

Planning Committee



Application Address	The Sloop, 5 Commercial Road, Poole, BH14 0HU
Proposal	Erect a single block of 86 flats with associated access, parking, and landscaping.
Application Number	APP/22/00091/F
Applicant	AJ Developments (Sloop) Ltd
Agent	Anders Roberts & Assoc
Ward and Ward Member(s)	Parkstone Councillor Ann Stribley & Stephen Baron
Report status	Public Report
Meeting date	22 September 2022
Summary of Recommendation	Grant subject to completion of a Section 106 in accordance with the details set out in this report
Reason for Referral to Planning Committee	<p>Cllr Baron requested to call-in this application. Areas of concern are as following:</p> <ul style="list-style-type: none"> – Resident's concerns over bulk and the increased of units from 74 to 86 is inappropriate next to the Conservation Area – Resident's concerns over lack of affordable housing, which was submitted previously to mitigate the loss of a community asset – Loss of sunlight, overshadowing and loss of outlook – Loss of privacy – Highway issues – Layout and density of building design – Inadequate landscaping – Contrary to PP27, PP28 and PP29
Case Officer	Piotr Kulik

Executive Summary

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

Representations received

2 objections have been received. A summary of the objections has been provided within the consultation section of the report.

Principle of Development

The principle of a large residential block of flats has previously been agreed by the Planning Inspectorate when allowing an appeal in relation to a previous outline application for the demolition of the then existing pub, outbuilding and 2no flats and the redevelopment of the site with a block of flats comprising of 74 units in total in 2020. The appeal decision is considered as a material planning consideration to the determination of this application. The site is within a mixed commercial and residential locality and is considered a sustainable location. It is a brownfield site with scope for potential additional development, supported by Policy PP2 of the Poole Local Plan, subject to careful consideration of any other material considerations. The development would contribute towards BCP Council housing targets.

Loss of the community facility

The application site although vacant was formally occupied by a public house, The Sloop. It is considered that the community benefit of 9no. discounted market rent units is a sufficient community benefit to outweigh the loss of the former public house, as a community facility and accords with Policy PP26 of the Poole Local Plan.

Loss of a locally listed building

The site is currently vacant but was most recently occupied by a locally listed pub, The Sloop. The description of 'demolition of existing buildings' was removed from the current scheme as the former public house has already been demolished and it had already been agreed by the Council that The Sloop public house had been lawfully demolished.

Impact on the character and appearance of the area

The surrounding area contains a mix of residential and commercial uses with several tall and bulky buildings over several floors. Given the most recent permissions for taller buildings in the immediate vicinity of the site, with some already under construction, the current proposals would reflect the existing and emerging character of the locality. It is considered that the addition of an extra storey to that previously approved, resulting in a 7-storey structure (6 floors above non-habitable ground floor), would still relate to the emerging pattern of development being of a similar scale to the building under construction at Nos. 1-3 Commercial Road, the building approved at Park Place and the buildings across the Civic Centre estate on the south of Commercial Road.

Impact on Residential Amenity

The proposed building would be close to other properties but would be acceptable in the context of the high-density layout of properties in this area without causing material harm to the amenities and privacy of the occupants of those neighbouring and nearby properties.

Residential Living Standards

Similarly, as was the case in relation to the scheme previously approved by the Planning Inspector under outline application APP/19/01401/P, most of the units exceed the minimum gross internal floor areas indicated within the Government's Technical housing standards. Some units would benefit from outdoor amenity spaces in form of balconies. However, whilst the on-site provision of outdoor amenity spaces is fairly limited, the site is located in very close proximity to Poole Park which is within easy walking and cycling distance.

Transport Considerations

The proposal has been assessed by the Council's Transportation Officer who advised that the proposal would not result in any adverse impact on the existing parking and access arrangements on site. As such, the Council's Transportation Officer supports the proposal.

Other matters

The proposal would be capable of achieving 20% of the predicted energy needs of the development from renewable energy sources. This has been secured by a condition.

Biodiversity enhancement measures can be secured by condition, as advised by the Council's Biodiversity Officer, who raises no objection to the proposal.

The application site is located within Flood Zone 1, however a Drainage Scheme can be secured by condition.

The proposal has been assessed and supported by the Council's Waste Collection Authority who have advised that the proposal would not result in any impact on the previously approved waste collection arrangements on site.

SAMM/CIL compliance:

The proposed scheme is CIL or SAMM liable.

Summary

The proposal seeks residential development within a sustainable location that is supported by the Local Plan, as defined by Policy. The proposed scheme would make an efficient use of the land here. Although it is acknowledged that the scheme is close to other buildings, it is similar to other development in the area and would not have a detrimental visual impact outside the site. The proposal would have a limited impact on neighbouring residents and living conditions for future occupants are acceptable overall. Having recognised the collective benefits of the proposed scheme and having regard to the tilted balance and presumption in favour of sustainable development, it is concluded that the proposals would achieve the economic, environmental and social objectives of sustainable development, in compliance with the adopted policies of the Development Plan as a whole and the relevant provisions of the NPPF and should therefore be recommended for approval.

Description of Proposal

1. Full planning permission is sought to erect a block of 86 flats with associated parking provision. The proposed building would be 7-storeys in height containing 73no 1-bedroom flats, 12no 2-bedroom flats and 1no 3-bedroom flats with parking, cycle and refuse storage.
2. The scheme, as originally submitted, did not include the provision of any affordable housing units nor discounted market sale units as shown on the scheme previously approved by the Planning Inspector in 2020 for 74 units. During the lifespan of the application, the applicant has confirmed that the current scheme would include the provision of 9no. discounted market value rent units.
3. The applicant has provided the following information:

	Existing	Proposed
Site Area: (ha)	0.18	0.18
Use	Vacant site with a previous Commercial/residential use (public house & two flats)	Residential
Density	-	478 dph
Parking Spaces	10 Cars 0 Cycle Spaces 0 Motorcycle spaces	46 Cars 120 Cycles Spaces 4 Motorcycles

No. of Residential Units	2	86
No. of affordable housing units	0	9 Discounted Rent Units

4. The scheme has been subject to amendments during the course of the application to address concerns regarding design and layout, and in response to issues raised by statutory consultees.

Description of Site and Surroundings

5. The site is located on the northern side of Commercial Road, where it forms part of the Civic Centre gyratory, whilst the eastern and northern boundaries of the site adjoin sections of North Road. The site is currently vacant but was previously occupied by a public house with a pub garden and car park that have been demolished under an earlier permission.
6. The wider area has a mixed character consisting of Bournemouth and Poole College, the Civic Centre complex, a parade of shops and residential dwellings on the northern side of North Road. The former Police Station (The Metropolitan) has been extended and converted to flats and the adjacent site The Cosmopolitan at Nos. 1-3 Commercial Road is also developed for flats in form of a 6-storey building. On the opposite side of North Road is a large open grassed area, which forms part of Park Place. Park Place itself benefits from a recent outline planning permission for a 7-storey building consisting of 126 assisted living apartments that was granted in 2021 under planning permission APP/21/00008/P.
7. The context for the former Sloop public house site (No.5 Commercial Road) is characterised by the two-storey neighbouring residential homes fronting North Road, Bournemouth-Poole College to the north-west, the Civic Centre/Crown Courts complex on the island to the south/south-east and the block of flats that has recently been constructed on the immediately adjacent site at Nos.1-3 Commercial Road to the west. Ashley Cross Conservation Area's western boundary begins at Chapel Road near the site.
8. The application site is close to the following designated and non-designated heritage assets -
 - a. Municipal Building, Grade II Listed October 2019;
 - b. Poole Park Conservation Area/ Grade II Registered Park and Garden (up to rear former Lloyd's Bank); Designated 1996;
 - c. Civic Centre Annex, Locally Listed, Sandbanks Road;
 - d. Law Courts, Locally Listed, Sandbanks Road; and
 - e. Memorial Clock, Locally Listed and opposite N side of Municipal Building.

