distinctive places to live and visit; and create places that are safe, inclusive and accessible (para.130).
70. The scheme would demolish the existing dwelling and introduce a detached building that would accommodate 9 flats with off-road parking to the front of the site.
71. The existing dwelling is sited within the spacious, soft landscaped plot, which is characteristic of Danecourt Road. The proposed scheme would introduce a 2 storey (with accommodation in the roof space), detached block of 9 flats on site.

72. The Council's Urban Design Officer has raised concerns with regards to the proposed scheme, stating: *"This application is not a major proposal as it is for a block of 9 flats. However, the existing house with its large open front garden and mature trees is an attractive positive feature in the street scene. The proposal is for a substantially larger building, which mirrors the height and architectural features of the unattractive neighbouring dwelling to the east. The footprint of the more massive structure will also encroach further towards the boundaries of the site. In addition, the open front garden will be occupied by car parking, which will not be a positive enhancement of the local area. I also note that the bicycle store will sit under the canopy of the mature trees on the site and that some of the parking bays will do the same. The positioning of the underground bins at the apex of the site at the prominent junction of Danecourt Road and Hatherden Avenue will be clearly associated with the building on the site being used for flats, whereas the predominant local character is of single detached houses. As such, the development will not meet the requirements of adopted Poole Local Plan Policy PP27 Design and PP28 - Flats and Plot Severance"*.
73. The detailed assessment of the impact of the proposed scheme on the character and appearance of the area, including that of the wider streetscene, has been undertaken against the comments provided by the Urban Design Officer and is set out below.
74. Firstly, there is a variety of development within close proximity of the site, including 2 storey houses and flatted development at Nos 9, 13, 15 and 35 Danecourt Road. As such, the principle of the flatted development on site would be in keeping with the emerging character of the area.
75. In terms of the scale of the proposed scheme, it is accepted that the proposed block of flats would be significantly larger in scale and massing than the existing single dwelling that currently occupies the site. However, as previously stated, Danecourt Road is of a mixed character with a range of dwelling types and scale, including similar scale flatted development nearby. This variety of built form would allow the proposal to be easily absorbed in its setting without materially harming the character and appearance of the area.
76. In terms of the proposed siting, the proposed built form would be larger than the footprint of the existing building, extending closer to the front, side and rear boundaries of the site. However, due to its corner location and the considerable set back from the highway, the proposal would nonetheless sit comfortably within its plot, without appearing cramped and overly developed.
77. There is no consistent separation distance between the dwellings on Danecourt Road and Hatherden Avenue and it is acknowledged that the proposal would reduce the existing separation gaps between the dwellings, due to its siting and enlarged footprint. However, the proposal would be oriented towards the Danecourt Road frontage, and it would be sited forward of the existing building

line of the dwelling on site (on a similar orientation to the existing dwelling on site). The depth of the remaining front garden is significant (17m) and due to the corner location of the plot and siting of the proposed built form, the proposal would retain sufficient separation distance to the boundaries with Nos 33 Danecourt Road (2-4m) and 2 Hatherden Avenue (2-3m) to preserve the pattern of development along Danecourt Road. Although the proposal would be sited forward of the building line of the adjacent dwellings (2 Hatherden Avenue and 33 Danecourt Road), this siting would not appear as overly prominent due to the depth of the front garden and the corner location of the plot. Furthermore, it is noted, that the existing dwelling also projects beyond the building line of the neighbouring dwellings, and whilst the forward projection would be increased by 4m, it would nonetheless be comfortably absorbed in the streetscene.