Relevant Planning History

9. The Application Site (The Sloop, 5 Commercial Road)
10. **2022:** A deed of variation to modify the planning obligation relating to planning application APP/19/01401/P and remove definitions of 'Discounted market sales

housing; Mortgage; Open market value and Qualifying buyer' from S106 Agreement dated 29/07/21 – **Refused**.

11. **2021:** Reserved Matters following outline approval of APP/19/01401/P for Landscaping – **Approved** ref. APP/21/01568/F.
12. **2020:** Non-material amendment following approval of APP/19/01401/P to replace approved Juliette balconies with opening windows – **Approved** ref. APP/21/01502/F.
13. **2020:** Outline planning permission to demolish existing pub, outbuilding and 2no flats and erect a block of 4no studio flats, 60no 1 bedroom flats, 9no 2 bedroom flats and 1no 3 bedroom flats with parking, cycle and refuse storage was allowed at appeal – **Refused** ref: APP/19/01401/P **and Appeal Approved**. The Inspector stated at:

'71. The main benefit of the proposal would be the provision of 74 flats, which would represent a net gain of 72 dwellings, towards the overall housing supply in an area where there is a shortfall in delivery amounting to 499 dwellings. As such, it would make a sizeable reduction to the shortfall. Furthermore, nine of the units would be discounted market sales units which would diversify the provision of homes. There would be economic benefits associated with the construction of the proposal as well as the longer term activity of future occupants. The site is located in a highly accessible location such that future occupants would be close to facilities and public transport provision, thereby benefiting from having a genuine choice of travel modes in accordance with paragraph 105 of the Framework. I attribute significant weight to these benefits.

72. In addition, the proposal represents a higher density development that would make more efficient use of previously developed land which is encouraged by paragraphs 120 and 124 of the Framework. In line with paragraph 120 c), this attracts substantial weight in favour of the proposal.

74. The proposal would be policy compliant in terms of the quality of the proposed new design, the living conditions created and parking provision.'

14. **2019:** Demolish existing pub, outbuilding and 2 no flats and erect a block of 77 flats with parking, cycle and refuse storage. **Withdrawn** (APP/19/00323/P).
15. **2017:** Pre-application advice offered for redevelopment of site for mixed use (residential and retail) development (PREA/17/00064).
16. Relevant sites adjacent immediately to or within proximity to the site
17. Nos. 1-3 Commercial Road (adjacent immediately to the west of the site)
18. **2022:** Non-material amendment following approval of APP/19/00664/F to approved plans for 1. the creation of a small media plant room; 2. the insertion of a doorway to the side of the approved bin store; 3. a high level window to the bin store; and 4. the omission of one living room window to third floor flat No. 68 – **Approved** (APP/20/00645/F).
19. **2020:** Non-material amendment of permission ref:19/00664/F to form a roof terrace with handrail. **Approved** (APP/20/00078/F).
20. **2019:** Variation of condition 2 of permission APP/16/01862/F as described in that description of development to include the addition of new windows, amendments to the size and location of existing windows, installation of smoke shafts, installation of a

safety handrail on roof, removal of stairwell from the gallery on the ground floor, insertion of a door on the north-western elevation, reconfigured bin store on lower ground level to include new area to accommodate a sub-station and creation of residential emergency escape stairwell near approved entrance. **Approved and under construction** (APP/19/00664/F).

21. **2019:** Outline application for the demolition of the existing buildings and erect a mixed-use development with associated access and parking. **Refused** (APP/18/00288/P).
22. **2017:** Demolish existing buildings and erect 80 residential units with associated access and parking. **Refused and appeal allowed** (APP/16/01862/F).
23. **2016:** Demolish existing buildings and erect a mixed use development consisting of 50 residential units and retail space, with associated access and parking. **Approved** (APP/15/01360/F).
24. Park Place, North Road (set across North Road towards the east of the site)
25. **2021:** Outline application for the demolition of the existing buildings and the erection of an extra care (use class C2) development consisting of 126 assisted living apartments with a range of support services and facilities including treatment rooms, medical care, accommodation management, restaurant and laundry services (outline application with Access, Appearance, Layout and Scale for consideration). **Approved** (APP/21/00008/P).
26. **2019:** Demolition of the existing buildings and the erection of an extra care (use class C2) development consisting of 131 assisted living apartments with a range of support services and facilities including treatment rooms, medical care, accommodation management, restaurant and laundry services (outline application with Access, Appearance, Layout and Scale for consideration). **Appeal dismissed against non-determination** (APP/19/00816/P).
27. **2017:** Reserved matters application following approval of outline application APP/13/01051/P for approval of the landscaping of the site. **Approved** (APP/16/01348/R).
28. **2013:** Application for new planning permission to replace extant permission 10/00756/P for demolition of existing offices and erection of Class C2 Care Home with associated car parking with access from North Road and extend the time limit for implementation. **Approved and extant** (APP/13/01051/P).
29. **2010:** Demolition of existing offices and erection of Class C2 Care Home with associated car parking with access from North Road. **Approved** (APP/10/00756/P).

Constraints

30. In considering whether to grant planning permission or permission in principle for development which affects a listed building special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.
31. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Sector Equalities Duty

32. 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.

Other relevant duties

33. 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.
34. 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.
35. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
36. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

37. BCP Highway Authority: No objection subject to conditions.
38. Dorset Wildlife Trust: No objection subject to ecological enhancements in form of a bat box installed.
39. BCP Recycling and Waste: No objection subject to conditions.
40. BCP Planning Policy: No objection.
41. BCP Housing: No objection.
42. Building Safety and Construction Division: No objection.
43. BCP Environmental Services: Comments offered regarding waste collection. Condition required regarding reporting of unexpected contamination.
44. BCP Flooding & Coastal Erosion Risk Management Team: No objection subject to conditions.
45. Dorset Police: Advice offered from the Crime Prevention and Design Advisor
46. BCP Urban Design Officer: No comments provided.

47. Dorset CCG: Contribution required.
48. BCP Strategic Lead Greenspace & Conservation (Open Space): No objection subject off-site contributions.
49. BCP Conservation Officer: Recommendation for refusal. The Conservation Officer considers that:

Less than substantial harm to the setting and significance of the designated heritage asset as the additional storey and height is not justified in line with NPPF 200. The proposals adversely impact the physical setting of the listed municipal building and the way it's experienced within the context of Poole Park Conservation Area, where it's setting should be preserved in accordance with S.66 (1) of The Town (Listed Buildings and Conservation Areas) Act 1990 and Poole Local Plan Policy PP29. The public benefits for the heritage assets have not been demonstrated as is required in cases where there is less than significant harm by NPPF 202.

Representations

50. Letters were sent to neighbouring properties and site notices displayed around the site.
51. Letters of objection from two different addresses have been received raising the following objections:
- a. Loss of light and privacy; and
 - b. Concerns about additional floor proposed when comparing to a previous outline and reserved matters permission ref. APP/21/01567 and APP/19/01401/P respectively.
52. The Society for Poole:

'Object to this proposal designated to increase the number of flats over the number previously approved after an appeal from a previous local refusal. It is noted, with some concern, that another local planning body (the Dorset Clinical Commissioning Group) feels that the impact of this proposal will impact on available NHS resources suggesting inadequate between the relevant bodies involved

It is also relevant to aid the delivery of affordable dwellings (the local priority) whilst increasing demands on the current state of infrastructure services and facilities'.

Key Issue(s)

53. The main considerations involved with this application are:
- a. Housing Delivery Test
 - b. Principle of residential development
 - c. Loss of the community facility
 - d. Loss of the locally listed building
 - e. Open Space Provision
 - f. Impact on the character and appearance of area

- g. Impact on residential amenity
 - h. Parking provision and highway safety
 - i. Affordable housing
 - j. Housing for an ageing population
 - k. Sustainability
 - l. Biodiversity
 - m. Other matters
54. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

55. Poole Local Plan (Adopted 2018)
- PP1 Presumption in favour of sustainable development
 - PP2 Amount and broad location of development
 - PP7 Facilitating a step change in housing delivery
 - PP8 Type and mix of housing
 - PP11 Affordable Housing
 - PP12 Housing for an Ageing Population
 - PP13 Housing for multi-generational and extended families
 - PP24 Green infrastructure
 - PP26 Sports, recreation and community facilities
 - PP27 Design
 - PP29 Tall Buildings
 - PP30 Heritage assets
 - PP32 Poole's nationally, European and internationally important sites
 - PP33 Biodiversity and geodiversity
 - PP34 Transport strategy
 - PP35 A safe, connected and accessible transport network
 - PP37 Building sustainable homes and businesses
 - PP38 Managing flood risk
 - PP39 Delivering Poole's infrastructure
 - PP40 Viability

56. Supplementary Planning Documents

Parking Standards SPD (Adopted January 2021)

The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)

Nitrogen Reduction in Poole Harbour SPD (Adopted February 2017)

Affordable Housing (Adopted November 2011)

Heritage Assets (Adopted April 2013)

Poole Harbour Recreation (2019-2024) SPD (Adopted February 2020)

Poole Park Conservation Area SPG (Adopted 1995)

HE, The Setting of Heritage Assets, GPAN 3

57. 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.”

58. Planning Practice Guidance (NPPG)

Planning Assessment

Housing Delivery Test

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. 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.

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. The implication of the Poole area failing to have a 5 year housing land supply is that the NPPF's presumption in favour of sustainable development is therefore engaged (unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see NPPF Footnote 7), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
63. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.
64. The Council also has a significant shortfall in its provision of affordable housing in the area. This scheme seeks to provide affordable housing in form of 9no. discounted market rent units hence beneficial weight can be attributed to it in this respect. The proposed flatted development would also provide smaller units of residential accommodation that are likely to represent a more affordable type of housing and offer a housing choice to meet the needs of people who might otherwise be unable to afford to rent or purchase a flat or house.

Principle of residential development

65. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP1, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained at paragraph 11 of the NPPF.
66. 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 PP2 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. A sustainable transport corridor is defined by the Poole Local Plan as being 400 metres either side of a road capable of extending service provision by the end of the plan period to four buses per hour (each way) or within 500 metres radius of a railway station. 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 and to reduce the need to travel.
67. 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 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.

68. The proposed flatted development would constitute a form of high-density residential development, whilst the application site is located within the sustainable transport corridor as identified by Policy PP2 of the Poole Local Plan and as indicated on the Proposals Map. As such, the principle of the proposed development is supported by policy in terms of its sustainable location. Furthermore, the principle of a residential development on the application site has previously been accepted by the Planning Inspectorate as a result of the approval of the appeal scheme for outline permission to redevelop the site with the construction of 74 flats (APP/19/01401/P).

Loss of the community facility

69. The former public house that previously occupied the site, and which was considered to constitute a community facility, was recently demolished. The application site is currently cleared and vacant. Policy PP26 states that the Council will seek to retain sites currently **or last used** for community facilities. The proposed development would therefore result in the loss of a community facility and as such must be assessed against Policy PP26 of the Poole Local Plan.
70. The supporting paragraphs to Policy PP26 state that community facilities make an important contribution to people's quality of life and general well-being and that they provide for the health, social, educational, spiritual, recreational, leisure and cultural needs of the community.
71. In relation to the proposed loss of existing community facilities, as would be the case in this instance, Policy PP26 (3) states that "The Council will seek to retain sites currently or last used for community facilities. Development that would lead to the loss of such premises will only be permitted where the proposals provide sufficient community benefit to outweigh the loss of the existing facility or service and it can be demonstrated that:
- (a) the loss would not result in a substantial decline in the range of facilities and services for local people; or
 - (b) the facility is no longer needed, and it is not feasible to support its continued existence.

The pre-ambles to Policy PP26 outlines that community benefit could include affordable housing.

72. Outline planning permission was granted by the Planning Inspectorate on 2 September 2021 to demolish the existing pub, outbuilding and 2no flats and to erect a block of 4no. studio flats, 60no. 1-bedroom flats, 9no. 2-bedroom flats and 1no. 3-bedroom flat (74no. flats in total) with parking, cycle and refuse storage (ref: APP/19/01401/P and APP/V1260/W/20/3264947). This particular planning permission was granted subject to a Section 106 Agreement which requires that the developer will provide 9no. discounted market sales housing units on site (offered at 80% of the open market value as a form of affordable housing provision) to compensate for the loss of the community facility on site (The Sloop public house). The compliance of the approved scheme with the provision of Policy PP26(3) has been tested at Planning Committee and subsequently at the appeal stage.
73. The current application, as it was originally submitted, did not include the provision of any affordable housing units in accordance with Policy PP11 of the Poole Local Plan

nor discounted market sales housing units to compensate for the loss of the public house as a community facility in accordance with Policy PP26. However, during the course of the application, the proposal has been amended to include the provision of 9no. discounted market value rent units due to a most recent refusal dated 1 April 2022 of a parallel application for the modification of the S106 Legal Agreement to remove the requirement for the provision of the discounted market sales housing units on outline planning permission APP/19/01401/P. This request to vary the S106 Agreement was refused as the removal of the requirement for the provision of the discounted market sales housing units would have meant that there was no community benefit being provided by the proposed development under APP/19/01401/P that would have compensated for the loss of the public house as a community facility contrary to Policy PP26 of the Poole Local Plan. Furthermore, the Council's Planning Policy Team confirmed it would be reasonable that the public benefit of 9no. discounted market sales housing units still apply to the current application, as per the previous approval, as this was based on a similar like-for-like floor area to the pub lost. This must be provided on site, but there would be no preference as to whether the proposed housing units are provided as discounted market sales housing or as discounted market value rent units. In this regard, either would still meet the definition of affordable housing. Furthermore, the Council's Housing Team has advised that the 9no. affordable housing units could be provided as discounted affordable rented units rather than discounted market sales housing units.

74. Given most recent permission for Thistle Hotel, Poole (APP/20/01163/F) where a Section 106 clause was added to secure a review mechanism of the viability of the proposed development, it has been questioned whether the current application should include additional provision (in the form of either on-site provision or an off-site financial contribution) on the top of the 9no. discounted market rent units. The Council's Planning Policy team, however, has advised that in normal circumstances if affordable housing was being provided as part of a development proposal to satisfy the requirements of Policy PP11 of the Poole Local Plan, then that same provision could also provide the community benefit to offset the loss of the community asset in accordance with Policy PP26. As such, an additional level of provision would not necessarily need to be provided over and above that which is proposed as part of the application to meet the requirements of Policy PP11.
75. However, the level of provision offered would still need to be assessed against Policy PP26 as to whether it is sufficient to offset the loss of the community asset. For example, if one affordable unit was provided to satisfy the requirements of Policy PP11, it would still need to be determined whether that provides sufficient community benefit to satisfy the loss of the community asset in accordance with the requirements of Policy PP26. The provision of 9no discounted market sales housing units was considered acceptable at appeal in this regard. The current scheme has also been considered in the context of both Policies PP11 and PP26 of the Poole Local Plan.
76. Consequently, it was determined that the provision of the 9no. discounted market rent units that were proposed to provide the community benefit to offset the loss of the public house as a community facility in compliance with the requirements of Policy PP26 should be secured by a Section 106 Agreement, and not under the encumbrance of Policy PP11 which has already been tested and demonstrated that the scheme was not economically viable. It should also be noted that there have been no material changes to the planning policy context since the appeal determination for the outline permission was allowed in September 2021. The current scheme relates to a revised single-phase project to that previously approved and which has already been commenced on site following the implementation of the approved outline permission (the appeal scheme) and subsequent approval of reserved matters.