78. The proposed building would have 3 storeys of accommodation, appearing as a 2 storey building with additional accommodation in the roof space. The height of the proposed building would be 9.8m, which would be approximately 1m higher than that of the existing dwelling (8.5-8.7m). It is, however, acknowledged that the bulk and mass of the proposed building would be larger, owing to the roof form, the presence of the dormers to the roof form and the enlarged footprint. It is noted that the height of the proposed building and the roof form has been amended in the course of this application to take the Urban Design Officer's comments on board. Overall, due to the retained separation to the neighbouring dwellings, the comparable scale of the building to the development nearby and the variety of built form in the vicinity of the site, the proposed scheme would not appear unduly prominent in its setting.
79. In terms of the proposed site layout, it is noted that the application site is currently mainly soft landscaped, however a significant amount of hardstanding is already present to the site's frontage (a large area of gravelled surface is present to the front of the dwelling, but this is currently overgrown and therefore less visible). Notwithstanding this, the proposal would result in a reduction of the soft landscape areas within the plot. Whilst the proposal would introduce more hardstanding on site, to facilitate the required parking provision and the built form, it would nonetheless be reflective of other schemes in the area in terms of its layout and the ratio of hardstanding to soft landscape, as stated before.
80. Furthermore, it is noted that a similar site layout was approved in relation to the redevelopment of Nos 13 and 15 Danecourt Road, where the case officer stated in her reports: *"The proposal would have a similar building line to other dwellings and would be set back from the front boundary by approximately 21m. The frontage of the site would accommodate a driveway entrance to the west next to the bin storage, with car parking east and north of this. The bin store would be in a position which satisfies the Waste Collection Authority with appropriate dimensions as it would be in a visible location but would be of a modest scale and height. The amount of hardstanding to the front would not be dissimilar to other nearby sites. (...) The proposal would accommodate a form of development,*

*including plot coverage and car parking which would be in keeping with neighbouring buildings and the established pattern of development in this part of Danecourt Road. The proposal is therefore considered to be compliant with Policy PP27 and PP28 of the Adopted Poole Local Plan (2018) and the aims of the NPPF, as it would not be detrimental to the character or appearance of the surrounding area”.*

81. The presence of similar scale schemes in the nearest vicinity of the site form a material planning consideration in this case. Taking the assessment of the approved schemes at Nos 13 and 15 Danecourt Road into account, and the fact that the proposed scheme would retain the existing trees on site, along with the vegetation along the southern and western boundaries, it is considered that the layout of the proposed scheme would be in keeping with the prevailing pattern of development in the area, providing sufficient land to accommodate the built form on site and the associated off-road parking provision without appearing cramped and overdeveloped.
82. The Council's Urban Design Officer also raised concerns regarding the position of the bin store and its impact on the character and appearance of the area. It is acknowledged that the proposed bin store would be sited towards the front of the site. However, due to its underground nature, it would only protrude around 1m above the ground level. This, combined with its siting behind the hedges planted along the front of the site, would ensure that the proposed bin store would not be immediately visible in the streetscene, respecting its character and appearance. There are other locations in Poole, where this solution has been accepted due to the inconspicuous scale, nature and appearance of the bin store and its' low impact on the character and appearance of the area.
83. It is also noted that the proposal would provide some communal recreational amenity area to the rear and side of the building. Whilst this area is not large, nonetheless this arrangement is not unusual for flatted development and the application site is located within walking distance of Poole Park and other smaller parks off Danecourt Road and North Road, which could provide additional recreational space and facilities to the occupants of the proposed flats, if required.
84. With regards to the proposed design and finishing materials, the proposed development would be traditional in appearance, with a hipped roof (with flat sections) and subservient dormers. It is considered that the proposed development would complement the appearance of the neighbouring dwellings and enhance the appearance of the area in that regard.
85. In conclusion, the comments from the Urban Design Officer are noted. The above assessment of the scale, siting and layout of the proposed scheme clearly proves that the proposal would be comparable to other, recently approved, development in the nearest vicinity of the site in those aspects. Whilst the proposal would result in an intensification of the use of the land, the layout of the proposed scheme

would not result in an overdevelopment that would be harmful to the pattern of development in the area, as outlined above. Furthermore, the proposal would be similar in scale, design and site layout to the recently approved flatted development at Nos 13 and 15 Danecourt Road, which forms a material planning consideration in this case. Irrespective of the other examples of similar scale development along Danecourt Road, the proposed scheme stands on its own merits and it would comply with the relevant provisions of Policies PP27 and PP28 of the Poole Local Plan.