77. The viability of the current application has been assessed and the DVS assessment has confirmed that the current proposal is not sufficiently viable to enable any contribution to be made towards the provision of Affordable Housing, regardless of whether that provision is through the on-site delivery of affordable housing units or off-site via a financial contribution. The conclusions of the DVS' assessment have also excluded the provision of the 9no. discount market rent units which would further reduce the viability of the current scheme. As such, in the case of the current application, it is not considered reasonable to include a clause for a review mechanism of the viability of the proposed development particularly given that no such overage clause was deemed to be necessary by the Planning Inspectorate when allowing the earlier appeal scheme. The Council's Planning Policy Team has also confirmed further that given the DVS' assessment there should not be an overage clause as challenging viability is irrelevant.
78. Therefore, having regard to the appeal decision, the submitted viability assessment identifying that the currently proposed scheme is not sufficiently viable to provide affordable housing, as well as the specific facts relevant to this case, the provision of 9no. affordable housing units in the form of discounted market rent units is considered an acceptable provision to meet both the requirements of Policies PP26 and PP11 of the Poole Local Plan. This can be secured via an appropriate planning obligation within a Section 106 Agreement. On balance, in light of the most recent planning decisions for the site, it is considered that the community benefit of 9no. discounted market rent units is a sufficient community benefit to outweigh the loss of the existing facility and accords with Policy PP26 of the Poole Local Plan.

Loss of the locally listed building

79. The application as it was originally submitted included reference to the 'demolition of existing buildings' in the proposed description of development. However, it was noted that the former public house had already been demolished and the site itself was already cleared and vacant at the point of validation of the application. This was confirmed by the case officer's site visit. Consequently, the description of development to the application has been amended, in agreement with the applicant, to exclude any reference to the 'demolition of existing building'.
80. Further, Condition 4 suggested by the Planning Inspector on the allowed appeal for APP/19/01401/P stated the following:
- 'Prior to the demolition/removal of any building or parts as approved, a specification shall be submitted to, and approved in writing by, the local planning authority for the recording of the buildings by way of measured drawings and/or photographs. The recording works shall be carried out in accordance with the time-scale and details set out in the agreed specification and a copy of the results shall be submitted to the local planning authority prior to the commencement of development hereby approved.'*
81. The Council has subsequently approved details that have been submitted and which fully satisfied the above condition requirements on 21/01/2022. Consequently, the principle of the loss of the former locally listed building has previously been established and has been implemented and therefore no further assessment is required as part of the current submission pertaining to the principle of the loss of the former public house as a locally listed building.

Open Space Provision

82. In accordance with Policy PP25, strategic sites (i.e. those that include 40 or more dwellings as defined by the Poole Local Plan) should provide open space on-site having regard to the standards set out in the Council's Open Space Needs Assessment

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. There is landscaping proposed along the western flank as illustrated in the submitted landscape strategy and the current scheme shows similar landscape planting details to that which was approved under the reserved matters application (APP/21/01568/F) pursuant to the outline permission.

83. Previously, the site was not assessed against adopted Policies PP24 and PP25 of the Poole Local Plan. However, it is accepted that the site would be classed as a Strategic Site, as laid out in the glossary of the Poole Local Plan – “For the purposes of the Local Plan strategic sites are those which include 40 or more dwellings or 2,500sq.m of commercial floorspace”. Therefore, for a site of this size the starting point is that open space should be secured either on-site or off-site through a financial contribution in compliance with the requirements of Policy PP25.
84. The Council’s Strategic Lead Greenspace and Conservation Officer has been consulted and advised that off-site open space contributions should be secured via this application. However, in this case it is considered that there are existing good links to local parks such as Poole Park and Harbourside Park, combined with the site being considered as a sustainable location, there is sufficient open space provision within close proximity to site.
85. Furthermore, the Open Spaces Officer has confirmed that there is ample local provision with significant recent improvements within Poole Park - with a reference to ‘Pool Park Life’ a 2.7 million Heritage Lottery Fund for park improvements. Poole Park itself is set within a short walking distance away from the application site. Similarly, many park improvements can be seen in Harbourside Park, again a short distance away, which form part of wider BCP Projects – Harbourside Park master planning. Moreover, this scheme if approved would generate a CIL contribution of £678,148.84 that the Council can use in whole or in part towards ‘Green Infrastructure / open spaces’ (which is identified as appropriate spend for CIL on the Council’s infrastructure list). Moreover, the previous approved application did not require a separate S106 for open space in addition to the CIL payment and investment in the nearby and accessible parks. Hence, under the circumstances the requested separate financial contribution towards off-site provision via S106 open space provision is not considered ‘necessary’ to make this particular development acceptable in planning terms.

Impact on the character and appearance of the area including heritage assets

86. Policies PP27 (Design) and PP29 (Tall Buildings) of the Poole Local Plan set out the criteria against which all new development and specifically tall buildings development should be assessed to ensure that the established pattern of development and residential character of the area is preserved or enhanced. Policy PP27 requires new development to achieve a good standard of design that reflects or enhances local patterns of development, with reference to the layout, height, massing, materials, landscape treatment and visual impact of development. PP29 requires tall buildings to be located adjacent to main junctions and incorporate community benefits such as affordable housing. PP29 also confirms that tall buildings must make a positive contribution to townscape including preserving heritage assets and represent good architecture and use of materials.
87. The principle of a large-scale contemporary building positioned around the edge of the site providing an edge to Commercial Road and North Road has already been accepted through the approval of the appeal scheme for outline planning permission (74 flats in total) (APP/19/01401/P) and the subsequent reserved matters (landscaping) approved under APP/15/01374/R. Also, the choice of external facing materials is very similar to those already approved, which includes render and bronze

cladding although grey aluminium instead of grey UPVC windows are currently proposed. Such materials palette is considered acceptable and in keeping with the existing setting where there is 'no single character prevailing' as noted by the Planning Inspector dealing with the recent outline permission for the site. The positioning and size of fenestration now proposed mirrors that approved by that earlier outline scheme.

88. The current application increases the number of units by 12 when compared to the most recent outline permission for 74 flats, as a result of the proposed additional storey. The changing context and character of the local area in the vicinity of the application site, as evidenced by the approval of more recent developments at nearby or adjacent sites, for instance, Nos.1-3 Commercial Road and Park Place, was already noted by the Planning Inspector. However, at 7 storeys, the proposed development needs to be assessed in relation to the criteria of Policy PP29. The Poole Local Plan paragraph 9.12 defines that 'In Poole tall buildings are considered to be those over six storeys (approximately 16 metres)'.
89. With respect to PP29, the site is not located within either of the two most suitable locations for tall buildings (Town Centre North or Twin Sails Regeneration Area). However, PP29 also allows for tall buildings to be located in other parts of the Poole and still be acceptable. PP29 identifies that suitable areas outside of Town Centre North and Twin Sails include those adjacent to junctions as part of the overarching approach of locating higher density development in the most sustainable locations. The location of the application site is adjacent to the Civic Centre gyratory, which is a major piece of transport infrastructure providing direct access to one of the key sustainable transport corridors in the BCP conurbation; in this case a key transport link in the Poole to Bournemouth corridor with high frequency of buses as well as supporting cycle infrastructure. The location, therefore, is highly sustainable and suitable in principle to accord with PP29 in locational terms. With the location of site acceptable for a tall building in principle, Policy PP29 states that '*Developments including a tall building must:*
- (a) make a positive contribution to the townscape, ensuring any heritage assets and their settings are preserved or enhanced and that adjacent residential properties are not dominated;*
 - (b) respect or enhance key views and existing landmarks;*
 - (c) represent good architecture and use of materials;*
 - (d) be positioned and designed to remove any adverse environmental, ecological and climatic impacts, including those on European and internationally important sites; and*
 - (e) create an attractive external environment that provides natural surveillance to the public realm'.*
90. It is notable that the addition of additional floor over and above that of the previously approved scheme is the principal alteration that is the subject of this current application. The building would continue to step down to four storeys at both ends to soften the visual impact of the additional storey. In contrast, the outline permission APP/21/00008/P at Park Place 6 North Road, shows a seven-storey building where the seventh storey covers a large portion of the building and is not set back from the lower storeys. The scheme would be stepped down to four storeys to address and relate to the scale of the adjacent building at the Cosmopolitan site which also steps down to four storeys towards the application site boundary. This approach also responds to the smaller scale residential properties beyond. In addition to that, the approved proposal at Park Place in 2021 (ref. APP/21/00008/P), set opposite to the application site, shows that the increased height section would face the seven storeys

building without set back. Consequently, Park Place is more prominent than the current proposal at the Sloop. Therefore, the application site would reflect and enhance the pattern of the evolving street scene.

91. The surrounding area contains a mix of residential and commercial uses with several tall and bulky buildings over several floors. Given the most recent permissions for taller buildings with some already under construction, the current proposals would reflect the existing and emerging character of the locality. The building would follow the curve in the road and would the top floor levels would be set back to provide a degree of articulation to the building and to allow 'breathing space'. The recessed elevations would respect the existing landmarks and would preserve the setting to the nearby Grade II Listed Civic Centre and the Poole Park Conservation Area. Additionally, the proposed landscaping of the current scheme mirrors that approved under reserved matter APP/21/01568/F in 2021. It is noteworthy that, the proposed parking arrangements and site layout is very similar to that of the appeal scheme approved by the Planning Inspectorate.
92. The site is on the opposite side of Commercial Road in a diagonal line visible from the listed Grade II Municipal Buildings and boundary wall and immediately to the east of the Conservation Area. The boundary of the Poole Park Conservation Area cuts through what is now a large 6 storey block of flats on the immediately adjacent site at Nos.1-3 Commercial Road. The existing Civic Centre was designed to be seen and experienced from and around the tree-lined open space environment of the Victorian Poole Park.
93. Notwithstanding the design merits of the scheme and that the overall scale and form would assimilate successfully with the existing and emerging character of the area in design terms, the Conservation Officer has objected to the scheme on impact to heritage assets. The objection raised by the Conservation Officer is therefore fully acknowledged and needs to be considered carefully in determining this application. The Conservation Officer concluded that '*The proposals adversely impact the physical setting of the listed municipal building and the way it's experienced within the context of Poole Park Conservation Area....*' and would result in less than substantial harm to the Listed Building. Areas of concern raised by the Heritage Officer are the visual impact of the additional floor on the Municipal Building, wider setting including residential neighbourhood, views of the treed ridgelines and the additional impacts resulting from '*noise, traffic and reduction of natural light and views around the building*'. The heritage assets nearby include the listed Civic Centre building, the Poole Park Conservation Area (which is also a Listed Registered Park and Garden and three locally listed buildings as listed in Paragraph 8 of this report. The listed Civic Centre and Poole Park are significant respectively for their architectural quality and historic layout and quality of its open spaces. The locally listed buildings are significant for their architectural historic value and overall quality. Together the heritage assets provide a high-quality setting for development in the locality and care does need to be taken with development to ensure how these assets are experienced is not materially diminished.
94. The Planning Inspector dealing with the outline application ref. APP/19/01401/P centred the conservation arguments on the demolition of the Locally Listed Sloop Public House. The Reasons for Refusal on the outline application APP/19/01401/P did not refer to the impacts on designated or non-designated heritage assets neither did the Inspector raise such issues. In fact, paragraph 21 of the Appeal Decision Notice for APP/19/01401/P states that the proposed 6 storey building '*would provide a better balance than the present juxtaposition of scale and form with the public house*'. Also, we can read in the same paragraph that '*the scale of the building would also be in keeping with the recently approved development for a substantial extra care development to the east of the site at Park Place*'.

95. The Inspector's findings on the appeal decision for the outline permission concluded that *'the proposed design would respond well to the changing context'*. The additional floor would still make this scheme lower in height than the Park Place scheme and only 1 storey higher than the adjacent development at Nos.1-3 Commercial Road. The current scheme would result in an approximately 21 metre tall building due to the additional floor that is proposed by this application. The outline permission was for a 6-storey building measuring approximately 18 metres in height. It is considered that the addition of an additional storey, resulting in a 7-storey structure (6 floors above non-habitable ground floor) would still relate to the emerging pattern of development being of a similar scale to the building under construction at Nos.1-3 Commercial Road which is approximately 18 metres in height, as well as the building approved at Park Place (up to 26 metres in height) and the buildings across the Civic Centre estate on the south of Commercial Road. The proposed layout and scale create a mass of development that would be similar to the surrounding development. The current scheme would also maintain a good separation from the adjacent property at Nos. 1-3 Commercial Road.
96. In terms of the impact on the views of the 'treed ridgeline', it is arguable whether wider views make any significant contribution to the heritage significances of the Municipal Office or the Poole Park Conservation Area. The Planning Inspector already noted the 'changing context' of the locality (paragraph 21) and a positive contribution to the local character and distinctiveness' of a 6-storey building (paragraph 21). In terms of assessing other potential impacts on heritage assets, it is important to consider experiential impacts such as that arising from increase traffic and noise generally. In this regard, given the very busy traffic interchange within proximity, no evidence suggesting there would be a significant increase in traffic and a set-back position from the listed Civic Centre, the proposals would unlikely result in adverse noise impact, traffic or reduction of natural light and views around the grade II listed Poole Civic Centre. Furthermore, it is not considered that the setting of other heritage assets recognised by the Heritage Officer within proximity of the application site, such as the Memorial Clock (set behind the newly built development at Nos.1-3 Commercial Road) or Law Courts (set away and behind other buildings, e.g. Civic Centre Multi-storey Car Park) would be adversely affected by the proposed works.
97. Overall due to the layout, scale, massing, appearance, and use of materials the building can be considered to reflect local patterns of development in line with Policies PP27, PP29 and PP30 of the Local Plan. Significant weight has been given to Paragraphs 199 and 200 of the NPPF recognising the significance of designated historic assets. The current scheme would result in an additional floor and 3 metres height increase when compared to the approved outline application. Given the compact setting of tall buildings within proximity of the site, it is considered that the proposed works would respect the existing landmarks. The design and external facing materials are in keeping with the local vernacular architectural features. The elevations are well proportioned with strong elements of symmetry and reflect the classical architecture of the Civic Centre estate, resulting in a proposal of high-quality design, that will also preserve the setting of the listed building of the Civic Centre, the Poole Park Conservation Area and the historic park and garden. Whilst the proposal has been concluded to be acceptable in design terms overall, it is acknowledged that the Conservation Officer considers there would be less than substantial harm to the designated heritage assets. It is considered that any harm identified would be comparatively minimal given that the 6 storey approved scheme had no harm identified and the quality design approach proposed in this application. Nonetheless, great weight still must be applied to any harm identified. With less than substantial harm to the designated heritage assets being identified by the Conservation Officer, Paragraph 202 of the NPPF allows for this to be weighed against the public benefits that would occur from the scheme. In this case, the provision of 86 units in a highly sustainable

location and in a context where there is an under delivery of housing is a significant public benefit. The inclusion of 9 affordable units is a further significant public benefit. In accordance with NPPF Paragraph 2020, the benefits arising from housing along with associated economic benefits from the construction phase are considered to outweigh any less than substantial harm identified in this case.