#### Impact on the Neighbouring Amenity

86. 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).
87. The proposed block of flats by virtue of its forward siting, the orientation of the site and the retained separation distances to neighbouring dwellings and its proposed building height would not give rise to any materially harmful shading, loss of light or outlook to those neighbouring dwellings. Some shading would occur to the front garden of No 2 Hatherden Avenue in the mid-morning hours of the day, however given the separation distance between the buildings, this would not be considered materially harmful to the occupants of that dwelling. Some shading would also occur to the side elevation of No 33 Danecourt Road in the late hours of the afternoon, however given that there are no first floor windows in that side elevation of the adjacent dwelling (and the ground floor windows would be sited behind tall boundary fences, as is currently the case), the proposed development would not result in materially harmful loss of light to the occupants of No 33 Danecourt Road.
88. In terms of overlooking, the proposed ground floor windows of the building would allow views towards the boundary treatment, the public realm and/or the communal areas of the site. As such, they would preserve the privacy of the neighbours.
89. Similarly, the proposed front elevation windows at first and second floor level would allow views towards the public realm, contributing to the existing natural surveillance of Danecourt Road.
90. The proposed first and second floor level windows to the side elevation, overlooking No 2 Hatherden Avenue, would be either obscure glazed (serving bathrooms, as annotated on the submitted plans) or allow views towards the front garden of No 2. The retention of the proposed obscure glazing at first floor level



would be secured by condition, to preserve the privacy of the prospective occupiers.

91. Similarly, the first and second floor windows in the side elevation facing No 33 Danecourt Road would allow views towards the roof slope of that dwelling, preserving the privacy of the neighbours.
92. The proposed rear elevation windows at first and second floor level (including the dormer windows in the roof slope) would allow views towards the rear garden and also some long views towards Nos 9 and 9a Harbour View Road. Given the separation distance of approximately 30m window to window between the proposed block of flats and the dwellings on Harbour View Road and the rising topography of the site, these windows would not give rise to any loss of privacy to the occupants of the dwellings to the rear, including their rear gardens.
93. Some oblique views towards the rear gardens of Nos 2 Hatherden Avenue and 33 Danecourt Road would occur, however these would not be dissimilar to the current level of overlooking between the neighbours and, in any case, not unusual in an urban location such as this one.
94. Overall, it is considered that the proposed scheme would respect the privacy of the neighbours.
95. Concerns were raised with regards to the noise associated with the residential intensification of the site. Whilst these concerns are noted, the scale and nature of the proposed development would not be unusual in its residential setting, generating noise comparable to other flatted development recently approved in the vicinity of the site, and therefore it would not warrant the imposition of any conditions in this regard.
96. In terms of the amenities of the prospective occupiers, the proposed development would provide sufficient internal floor space (meeting the minimum space standards) with all habitable rooms benefiting from relatively large windows and adequate outlook. A sufficient amount of natural daylight would enter the habitable rooms throughout the day.
97. As previously stated, all flats would benefit from external amenity space in the form of communal areas to the front and side of the building. Whilst this space is not very private and also under the canopies of the trees, it would nevertheless meet the reasonable needs of the prospective occupiers of the flats. Additionally, the prospective occupiers would be able to take advantage of the nearby recreational space of Poole Park and the open space off North Road, which are within reasonable walking distance of the site. This arrangement would not be unusual for flatted development in general and not dissimilar to the arrangement for other flatted development in the vicinity of the site.

98. For the reasons set out above, the proposed development is not considered to be detrimental to the amenity of either of the neighbouring properties (No 2 Hatherden Avenue and No33 Danecourt Road) or the amenity of the future occupiers of the proposed development. Therefore, the proposal is compliant with the provisions of Policies PP27 and PP28 of the Poole Local Plan (2018).