Impact on residential amenity

98. Similarly, to the scheme approved, the proposed building would be a sufficient distance from all existing residential properties such that it will not appear visually intrusive or overbearing when viewed from habitable rooms or amenity spaces. Any overshadowing would not result in demonstrable harm. Furthermore, the proposed built form is considerate of that at Nos. 1-3 Commercial Road. The extant scheme at Park Place will not be adversely affected by the proposal.
99. Despite the proposal involving the construction of a tall building, as defined by the Poole Local Plan, the current scheme still allows sufficient distance to all neighbouring properties such that a demonstrable loss of privacy will not occur. Some level of overlooking is noted, especially towards residential flats at Nos. 1-3 Commercial Road, but as noted on the approved appeal scheme for 74 flats, such a level of overlooking is, on balance, acceptable within dense urban development. The residential amenities of existing and future neighbouring occupants will be preserved, in accordance with Policy PP27.
100. The applicant has provided a Schedule of Accommodation Areas. Similarly, as on the approved outline application, most of the units exceed the minimum gross internal floor areas indicated within the Government's Technical housing standards. The Government's Technical housing standards have not been formally adopted within the Poole Local Plan area and therefore can only be used indicatively. Those units that fall short are only by a couple of metres and the internal layouts still provide all facilities that would be expected. The units noted as discounted market rent units are shown on the submitted floor plans and each floor (1st, 2nd and 3rd) has reference to the provision of 3no. Affordable units. The S106 Agreement can require a plan to stipulate exactly which flats they are to be.
101. A former outline application considered by the Inspector also included residential units below minimum housing standards. Those were 4no. studio flats measuring 30sq. metres, whereas the majority of units proposed were between 34 and 46sq. metres. The Inspector stated that:
- '30...The appellant confirmed at the hearing that the studio flats were designed to accommodate one person, although it was acknowledged that two occupants could not be prevented. The floor layout for the studio flats shows the main living space as partially divided between the living area/ kitchen and bedroom with a separate bathroom. A reasonable number of kitchen unit spaces are donated to accommodate appliances common to dwellings. The illustrative furniture arrangements show a double bed, bedside cabinets, wardrobe, a two seater sofa and small table and chairs for two people whilst retaining sufficient circulation space. Therefore, the living conditions of the occupants would not be unduly compromised.*
- 31. Furthermore, whilst the majority of units would be small and with limited storage, as they would fulfil basic furniture requirements generally necessary to everyday purposes, they would meet the satisfactory threshold referred in policy PP27.'*
102. Some units have true balconies whilst others have Juliet balconies. Whilst the on-site provision of external amenity space is not high, the site is located in close proximity to, and a very short walk from, Poole Park, which is sufficient to provide appropriate

outdoor space for the future occupants. The residential amenities of the future occupants are therefore satisfactory and in accordance with Policy PP27.

Parking provision and highway safety

103. As noted by the Local Highways Authority (LHA), the current proposals from a highway perspective are similar to the previous outline planning permission APP/19/01401/P, which was allowed on appeal and this current proposal is for an increase of 12 flats to 86 flats. The Inspector dealt with the appeal under the new Parking Standards SPD and concluded in paragraph 40 that 'the appeal site has more in common with Zone A in the SPD, described as having a high degree of accessibility to public transport, services, shops and other facilities, rather than the lowest level associated with Zone D'.
104. The previously recommended highway improvements and visibility splays are shown on the submitted plans and these can be conditioned. The Planning Inspector's decision and comments in relation to this particular site has to be a material planning consideration and therefore, the parking provision is considered acceptable. An informative was requested by the LHA stating that residents will not be entitled to on-street resident parking permits.
105. There are 46 car parking spaces proposed, with two being for car club vehicles and the site is within a Zone D location based on the zonal approach within the BCP Council Parking Standards SPD. The Parking Standards SPD also requires from residential developments that *'5% of space (with a minimum of 1 space) should be able to adopt, in order to meet the requirements of a disabled space'*. The submitted 'Ground and First Floor Plans (9156/503) show 5no. disabled appropriate spaces and therefore complies with the adopted SPD.
106. The Parking Standards SPD (adopted 5th January 2021) also outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, at least 50% should have an "active" EV charging point, with the remaining spaces having "passive" spaces. Active and passive are defined within the Parking Standards SPD (page 23). The BCP Council Parking Standards SPD sets out the standards required and this can be secured through a condition.
107. It is important to note that subsequent to the previous planning application being submitted, the Council have adopted a new Parking Standards SPD and the original comments from the LHA on the previous scheme were submitted prior to this SPD being adopted. The new Parking Standards SPD has a differing requirement for cycle parking provision, when compared to the previous SPD and this current application should have regard to the current Parking Standards. It is also noted that the Planning Inspector in his appeal statement for the previous application, suggested a condition to "require the provision of cycle parking spaces is necessary to meet the recently adopted minimum standard" and this is noted as condition number 9 in the appeal decision.
108. In addition, whilst this current application may have the same number of Sheffield stands as the previous scheme, the current application is for an increase in the number of residential units and has a significant increase in the overall number of cycle parking spaces. Therefore, it is not unreasonable to request an increase in the number of Sheffield stands, especially as the current Parking Standards SPD supports this.
109. Section 3.3.24 of the Parking Standards SPD states "The council considers double deck cycle parking to be less convenient than Sheffield type stands and discriminatory for short people and those with low strength. People with mobility issues are also disadvantaged due to the difficulties involved with lifting at height. Additionally, limited

types of cycles can fit within double-deck systems in comparison with the Sheffield type stands. With section 3.3.25 stating “Nonetheless, in exceptional circumstances, where facilities are expected to be used by young fit adults, a small proportion of high quality, assisted (with gas struts or sprung) double desk systems can be used alongside Sheffield type stands in a limited number of locations, such as railway stations.”

110. The adopted Parking Standards SPD states that ‘as with car parking a proportion of cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments (paragraph 3.3.2). Secure and covered cycle parking for 120 bikes is annotated, although the layout implies the use of a two-tiered stacked system is proposed and these generally require the lifting of bikes and are not ideal for people with mobility issues, small people and those with low strength. In addition, double decking systems generally can only cater for limited style of bikes. Therefore, the Highways Officer has requested an increased proportion of cycle parking with Sheffield stands. Such details would be conditioned.
111. The proposal would enhance highway safety and provide appropriate levels of parking, including for motorcycles and bikes. Appropriate conditions (5-12 and 18) can be imposed to secure all necessary works, etc. The scheme accords with the requirements of Policy PP35.

Affordable housing

112. The applicant has submitted an Economic Viability Assessment, which has been assessed by the District Valuer Service (DVS). The assessment concludes that the proposed development is not sufficiently viable to make a contribution towards the provision of affordable housing. The DVS assessment did not include the 9no discounted market rent units as an all private scheme showed a deficit of £207,000 and therefore demonstrated the scheme is unable to support any affordable housing. To change 9 of the flats to discount market sales housing units (at 80% of market value), would only serve to increase the deficit of the proposed scheme further. As such, there is no scope for a contribution towards the provision of affordable housing. The proposal therefore meets the requirements of Policies PP11 and PP40 of the Poole Local Plan.
113. It should be noted that discounted market rent units discussed in paragraphs 75-78 above were not taken into consideration in the Economic Viability Assessment, and therefore will further reduce the available profit margin of the scheme. Nevertheless, the community benefit of 9no. discounted market rent units is a sufficient community benefit, which on balance satisfies the requirements of both Policies PP11 and PP26.

Housing for an ageing population

114. A condition (#13) can be imposed requiring 15 of the units to achieve compliance with Building Regulations Part M4(2) for adaptable and accessible homes in accordance with Policy PP12 of the Poole Local Plan (November 2018).

Sustainability

115. The applicant has submitted an Energy and Resource Statement and the proposal would need to provide a minimum of 20% of energy demand through renewable energy sources as required by Policy PP37. A heat pump, photovoltaic technology and solar panel technology will likely all be utilised to generate energy and the agent has confirmed that they will be able to provide a minimum of 20% of energy demand, in accordance with Policy PP37. This can be secured by condition (#14).

Biodiversity

116. 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. A biodiversity report was submitted and assessed in connection with the earlier outline planning application for the development of the site (APP/19/01401/F). The report concluded that there are limited opportunities on the site for the proposed development.
117. Due to the very low biodiversity of the existing site, the limited enhancements proposed (bee bricks and landscaping) would ensure there is a biodiversity enhancement in accordance with Policy PP33 and guidance contained within Section 15 of the NPPF. The bee bricks and landscaping enhancements can be secured by conditions.