#### Impact on Parking and Highway Safety

99. The proposed scheme has been assessed by the Council's Transportation Officer.
100. The proposed scheme would utilise the existing access to the site, off Danecourt Road, which would be widened and repositioned in an easterly direction. This would require the footway and kerbs being lowered. Furthermore, the formation of the dropped crossing would require the repositioning of the road speed sign. All these works would be required to be undertaken at the applicant's expense.
101. The proposed access to the site would be wide enough to allow two vehicles to pass, which would prevent vehicles having to wait on the highway and the remainder of the access drive would be wide enough to allow vehicles to safely pass cyclists.
102. The proposed scheme would provide adequate pedestrian visibility splays on either side of the access. As such, the proposal would not result in any increased highway or pedestrian safety dangers in the vicinity of the site.
102. A scheme of lighting would need to be provided within the car park area and along the pathway leading to the cycle store, to further aid safety and could be secured by condition, as requested by the Transportation Officer.
103. In terms of parking provision, the application site is located within Parking Zone D, based on the BCP Council Parking Zones. Based on the number and size of the proposed dwellings, nine car parking spaces would be required to meet the standards within the BCP Council Parking Standards SPD. This is provided on site. Therefore, the proposed parking provision is acceptable, and in line with the Council's requirements for this scale of development.
104. The proposal would provide a secure and covered cycle parking store for 18 bikes for the prospective occupiers, as well as a sheffield type stand adjacent to the entrance of the building, which could be used by visitors. This meets the requirements of the Council's Parking Standards SPD. The provision and retention of the proposed cycling parking can be secured by condition.
105. The Parking Standards SPD outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, at least 20% should have an "active" EV charging point, with the remaining spaces having "passive" spaces. The plans show two parking spaces having EV Charging Points, which

would meet the criterion. The EV Charging requirements can be secured through a planning condition.

106. In conclusion, the Transportation Officer supports the proposed scheme, subject to the conditions outlined above. The scheme would therefore comply with the provisions of Policies PP34 and PP35 of the Poole Local Plan.

#### Impact on Trees

107. The trees on site are covered by a Tree Preservation Order and they positively contribute to the visual amenity of the area and provide screening between the properties. Their retention and protection would be necessary.
108. The application has been supported by an Arboricultural Impact Assessment and Method Statement and a Tree Protection Plan which identify that all of the proposed development could be erected without causing direct harm to the protected trees that are to be retained within the site. The documents have been assessed by the Council's Arboricultural Officer. The compliance with the Arboricultural Method Statement could be secured by condition.
109. The report recommends a cellular confinement system to be installed for the parking bays where they encroach within the root protection areas of the trees that are to be retained within the site at the end of the construction phase and at the time of the landscape works. Until that time, those areas would remain excluded from the construction zone by protective fencing measures. This is considered acceptable.
110. The proposal would introduce a bike store in close proximity to the trees that are to be retained on site. The incursion from the bike store, however, would be less than 5% within the RPA of the protected trees. This encroachment would be marginal and would not be likely to result in any major root loss, as advised by the Arboricultural Officer. However, the Council's Arboricultural Officer has also advised that a precautionary approach must always be adopted and these sensitive excavations should be carried out using hand tools only and under careful supervision. This can be secured by condition.
111. In terms of the post-development phase, the proposed scheme would not result in an indirect impact to the retained trees due to the resultant long-term tree to building relationship.
112. The Council's Arboricultural Officer supports the proposed scheme, subject to the above-mentioned conditions. As such, the proposal would comply with the provisions of Policy PP27 of the Poole Local Plan.

#### Sustainability Considerations

113. 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 a Design and Access Statement which does not commit the proposal to secure 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources, to comply with the requirements of Policy PP37 of the Poole Local Plan.

114. Notwithstanding this issue, it would be necessary and appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy sources.

#### Biodiversity Considerations

115. The application has been supported by a Preliminary Ecological Appraisal and Bat Mitigation Strategy Report (PEA and BMS Report) (prepared by Ecosupport Ltd, dated and received 03/03/2022), which identified a potential maternity bat roost on site. The PRA Report states that the proposal is anticipated to result in potential adverse effect on the protected species on site in the event of sufficient mitigation on site not being provided. In view of this issue, the Council's Biodiversity Officer requested further evidence and mitigation/compensation measures to be provided in case bats are present on-site during demolition/construction works.
116. The revised PEA and BMS Report has been submitted subsequently to provide the required mitigation and compensation measures (Section 6.0 of the PEA and BMS Report). These measures are considered to be acceptable to the Council's Biodiversity Officer, who considers this approach as proportionate and practical.
117. Consequently, the Council's Biodiversity Officer supports the proposed scheme, subject to securing the biodiversity enhancement on site in the form of hedgehog tunnels to the boundary treatments and bat bricks and bird boxes to be located on the proposed building. A suitable condition can be imposed to secure this.
118. As such, the proposed scheme would contribute to the enhancement of the existing biodiversity in the area and would comply with Policy PP33 of the Poole Local Plan and the provisions of the NPPF.

#### Drainage Considerations

119. The application site is not located in an area prone to surface water flooding, however any excess run-off would contribute to the already existing flooding problems downstream in North Road and around the Civic Centre, so drainage and SUDS are important in the consideration of the impact of the proposal on the adjacent properties.
120. The applicant has committed to the provision of the SUDS scheme, as shown on the submitted indicative drainage plan. These details are considered acceptable to the Council's Drainage Engineer, however further information would need to

be submitted at a later stage to ensure the proposed SUDs scheme can be implemented to the Council's standards. A condition could be secured to ensure the submission of further details of the SUDs scheme and its subsequent implementation on site, in line with the provisions of Policy PP38 of the Poole Local Plan.

121. Furthermore, permeable surfacing can be secured by an appropriately worded condition to ensure there would be no increase in surface water run-off from the site as soft landscaped areas would be replaced with hard standing.

#### Waste Collection Considerations

122. Sufficient bin storage is proposed on site to serve the proposed development.
123. The site would be served by an underground bin store located to the front of the site. This arrangement would be suitable for the weekly collections.
124. The scheme is supported by the Council Waste Collection Authority, subject to a condition requiring details of a waste management plan to be submitted for approval. This can be secured accordingly.

#### Other Considerations

125. Concerns were raised with regards to the lack of affordable housing provision on site. Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, the proposed development would be for the delivery of 9 flats, which would translate to a net increase of 8 units of accommodation on site. The overall floor space of the proposed accommodation would be less than 1,000 square metres. As such, the thresholds that would trigger the need for the provision of affordable housing would not be met. As a result, the proposal would be policy compliant in terms of affordable housing provision.
126. Having regard to section 2 of the Self-build and Custom Housebuilding Act 2015, it is considered that this scheme is not suitable for self-build/custom housebuilding as it is for a block of flats and it is likely to be sold as leasehold units. On this basis, the proposed scheme would not prejudice the provisions of Policy PP8 of the Poole Local Plan in this regard.

#### SAMM/CIL Compliance

127.

<b>Contributions Required</b>	Dorset Heathland SAMM	Poole Harbour
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				Recreation SAMM
Houses	Existing	1	@ £397	@ £141
	Proposed	0		
Flats	Existing	0	@ £271	@ £97
	Proposed	9		
	Net increase of units	8	£2439	£873
Total Contributions			£2042 (plus admin fee)	£732 (plus admin fee)
CIL	Zone C		@ £120.42sqm	

128. 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.

129. 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

130. 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.

131. The applicant had submitted an upfront payment through S111 of the 1972 Local Government Act to pay the relevant contributions towards both Heathland and Poole Harbour SAMMs. As such, the proposal complies with the provisions of Policies PP32 and PP39 of the Poole Local Plan.

132. **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.
- The proposal would have acceptable impacts on the prevailing character and layout of the surrounding development in the area. The scale, massing and design of the proposed development together with its external finishes, would be appropriate in the context of the surrounding built form and enable it to integrate in an acceptable manner within the street scene.
- The proposed development would have acceptable impacts on the amenities and privacy of the occupants of neighbouring and nearby properties, subject to conditions.
- The proposal would provide adequate living conditions for the prospective occupants of the proposed flats.
- The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety.
- The proposed waste collection arrangements are adequate and proportionate to the scale of the proposed scheme.
- The proposal would have acceptable impacts on protected trees on site.
- The proposal would not result in any materially harmful loss of biodiversity on site, subject to conditions.
- The scheme can provide an adequate level of biodiversity enhancement, secured by condition.
- The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources can be secured by condition.
- The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions which have been paid.
- The proposal would be CIL liable.