Other matters

118. The submitted drainage strategy shows that it is technically feasible to drain the site using SuDS, as required by Policy PP38, so there is not an objection in principle, but the strategy is short on detail. As such, a condition (#16) is required requiring approval of the final drainage scheme, to ensure it complies with Defra guidance and is based on actual on-site testing of ground conditions.
119. With regards to waste collection, the preferred method for a development of this scale is underground bins. The plans show seven underground bins which equate approximately to 38,500 litres, and therefore 2380 litres in excess of the requisite amount as set out within the Council's Waste Guidance. Environmental Services has advised that this capacity is appropriate for the proposed development, that they should be split 50:50 for recycling and refuse and that these are shown in a suitable location within the site to facilitate collection. The installation of the underground bins prior to first residential occupation can be secured by condition (#17).
120. The Council's records show that the site is adjacent to a site where underground fuel storage tanks were present and subsequently decommissioned/removed. To protect the future users of the proposed development, a condition (#18) is required regarding the reporting and handling of any previously undiscovered contamination arising from the adjacent site/former tanks.
121. Comments have been received from the Crime Prevention and Design Advisor of Dorset Police. These relate to lighting of the car park, security standards with reference to Secured by Design, door and access security and cycle store security. Having regard to the Council's Crime and Disorder Duty, details suggested by Dorset Police would be either set as a planning condition or informative.
122. 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 £6,867 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 can be s

Section 106 Agreement/CIL compliance

123. 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. The SANG provision through CIL

will support the ongoing expansion and improvements at the Upton Country Park SANG.

124. 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.
125. 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.

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	2	@ £292	@ £96
	Proposed	86		
	Net increase	84	£24,528	£6,912
Total Contributions			£24,528 (plus admin fee)	£8,736 (plus admin fee)
CIL	Zone C		£678,148.84	
Other contributions	Dorset CCG		£6,867	

126. The applicant has submitted a draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 agreeing to pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM prior to commencement of development. However, these contributions can also be secured via a bi-lateral S106 Agreement with the Council. The Section 106 provision will also need to secure the delivery of the 9 affordable housing units within the scheme. It should be also noted that in terms of a contribution towards nitrate offsetting, nitrates are mitigated through the CIL contribution along with heathland issues (Heathland SANGs and Heathlands Air quality).

Summary

127. The proposal would:

- provide 86 additional dwellings in a sustainable location;
- located on a site of a former community facility;
- provide 9no. discounted market rent units;
- result in a building of high-quality design that preserves the setting of the listed building at the Civic Centre, the Poole Park Conservation Area and the historic park and garden;
- provide an acceptable standard of residential amenity for future occupants and neighbouring residents;
- provide adequate parking and enhance highway safety;
- secure renewable energy generation and biodiversity enhancements through condition;
- mitigate the impact on heathland and harbour recreation through SAMM contributions; and
- be CIL liable.

Planning Balance/Conclusion

128. As outlined in paragraphs 68 and 74, the community benefit of nine discounted market rent units is sufficient to outweigh the loss of the existing community facility as the proposed works would be on site previously used for a community facility.
129. When comparing the current proposal to the approved outline permission, the additional floor of the development is considered appropriate for the area. The application proposes a 7-storey building that reflects local patterns of development with emerging tall buildings. The scheme is of a high-quality design with strong elements of symmetry and reflective of the classical architecture of the civic estate. This weighs positively in the scheme's favour.
130. 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. The proposed development will result in a greater density of dwellings on the site within a Sustainable Transport Corridor.
131. The proposal would make efficient use of a brownfield site and provide 86 additional dwellings in a highly sustainable location in terms of public transport and local amenities including shops and Poole Park. This has significant weight in terms of the substantial social and economic benefits of 86 additional dwellings, during both construction and in the future.
132. The NPPF places 'great weight' on the conservation of heritage assets. The assessment in this report has concluded there would be very little, if any, harm to designated heritage assets. The Conservation Officer has, however, identified that in their opinion there would be less than substantial harm arising from proposal. Where less than substantial harm is identified the NPPF at Paragraph 202 requires this harm to be

weighed against the public benefits that would occur from the development. Paragraph 203 requires a balanced judgment to be applied for applications that impact on non designated heritage assets. In this case, the benefits of 86 residential units in a highly sustainable location in a context where there is a shortfall in housing delivery, 9 of which will be affordable, along with the social and economic benefits are considered sufficient mitigators to outweigh the less than substantial harm to the setting of the Grade II Listed Civic Centre and the Poole Conservation Area (the heritage asset). These benefits also apply to any impacts that occur to the non designated heritage assets. As such, having regard to paragraph 11d)i, the tilted balance is triggered and there are insufficient grounds for refusing permission in respect of heritage matters.

133. The proposal delivers a form of sustainable development in accordance with the development plan, when a balanced judgement is made.

Recommendation

134. Grant permission subject to:

(a) the following conditions (with the power delegated to the Head of Planning or other relevant officer to make any necessary amendments as long as they don't go to the heart of the decision); together with

(b) a deed pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) securing the following terms with the power delegated to the Head of Planning (or officer nominated by them for such a purpose) to agree specific wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:

- Strategic Access Management and Monitoring – Dorset Heathlands: £24,528
- Strategic Access Management and Monitoring – Poole Harbour: £8,736
- Dorset Heathlands: £1,000 admin
- Poole Harbour: £330 admin
- Dorset CCG £6,867
- 9no. Discounted Rent Units to be provided at least 20% below open market value in perpetuity

CONDITIONS

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

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

Reason -

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

2. PL01 (Plans Listing)

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

Location Plan 1234-A
Landscape Plan 259-1-R2
Site Plan 9156/500 rev. E
Block and Location Plans 9156/501
Drainage Construction Details Sheet 1 of 3 113686-CAL-XX-XX-DR-D-0500 rev. T1
Drainage Construction Details Sheet 2 of 3 113686-CAL-XX-XX-DR-D-0501 rev. T1
Drainage Construction Details Sheet 3 of 3 113686-CAL-XX-XX-DR-D-0502 rev. T1
Drainage Layout 113686-CAL-XX-XX-DR-D-0100 rev. T1
External Works Construction Details 1143332-CAL-XX-XX-DR-D-0600 rev. T1
External Works Layout 113686-CAL-XX-XX-DR-D-0101 rev. T1
Proposed Ground and First Floor Plans 9156/503 rev. D
Proposed Second and Third Floor Plans 9156/504 rev. A
Proposed Fourth and Fifth Floor Plan 9156/505
Proposed Sixth Floor Plan 9156/506
Existing Plans 9156/502
Existing Street Scene 9156/507
Proposed Elevations Sheet 1 9156/508 rev. A
Proposed Elevations Sheet 2 9156/509 rev. A

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

3. Details of interpretive panel

Prior to first occupation of the building hereby permitted, details of an interpretive panel, explaining the history of the site, located on ground level of a principal elevation wall, shall be submitted to and approved in writing by the local planning authority. The panel shall be installed before any residential occupation is brought into use, maintained and retained thereafter.

Reason - To educate future users of the site of its historic interest and in accordance with Policy PP30 of the Poole Local Plan (November 2018).

4. Details and samples

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

Reason - To ensure that the external appearance of the building is satisfactory and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. HW100 (Parking/Turning Provision)

Prior to first occupation of the development the access, turning space and vehicle parking shown on the approved Site Plan 9156/500 rev. E and Proposed Ground and First Floor Plans 9156/503 rev. D shall have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The car parking spaces shall be available for residents and visitors to the residential units and the parking shall remain as unallocated parking at all times with no parking space allocated to any individual residential unit except for any parking bay demarcated as Disabled Parking, which may be allocated to Registered Disabled Users only. No parking barrier shall be placed to restrict access to the car parking area.

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

6. HW240 (Electric Vehicle Charging Points)

No part of the development hereby permitted shall be constructed above base course level until details for the provision of at least 50% of overall bays to provide both active and passive Electric Vehicle Charging Points and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and brought into operation prior to first occupation of any part of the approved development. Once provided, the Electric Vehicle Charging Points shall at all times thereafter be retained and available for use.