## **Planning Balance / Conclusion**

133. Given the shortfall of the 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.
134. The scheme would contribute to the Council's demand for new housing and it would achieve social benefits by delivering an additional 8 new residential units 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, highway safety, trees or protected habitat nearby.
135. Having recognised the collective benefits of the proposed scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
136. The scheme is therefore recommended for approval.

## **Background Documents:**

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

## **RECOMMENDATION**

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

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

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

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

### **2. AA01 (Non-standard Condition)**

The materials to be used for the external faces of the development shall be as specified on the approved plans.

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



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

Both in the first instance and upon all subsequent occasions, the first floor en-suite bathroom window and the secondary bedroom window within Flat 4, in the side elevation facing No 2 Hatherden Avenue, 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 development 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 development and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

### 4. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plans 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).

### 5. 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).

### 6. HW240 (Electric Vehicle Charging Points)

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

7. AA01 (Non-standard Condition)

Prior to first occupation of any new residential unit hereby approved, details of a proposed scheme of lighting within the car park and along the pathway to the cycle store, to include details and specification of the type of lighting proposed, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of any new residential unit hereby approved and thereafter retained and maintained to ensure the lighting remains in working order.

Reason: In the interests of pedestrian and cyclists' safety on site and in accordance with the approved plans and Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

8. AA01 (Non-standard Condition)

Prior to the residential occupation of the development hereby approved, a scheme to close the section of the existing access (which is to be made redundant) 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 residential occupation of the new development.

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).

9. HW080 (First 4.5 Metres Constructed)

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. TR030 (Implementation of Details of Arb M Stmt)

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved Arboricultural Impact Assessment and Method Statement (prepared by Treecall Consulting Ltd, ref: DS/16321/SC, dated 26/11/21 and received 03/12/21), and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason: To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

#### 11. TR040 (Pre-commencement Meeting)

Prior to the commencement of any ground clearance, tree works, demolition or development, details of the arboriculturally sensitive operations requiring arboricultural supervision shall be submitted to, and approved in writing by, the Local Planning Authority. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

#### 12. TR110 (Arboricultural Supervision)

Site visits shall be carried out by the developer's arboricultural consultant in strict accordance with the supervision schedule contained within the approved arboricultural method statement. Copies of written site notes and/or reports detailing the results of all site supervision visits and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Variations to the approved supervision schedule must be submitted in writing to the Local Planning Authority and shall not be implemented until written consent has been obtained.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

#### 13. GN162 (Renewable Energy - Residential)

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

The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,  
The corresponding EPC (Energy Performance Certificate), and  
A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

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).

#### 14. AA01 (Non-standard Condition)

Prior to commencement of any works on site, including demolition of the existing dwelling or any vegetation clearance, the existing dwelling on site should be subject to a bat survey carried out in line with Bat Conservation Trust's 'Bat Surveys for Professionals 3rd edition', by a bat ecologist holding a suitable professional accreditation, as specified in the approved Preliminary Ecological Appraisal and Bat Mitigation Strategy Report (prepared by Ecosupport Ltd, dated and received 03/03/2022).

The findings of the bat survey shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works being undertaken on site. The works on site shall afterwards be carried out in line with the recommendations of the approved Bat Survey.

In the event of finding bats on site, a European Species Protected License shall be obtained from Natural England and the mitigation and compensation measures, as outlined within the Section 6.0 of the approved Preliminary Ecological Appraisal and Bat Mitigation Strategy Report (prepared by Ecosupport Ltd, dated and received 03/03/2022), shall be implemented in full. Any changes to the approved mitigation and compensation measures shall be approved by the Local Planning Authority prior to their implementation on site.

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

#### 15. AA01 (Non-standard Condition)

Notwithstanding the biodiversity enhancement measures shown on the approved drawings, prior to the first occupation of the development hereby permitted, biodiversity mitigation and enhancement measures, as specified in Section 6.0 of the approved Preliminary Ecological Appraisal and Bat Mitigation Strategy Report (prepared by |Ecosupport Ltd, dated and received 03/03/2022) shall be carried out and installed on site in compliance with the requirements of the Bat Conservation Trust

[http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html) and swift conservation guidance <http://www.swift-conservation.org/OurLeaflets.htm>

The implemented biodiversity enhancement measures shall thereafter be retained on site and maintained in good order.

Reason: In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2021 (Section 15) 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).

16. AA01 (Non-standard Condition)

Prior to the commencement of development, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the Local Planning Authority. 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).

17. 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).

18. AA01 (Non-standard Condition)

The bin store shall be constructed in accordance with the details indicated on the approved plans and together with the bin collection area shall be made available for use prior to the first occupation of any of the flats hereby permitted, and shall subsequently be kept available for use, maintained and retained as such at all times thereafter.

Reason: In the interests of visual amenity and the amenities of the future occupants of the dwellings, hereby approved, and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

**19. AA01 (Non-standard Condition)**

Prior to first occupation of the flats hereby approved, a waste management plan shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to the first residential occupation of the development hereby permitted.

Reason: To ensure that waste collection is provided to the site and in accordance with Policy PP27 of the Poole Local Plan adopted 2018

**20. PL01 (Plans Listing)**

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

Site, Block and Location Plans, Drg. no: 9533/100, rev. C, received 12/01/22;  
Floor Plans, Drg. no: 9533/101, rev. C, received 18/02/22;  
Elevations, Drg. no: 9533/102, rev. E, received 18/02/22;  
Streetscene and Existing Floor Plans, Drg. no: 9533/103, rev. D, received 18/02/22;  
Indicative Drainage Plan, Drg. no: 9533/104, received 23/11/21;  
Tree Protection Plan and Arboricultural Method Statement, Drg. no: DS/16321/SC, received 03/12/21;  
Arboricultural Impact Assessment and Method Statement, ref: DS/16321/SC, received 03/12/21; and  
PEA and Bat Mitigation Strategy, prepared by Ecosupport, received 03/03/22.

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

**Informative Notes**

**1. IN72 (Working with applicants: Approval)**

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

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

Also:

- in this case the applicant was advised of issues after the initial site visit; and

- 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 website: <https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

## 3. IN81 (SAMM Approval)

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

## 4. IN84 (AA passed)

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

#### 5. IN82 (Demolition of Buildings)

Applicants are advised of the need to notify the Council, under Section 80 of The Building Act 1984, of the proposed demolition of a building, which is over 1750 cubic feet, or which is not within the exemption criteria expanded within the Act.

An application form, with a list of required notifications, is available from Building Consultancy Services to assist applicants. Once appropriately notified, the Council will issue a counter notice which authorises the demolition, subject to certain standard conditions relating to health and safety issues and amenity preservation.

#### 6. IN11 (First 4.5m Access Crossing)

The applicant is informed that the “first” part of the 4.5 metres of the access crossing in any case falls within the highway and is subject to the direct jurisdiction of the local highway authority. The remaining proportion of the 4.5 metres is also required to be surfaced to ensure free and easy access to and from the highway and to ensure stones, mud, gravel and the like do not result in a hazard on or near the highway.

#### 7. IN12 (Kerb Crossing to be 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.

#### 8. IN13 (Kerb Crossing to be 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>

The applicant is also advised that the new lowered kerb work may require the repositioning of a road speed sign and any costs in relation to these works, including Traffic Regulation Orders, will be at the applicant's expense.



#### 9. IN21 (Protection of Bats)

There is evidence that bats may be roosting within the site. All bats are fully protected under the Wildlife & Countryside Act 1981. Section 9 of the act makes it an offence to intentionally kill, injure or disturb a bat and to damage, destroy or obstruct access to any structure that is used by bats for roosting. Under the provisions of the Wildlife & Countryside Act 1981 you must consult Natural England, Dorset Hampshire & Isle of Wight Team, Rivers House, Sunrise Business Park, Higher Shaftesbury Rd, Blandford Forum DT11 8ST before proceeding with the development authorised by this notice.

Case officer: Monika Kwiatkowska