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. HW200 (Provision of Visibility Splays)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order(s) revoking and re-enacting that order with or without modification, 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 Policy PP35 of the Poole Local Plan (November 2018).

8. HW110 (Cycle Provision)

Prior first occupation, secure cycle parking will be provided in accordance with the adopted Parking Standards SPD to and approved by the local planning authority, and thereafter retained.

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

9. HW210 (Building Operatives Parking)

Parking for building operatives must be provided in accordance with the agreed plans for the whole contract period, unless otherwise agreed in writing by the Local Planning Authority.

Reason -

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

10. Scheme of signage and ground markings

Prior to first occupation of the development, a scheme of signage and ground markings encouraging motorists to turn right when exiting the site shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved scheme prior to first residential occupation of the development hereby permitted and shall thereafter be retained.

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

11. Schemes to construct buildouts

None of the residential units hereby permitted shall be occupied unless and until schemes to construct buildouts from the footway and realign the kerb line to narrow the road widths at the North Road junction to the north east of the site and the Commercial

Road/North Road Junction, are submitted to, and approved in writing by, the Local Planning Authority

Reason - These specified works are seen as a pre-requisite of allowing this development to proceed and in the interests of highway safety, in accordance with Policies PP27 and PP35 of the Poole Local Plan (November 2018).

12. Building Regulation Compliance

In advance of securing Building Regulation Compliance, a schedule identifying 20% (15) of the dwellings hereby permitted to be built in accordance with the requirements of Approved Document Part M4(2) Category 2 of the Building Regulations (2015) (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The identified units shall thereafter be constructed in accordance with that Document (or any equivalent regulation replacing it with or without modification).

Reason - In the interests of meeting the needs of the ageing population and in accordance with PP12 of the Poole Local Plan (November 2018).

13. Energy Use

Prior to first occupation of the building hereby permitted, details of measures to provide 20% of the predicted future energy use of the residential development from on-site renewable sources with details to include a maintenance plan, 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.

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. Bee bricks

Details of the number, specification, design and location of bee bricks (or agreed alternative) to be installed in retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The bricks (or agreed alternative) shall be installed in accordance with the approved details prior to first residential occupation of the building hereby approved and thereafter retained.

Reason - In the interests of biodiversity enhancement and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (July 2021).

15. SUDS

No part of the development hereby permitted shall be occupied until surface water drainage works incorporating the disposal of such surface water by way of a sustainable drainage system have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, such details to include:

- (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- (b) a management and maintenance plan for the lifetime of the development which shall include details of any arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

- (c) a timetable for implementation.

Once implemented the works shall thereafter at all times be management and maintained in accordance with the approved details.

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).

16. Bins

Prior to first occupation of the building hereby permitted, the underground bins as detailed on the approved plans shall be installed, made available for use and retained and thereafter maintained in accordance with the manufacturer's instructions.

Reason - In the interests of the appearance of the site, highway safety and in order to secure the provision of appropriate refuse and recycling storage for future residents and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

17. Cycle parking

Prior to first occupation of the development hereby approved, secure cycle parking shall be provided in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, and thereafter retained.

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

18. Contamination

Prior the commencement of any part of the development hereby permitted including the digging of any trench, an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority ("the Approved Risk Assessment"). This assessment must be undertaken in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- (i) a survey of the extent, scale and nature of contamination; and
- (ii) the potential risks to:
 - (A) human health;
 - (B) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - (C) adjoining land;
 - (D) ground waters and surface waters;
 - (E) ecological systems; and
 - (F) archaeological sites and ancient monuments.

In the event that the Approved Risk Assessment identifies land affected by contamination which poses risks identified as unacceptable in the Approved Risk Assessment, then no development shall take place on site other than for the purposes of meeting the requirements of this condition unless:

- (i) a detailed remediation scheme has been submitted to and approved in writing by the local planning authority ("the Approved Remediation Scheme") that includes:
 - (A) an appraisal of remediation options;
 - (B) identification of the preferred option(s);
 - (C) the proposed remediation objectives and remediation criteria;
 - (D) a description and programme of the works to be undertaken; and

- (E) a verification plan which sets out the measures that will be undertaken to confirm that the Approved Remediation Scheme has achieved its objectives ("the Verification Plan").

The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use; and

- (ii) the Approved Remediation Scheme has been carried out; and
- (iii) upon completion of the Approved Remediation Scheme a verification report has been submitted to and approved in writing by the local planning authority which identifies the results of the Verification Plan and confirms whether all the contamination objectives and remediation criteria set out in the Approved Remediation Scheme have been met ("the Approved Verification Report").

In the event that the Approved Verification Report identifies that any of the objectives or remediation criteria of the Approved Remediation Scheme have not been met then:

- (i) further detailed remediation scheme(s) which accord with the requirements of paragraph (b) (i) above and seek to resolve any of the objectives or remediation criteria that have not been met shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme(s) ("Supplemental Remediation Scheme(s)");
- (ii) further verification report(s) in respect of the Supplemental Remediation Scheme(s) shall be submitted to and approved in writing by the Local Planning Authority, and
- (iii) no part of the development hereby permitted shall be commenced other than that required for the purposes of this condition until there has been submitted to and approved in writing by the local planning authority a verification report which confirms that all the objectives and remediation criteria of the Supplemental Remediation Scheme(s) to which it relates have been met.

In the event that any contamination is found during the implementation of the development hereby permitted that was not previously identified then this shall be reported immediately to the local planning authority and development on the part of the site affected shall be suspended and shall not recommence save for the purposes of compliance with this condition until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority; and either

- (i) the local planning authority has confirmed in writing that work can recommence without any further action; or
- (ii) (A) remediation scheme(s) in relating to that identified contamination that accords with the requirements of paragraph (b)(i) above have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme(s); and
- (B) a verification report submitted to and approved in writing by the local planning authority which confirms that the objectives and remediation criteria of the relevant approved remediation scheme have been met.

The assessments, schemes, plans and reports required for the purposes of this condition shall only be undertaken by a person whose qualifications and experience have been previously submitted to and approved in writing by the local planning authority provided that the local planning authority will not withhold consent of any person unless it is considered that person is not suitably qualified or experienced for the carrying out of such activities having regard to the site concerned.

19. Landscaping Scheme to be Implemented

The proposals for the landscaping of the site, as shown on the approved Landscape Plan 259-1-R2 (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out 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 3998:2010 Tree work, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall include details of maintenance 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).

20. Security measures

Notwithstanding the approved drawings, prior first occupation, following details have to be submitted to and approved in writing by the local authority:

- The communal doorsteps of the building should meet minimum security of LPS 1175 Issue 8:2018 Security Rating A3 due to high use and have a video door entry system with an access control system to enable management of a recognised electronic key system. Dust till down lighting should be placed above the door sets to reduce the fear of crime. All other internal entrance door and ground floor windows should meet minimum security standards of PAS 24:2016;
- The doors to the cycle store shall meet minimum standards of PAS 24:2016 due to the entrance remaining within a communal area and the high volume of use;
- Details of access control on the undercroft parking area to prevent unauthorised access.

Reason – To comply with section 17 Crime and Disorder Act 1998 and prevent crime and disorder, the misuse of drugs, alcohol and other substances in its area, as well as re-offending in its area.

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.

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. IN00 (Non Standard Informative)

The applicant should note and inform future resident's that they will be excluded from being able to purchase permits associated with parking permit schemes controlled by the Council in the area.

4. It is advised that the security measurement should follow the Secured by Design Homes 2019 guidance to ensure that the residents benefit from a safe, inclusive and accessible environment.

Background Documents:

Case File ref APP/22/00091/F: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

Case Officer Report Completed:

Officer: Piotr Kulik

Date: 12/09/2022

Agreed by:

Date:

Comment: