

Planning Committee



Application Address	32 Bury Road, Poole, BH13 7DG
Proposal	Demolition of existing dwelling and erection of a replacement dwelling with ancillary pavilion and formation of a natural pool.
Application Number	APP/22/01364/F
Applicant	Mr and Mrs Mellor
Agent	Pure Town Planning
Ward and Ward Member(s)	Canford Cliffs
Report status	Public Report
Meeting date	19 January 2023
Summary of Recommendation	Grant subject to CIL contributions and the Conditions outlined in the report
Reason for Referral to Planning Committee	The application is brought before Planning Committee as the applicant is Councillor Mellor.
Case Officer	Monika Kwiatkowska

Description of Proposal

1. Planning consent is sought for a demolition of existing dwelling and erection of a replacement dwelling with ancillary pavilion and formation of a natural pool.

Description of Site and Surroundings

2. The application site is occupied by a large detached dwelling, located in the Branksome Park Conservation Area. The trees on site are covered by a Tree Preservation Order.
3. There is an access gate to the front, with at least 3 parking spaces to the front of the dwelling and an additional parking space within the detached garage. The site levels rise towards the rear.
4. The rear garden is set on staggered levels and heavily treed. The site is enclosed by dense vegetation to front, rear and sides.

Relevant Planning History

5. **2010** – Planning permission was granted for a single storey extension to form new utility room at side – Ref: **APP/10/00818/F**
6. **1998** – Planning permission was granted to erect 2 storey extension to side to form family room with bedroom over. Erect bay window to rear, together with new single storey porch and office to SE elevation – Ref: **APP/98/24347/F/002**

Constraints

7. 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.
8. The application site is within the Branksome Park Conservation Area.
9. The trees on site and on the adjacent land are covered by a Tree Preservation Order.
10. The site is also in the area at risk of future surface water flooding.

Public Sector Equalities Duty

11. 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

12. 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.
13. 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.
14. 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.

Consultations

15. BCP Highway Services – supports the proposal, subject to conditions.
16. BCP Urban Design and Conservation Officer – objection was received (please see the report for details).
17. BCP Arboricultural Officer – supports the proposal, subject to conditions.
18. BCP Biodiversity Officer – supports the proposal, subject to conditions.
19. Dorset Wildlife Trust – supports the proposal, subject to condition and appropriate biodiversity mitigation and enhancement on site.
20. BCP Flood Risk Authority – supports the proposal, subject to conditions.
21. Wessex Water – general comments were offered.
22. Health and Safety Executive – general comments were offered - this planning application it does not fall under the remit of planning gateway due to it not meeting the height requirements.

Representations

25. Site notices were posted outside the site on 12 October 2022 with an expiry date for consultation of 21 November 2022.
26. No letters of representation have been received for this proposal.

Key Issue(s)

27. The key issues involved with this proposal are:
 - Presumption in favour of sustainable development
 - Impact on the character and appearance of the area, including the appearance of the Branksome Park Conservation Area
 - Impact on the neighbouring amenity
 - Impact on parking and highway safety
 - Impact on trees
 - Sustainability considerations
 - Biodiversity considerations
 - Drainage considerations
 - Waste collection considerations
 - SAMM/CIL compliance
28. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

29. Local documents:

Poole Local Plan (Adopted November 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and Broad Location of Development
PP27	Design
PP28	Flats and Plot Severance
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

30. Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)
The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)
The Dorset Heathlands Interim Air Quality Strategy SPD (2020-2025)
Nitrogen Reduction in Poole Harbour SPD
Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)
Branksome Park Conservation Area, Character Appraisal and Management Plan SPG (adopted 2006)
Heritage Assets SPD (adopted 2013)

31. National Planning Policy Framework (July 2021)

Section 2 – Achieving Sustainable Development, Paragraph 11
Section 12 – Achieving Well-Designed Places, Paragraph 130
Section 15 – Preserving and Enhancing the Natural Environment, Paragraphs 180 and 182
Section 16 – Conserving and Enhancing the Historic Environment, Paragraphs 199, 194, 200, 202 and 206

Planning Assessment

Presumption in favour of sustainable development:

32. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Poole Local Plan Policy PP01.
33. 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.
34. In this instance, whilst the proposal includes provision of housing, as defined in the strict meaning of the abovementioned paragraph 11d, footnote 8; it does not deliver any housing net gain, being a replacement dwelling.

Impact on the character and appearance of the area, including the setting of the Branksome Park Conservation Area:

35. Policy PP27 of the Poole Local Plan seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
36. The proposed scheme is to replace the existing 2 storey dwelling with a detached 2 storey house of a larger footprint, scale and mass on site. The existing dwelling is not listed or locally listed. It is also of little architectural interest and whilst located within the Branksome Park Conservation Area, it does not positively contribute to its character or appearance. As such, the principle of its demolition is acceptable.
37. Bury Road comprises predominantly 2 storey detached dwellings sat in spacious, verdant plots. There is a variety of ages and architectural styles along the road. The area has a mature suburban character and the existing separation distance between Nos 30a and 34 Bury Road provides a spacious feel to its character and appearance, allowing views towards the mature trees within rear gardens of the plots.
38. The Council's Conservation Officer raised concerns with regards to the scale, mass and design of the proposed scheme. The following advice has been received: *"The proposed increase in footprint and orientation would be detrimental to the character and appearance of the CA because the property would be larger; would be nearer to the front boundary and to the property at 30a and would result in a less open and spacious plot particularly as seen from the front (from the road) and from No 30a. The proposed replacement house is not considered to be of a suitable design within the given heritage context since the materials and treatments look quite out of place and would be obtrusive along the streetscene and as a result would be detrimental to the character and appearance of the CA. The dominant gables and extent of glazing to the front elevation would be particularly obtrusive and overly dominant. Although the pool and pavilion development to the rear of the site would likely be unseen from the public realm and by the neighbours at either side, the proposed removal of some TPO trees required for construction would likely be detrimental to the character of the CA and there is also the question of amenity/nuisance issues for neighbours related to external swimming pools. These two elements could perhaps lead to a slight erosion in the character of the CA. However, I defer to my arboriculture colleagues and to yourself to comment on these aspects of the proposal. Finally, I have not discussed any proposed boundary treatments since there appears to be no particular changes proposed to the existing arrangement. (...) Under paragraph 206 of the NPPF (2021) local planning authorities should look for opportunities for new development within Conservation Areas and the setting of heritage assets, to enhance or better reveal their significance. The proposed development would fail to preserve or enhance the character and appearance of the CA and the removal of TPO trees may result in an erosion of the sylvan character of the CA. Therefore, the significance of the CA would be harmed. Based on paragraph 202 of the NPPF, it is considered that the proposal would result in 'less than substantial harm' to the significance of the CA, which is a designated heritage asset"*.
39. Whilst the comments and opinion provided by the Conservation Officer are noted, the immediate setting of the application site and the planning history of the area, should be also considered. These form material planning consideration in the assessment of the proposed scheme and are outlined below.

40. It is not disputed that the proposed replacement dwelling would be larger in footprint, bulk and mass than the existing dwelling that currently occupies the site and therefore it would be more visible in the streetscene. However, its proposed scale and massing would relate to the 2 storey dwellings around it. As a result, the proposal would not appear out of keeping within the streetscene of Bury Road.
41. It is also noted that there are several examples of large scale, two storey dwellings which are of similar footprint and scale as that of the proposed scheme, and which form part of the character of the area. The footprint of the proposed replacement dwelling would not be out of keeping with the footprint of these other houses in the vicinity of the site.
42. It is noted that the existing dwelling is slightly angled away from the road. The existing dwelling's principal elevation nonetheless still faces Bury Road and the proposed replacement dwelling would also achieve that. The small degree of change associated with the position of the replacement dwelling would not lead to any harm and will integrate well within the streetscene where the frontages of most of the dwellings are parallel to their front boundaries. The exception is No 36 Bury Road, which is also significantly set back from the road, and therefore not readily legible in the same manner as other houses surrounding the site. It is, therefore, not considered that the proposed changes to the orientation of the footprint of the replacement dwelling would be materially harmful to the visual amenity of the area or the appearance of the Conservation Area. Furthermore, the proposed replacement dwelling would still respect the prevailing front building line along this section of the road in this regard as well. The proposal will also still retain a substantial gap between the frontage of the dwelling and Bury Road that will maintain the spaciousness and relationship of the dwelling within its plot. Therefore, the proposal in terms of its siting and appearance within the street scene would preserve the character and appearance of the area.
43. It is noted that the 2-storey scale of the proposed dwelling would be also in keeping with the scale of the surrounding development. Whilst the proposal would take advantage of the rising topography of the site, it would nonetheless not appear as overly prominent or dominant in its setting as its proposed height would be comparable to that of the adjacent properties.
44. The proposed increase of bulk, scale and footprint would result in some loss of separation gap between the proposal and the neighbouring dwellings. It is, however, acknowledged that the remaining separation distance would still be consistent with the prevailing pattern of development in the area, where there is no consistent separation distance between the dwellings, and it would still allow generous views towards the trees within the rear garden of the application site, preserving the sylvan character of the area. As such, the proposed scheme would still reflect the prevailing pattern of the development in the area without appearing cramped or overdeveloped.
45. The proposed dwelling would be of modern design with full front gables and large areas of glazing. Whilst the Conservation Officer's comments on the design and finishing materials are noted, it is also noted that there are several examples of similar style dwellings in the vicinity of the site within the Conservation Area. As such, modern architecture and use of materials forms part of the character of the Conservation Area along Bury Road that this proposal is consistent with. Whilst the proposed scheme would not reflect the more traditional style of the immediately adjoining dwellings (Nos 30a and 34 Bury Road), it would nonetheless be in keeping

with the modern replacement dwellings and remodelled dwellings in the vicinity of the site, such as No 11 Bury Road or 26A Bury Road. In conclusion, it is not considered that the proposed design and finishing materials would be out of keeping with the character and appearance of the area and street scene and therefore in my view is not harmful to the character and appearance of the designated heritage asset.

46. Overall, whilst slightly larger, more modern in appearance and more prominent in its setting, the proposal would still integrate in an acceptable manner into the streetscene and character of the Conservation Area.
47. The proposed pavilion and the pond that is proposed within the rear garden of the application site would be screened from view by mature and dense vegetation and for that reason it would not have any impact on the visual amenity of the area or character and appearance of the Branksome Park Conservation Area.
48. In conclusion, it is acknowledged that the proposal would be modern in appearance, alter the orientation of the existing dwelling and have a slightly increased footprint. It is also acknowledged that the Conservation Officer does not support the scheme as a result. However, the Conservation Area's special character arises due to the historical significance of the formation of the original estate that was based on large dwellings set on spacious plots nestled within a heavily landscaped setting, all of which are maintained in this case despite the change in the property's appearance that would occur when compared with the existing dwelling (which has no contribution to the quality of the Conservation Area in itself). Similar change has occurred over the years within this context, which has enabled modern dwellings to be built that still preserve the fundamental characteristics of the Conservation Area. Therefore, given the planning history of the area and examples of similar scale and appearance dwellings in the vicinity of the site, the proposed scheme is considered to preserve the varied character and appearance of the Branksome Park Conservation Area including the heavily landscaped setting in accordance with the provisions of Policy PP27 and PP30 of the Poole Local Plan and the NPPF.

Impact on the neighbouring amenity:

49. The proposed development, despite its increased height, bulk and mass, would not be overbearing to the neighbouring dwellings, due to the retained separation distance to them.
50. Notwithstanding the increased bulk and mass of the proposed replacement dwelling, and due to the orientation of the site and the position of the adjoining dwellings, the proposal would not result in any materially harmful overshadowing towards the adjacent dwellings. This is due to the sufficient separation distances that are retained between the proposed and neighbouring dwellings.
51. In terms of overlooking, the proposed front elevation windows and balconies would contribute to the established mutual overlooking in the public domain. As such, they would not be considered harmful to the amenities of the neighbours.
52. The proposed rear elevation windows would allow views towards the rear garden of the application site and some oblique views towards the rear gardens of the neighbouring dwellings. This relationship would add to the existing mutual overlooking that already occurs in the area and it would not be considered unusual in a suburban location such as this one and therefore not considered materially harmful to the amenities of the neighbours.

53. Due to the proposed arrangement of the windows in the side elevations of the proposed dwelling, they would either overlook the boundary treatment at ground floor level, or allow some views towards the rear garden of No 34 Bury Road at first floor level. However, the shared boundary between the application site and No 34 Bury Road is heavily treed and screened by mature vegetation. As such, this amount of overlooking would not be considered detrimental to the privacy of the neighbours.
54. There would be no windows at first floor level facing No 30A Bury Road. As such, privacy of the occupants of that dwelling would be preserved.
55. The proposal would also introduce a first floor terrace to the rear of the dwelling. This terrace would allow some direct views towards the rear garden of No 30A Bury Road. To protect the privacy of the neighbours, a 1.8m obscure glazed screen to side edge of the terrace (along its north-western side) could be secured by condition, to restrict direct views towards the neighbouring garden and to protect the privacy of the neighbours.
56. The proposed scheme would introduce flat roof areas over the ground floor accommodation to the front and rear of the dwelling, including the green roof to the rear of the proposed dwelling. A condition can be secured to restrict these areas from being used as an amenity space without a planning permission, to protect the privacy of the neighbours.
57. The proposed siting of the pavilion and the natural pool would have no impact on the amenities currently enjoyed by the occupiers of the neighbouring dwellings, due to its siting in the far end of the rear garden, away from any dwellings.
58. Overall, subject to the above mentioned conditions, the proposal would preserve the amenity and privacy of the neighbours, in line with the provisions of Policy PP27 of the Poole Local Plan.
59. With regards to the amenity of the occupiers of the proposed replacement dwelling, it is considered that the proposal, due to its layout of the proposed fenestration, would provide an acceptable level of outlook, sunlight/daylight and privacy.
60. The proposed replacement dwelling would provide sufficient internal floor space with all habitable rooms benefiting from large windows and adequate sunlight/daylight and outlook.
61. It is also considered that the size of the proposed recreational amenity area would meet the reasonable needs of the prospective occupiers, in line with the requirements of Policy PP27 of the Poole Local Plan.

Impact on parking and highway safety:

62. The proposed existing vehicle access would be retained and utilised for the purpose of the development. As such, the proposal would not result in an increased danger to pedestrian or highway safety in the vicinity of the site.
63. The proposed on-site parking provision would remain sufficient to serve the proposed replacement dwelling in accordance with the Council's parking standards as set out in the BCP Parking Standards SPD.
64. Subject to a condition retaining the proposed parking and access provision, the proposed scheme is supported by the Council's Transportation Officer.

Impact on trees:

65. There are trees to the front, sides and rear of the site, in close proximity of the proposed development.
66. This site is protected by a Tree Preservation Order (TPO) of individual, group and woodland status. It is also located within the Branksome Park and Chine Gardens Conservation Area.
67. As a result, the trees on site are of importance for their visual and character value. The visual amenity value of this sites trees is very high, particularly on the site frontage and the rear garden, with the backdrop of excellent groups of Scots pines perceived through the gaps in the built form. The trees are a key contributor to the special character of the Conservation Area. The group of Monterey pines also have high visual amenity value.
68. The application is supported by the arboricultural impact assessment, method statement and tree protection plan has been submitted in support of this application prepared by Gwydion's Tree Consultancy Ltd ref: GH2206.1, dated 05/12/22.
69. The proposal would result in the removal of 7 trees on site: T2 (Lawson cypress, category C2), 3 trees within the group G3 (Apple / Birch / Holly – category C2), T9 (Yew tree – category C2) and 2 trees within the group G6 (2 dead / dying Scots pines – category U). These are all low-grade trees', and their loss would be of very limited impact to the visual amenity and character of this area and is considered reasonable, as advised by the Council's Arboricultural Officer. Their replacement (in form of 4 pine trees) can be secured by condition. This is considered proportionate, adequate and acceptable for the Arboricultural Officer. It is considered that the proposed new planting would not only ensure the retention of the verdant character of the area and it would preserve the sylvan setting of the Branksome Park Conservation Area as required by statute and national and local planning policy, but it would also ensure long term replacement planting on site which would improve the existing tree stock and contribute to the sylvan setting of the designated heritage asset in the future.
70. The proposed development would be designed to avoid future pressure on the retained trees on site. In this regard, the proposal would result in a long-term and sustainable relationship between existing trees to be retained and the proposed development.
71. The footprint of the proposed pavilion would still fall within the root protection areas of retained trees however these minor incursions would not be harmful to the roots of the retained trees, particularly as specialist no dig foundations are proposed.
72. Specialist measures to limit tree root harm arising from the siting of the proposed pavilion and the pool are detailed in the arboricultural report and are acceptable to the Council's Arboricultural Officer.
73. There would be no development within affected tree's crown spreads. The proposed pavilion and the pool would not be overhung by branches causing debris and light loss issues.
74. The submitted arboricultural documents advise that the proposed services / soakaways would fall outside root protection areas or specialist measures would be

used. A condition would be secured to ensure further details are submitted to ensure no harm to the retained trees on site.

75. The proposed tree protection detailed for the retained trees on site is also acceptable, as advised by the Council's Arboricultural Officer.
76. The Council's Arboricultural Officer supports the proposal, subject to the implementation of the Arboricultural Method Statement. This can be secured by condition.
77. Overall, subject to these conditions, it is considered that the proposal would comply with the relevant provisions of Policy PP27 of the Poole Local Plan.

Sustainability considerations:

78. Being a new build development, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations.
79. The proposal has been supported by Energy and Resources Statement which recognises the necessity providing renewable energy sources on site, to meet the requirement of Policy PP37 of the Poole Local Plan.
80. It is therefore appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed replacement dwelling through renewable energy sources in accordance with the requirements of Policy PP37 of the Poole Local Plan.

Biodiversity considerations:

81. The proposal would result in the demolition of the existing dwelling.
82. The application is supported by a Preliminary Roost Appraisal (PRA) Report. No evidence of roosting bats was found on site and the existing dwelling was classed as having negligible potential for bats. These findings are considered to be acceptable to the Council's Biodiversity Officer.
83. The proposed scheme includes provision of swift boxes, bat tubes, hedgehog friendly fencing, bee bricks and native planting as biodiversity enhancement. The Council's Biodiversity Officer supports the proposed scheme, subject to securing the proposed biodiversity enhancement by condition, as outlined in the submitted PRA Report.
84. Overall, subject to the compliance with the recommendations of the submitted PRA Report and the implementation of the proposed biodiversity enhancement on site, the proposal complies with Policy PP33 of the Poole Local Plan and the NPPF.

Drainage considerations:

85. The application site is located within Flood Zone 1, however and it is at increased risk of surface water flooding, as shown on the Environment Agency's map.
86. The proposed scheme has been assessed by the Council's appointed flood risk consultant who advised that a comprehensive SUDS scheme should be used on site to manage onsite drainage.

87. The proposed scheme is also expected to show to be resilient to flooding and that it would not displace any water off site.
88. The implementation of the SUDS scheme can be secured by a pre-commencement condition, as agreed by the applicant, as SUDS are viable in the area and therefore can be reasonably implemented on site. This has been considered acceptable for the Council's Flood Risk Engineer.
89. Furthermore, permeable surfacing could be secured by condition to ensure there would be no increase in surface water run-off from the site as soft landscaped areas would be replaced with hard standing.
90. Subject to the above conditions, the proposal would comply with the provisions of Policy PP38 of the Poole Local Plan.

Waste collection considerations:

91. The site would not be accessed by the Council's waste collection lorries and the residents of the proposed replacement dwelling would have to present their bins close to the front of the site on collection days as is the case with the existing dwelling.
92. Sufficient bin storage is proposed on site to serve the proposed development.

SAMM/CIL compliance:

93. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.
94. In this instance, the proposal seeks planning permission for the erection of a replacement dwelling and therefore the proposal would not result in a net increase in the number of dwellings. The proposal therefore accords with the provisions of Poole Local Plan Policies PP32 and PP39; and the Dorset Heathlands SPD.

Summary

95. The proposed scheme would not contribute to the Council's housing delivery numbers, being a replacement dwelling.
96. The proposed replacement dwelling, whilst slightly larger, more modern in appearance and more prominent in its setting than the existing dwelling, would integrate in an acceptable manner into the streetscene and it would accord with the provisions of Policy PP27 of the Poole Local Plan. The proposed scheme would also preserve the varied appearance of the Branksome Park Conservation Area, in line with the provisions of Policy PP30 of the Poole Local Plan and paragraph 206 of the NPPF.
97. The proposed scheme would have no materially harmful impact on the amenities of the neighbours, subject to conditions. It would provide good quality living conditions

for the prospective occupiers. Sufficient off-road parking provision would be provided. There would be no additional impact on highway and pedestrian safety in the vicinity of the site.

98. The proposal would result in the loss of trees on site, however this would be mitigated by the proposed replanting, which could be secured by condition. The proposal would not be harmful to the retained protected trees on site, subject to conditions.
99. Appropriate level of renewable energy sources could be provided on site, subject to condition. The proposal would be capable of providing appropriate level of biodiversity enhancement, subject to condition. The proposal is capable of delivering the required SUDs scheme on site, subject to condition.
100. The proposal would be CIL liable.

Planning Balance/Conclusion

101. The proposal would not contribute to the provision of new housing in Poole, being a replacement dwelling. The proposal would be appropriate and acceptable for the site and it would be policy compliant. Having regard to the above-mentioned assessment and the socio-economic benefits arising from the scheme, this proposal is recommended for approval. The Development Plan Policies considered in reaching this decision are set out throughout this report.

Recommendation

102. It is therefore recommended that this application be Grant Subject TO CIL Contribution and the following conditions:

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

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

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

2. AA01 (Non standard Condition)

The materials to be used for the external faces of the development shall be as shown on the approved plans and specified within the application form.

Reason: To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policies PP27 and PP30 of the Poole Local Plan (November 2018).

3. GN070 (Remove Use as Balcony)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any

subsequent re-enactments thereof, the flat roof areas of the dwelling hereby permitted (other than those marked as terraces or balconies) shall not be used as a balcony, roof garden or similar amenity area.

Reason: To protect the amenity and privacy of adjoining residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. GN080 (Screening to Balcony)

1.8m obscure glazed screen shall be erected along the north-western side of the first floor rear elevation terrace, prior to the first residential use of the replacement dwelling hereby permitted, and shall thereafter be permanently retained as such.

Reason: In the interests of privacy and amenity of the neighbouring properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, garaging and vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

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

6. TR030 (Implementation of Details of Arb Method Statement)

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement (prepared by Gwydion's Tree Consultancy, ref: GH2206.1, dated 05/12/22 and received on 08/12/22), and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

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

7. TR080 (Replanting of Specified Number of Trees)

4no. Scots or Maritime Pine trees, of a size and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936, BS4043, BS4428 and BS8545 within 3 months following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the trees have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. TR060 (Tree Protection - No Trenches/Pipe Runs)

No trenches or pipe runs for services or drains shall be sited within the tree protection zone (which is specified on the approved drawing: Tree Protection Plan, Drg. no: GH2206.1b, received 08/12/22) in accordance with BS5837:2012 of any existing tree or group of trees to be retained on the site or on adjoining land, and no ground levels shall be altered within this same radius.

Reason: To avoid any undue damage to trees to be retained on the site, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

9. GN162 (Renewable Energy - Residential)

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

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

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

10. AA01 (Non standard Condition)

The development, hereby approved, shall be carried out in accordance with details of the approved Preliminary Roost Appraisal (prepared by ABR Ecology Ltd, dated 30th November 2022 and received 30/11/22), and shall be supervised by an appropriate ecologist holding a nationally recognised licence.

Prior to the first use of the development hereby permitted, biodiversity mitigation and enhancement measures, as specified in Section 5 and Appendix 4 of the approved Preliminary Roost Appraisal (prepared by ABR Ecology Ltd, dated 30th November 2022 and received 30/11/22), shall be carried out, installed on site and thereafter retained in good working order.

Reason: In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2021 (Section 15) and BSI 42020:2013 'Biodiversity - code of practice for planning and development' and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

11. AA01 (Non standard Condition)

No development shall take place until details of the finalised design of a surface water drainage scheme and flood risk mitigation has been submitted to, and approved in writing by the local planning authority. The design must satisfy the SuDS hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The surface water drainage scheme shall be implemented in accordance with the approved details prior to first residential occupation of the replacement dwelling hereby approved.

Details of the submitted SUDs scheme should include the following;

- Design details which ensure resilience of the development to flood risks including consideration of climate change

- Demonstration that the development will not displace flood risk to surrounding areas
- Use of SuDS to reduce runoff from site to greenfield rates supported by appropriate plans, calculations and maintenance requirements.
- Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall only be carried out in accordance with the approved drainage scheme and the methods, measures and arrangements in the approved scheme shall at all times thereafter be retained and managed and maintained in accordance with it.

Reason: To provide satisfactory drainage and flood resilience for the development in accordance with Policy PP38 of the Poole Local Plan (November 2018) and in order to achieve the objectives set out in the Local Planning Authority's Supplementary Planning Guidance Note on Sustainable Urban Drainage Systems. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

12. HW230 (Permeable surfacing condition)

All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason: In the interests of delivering development which does not result in unacceptable levels of run-off and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

12. PL01 (Plans Listing)

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

Location Plan, Drg. no: 2207 01, received 04/10/22
 Block Plan, Drg. no: 220-7 02A, received 07/12/22
 Site Plan, Drg. no: 2207 03B, received 07/12/22
 Proposed Ground Floor Plan. Drg. no: 2207 04C, received 07/12/22
 Proposed Garage Plan, Drg. no: 2207 05A, received 14/10/22
 Proposed First Floor Plan, Drg. no: 2207 06, received 04/10/22
 Proposed Elevations, Drg. no: 2207 07, received 04/10/22
 Proposed Elevations, Drg. no: 2207 08A, received 07/12/22
 Proposed Pavilion, Drg. no: 2207 09A, received 07/12/22
 Proposed Street Scene, Drg. no: 2207 10, received 04/10/22
 Proposed Section Plan, Drg. no: 2207 13, received 21/10/22
 Proposed Roof Plan, Drg. no: 2207 14, received 13/12/22
 Tree Protection Plan, Drg. no: GH2206.1b, received 08/12/22
 Proposed Pavilion and Natural Pool Location, Drg. no: GH2206.1c, received 08/12/22

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

Informative Notes

1. IN72 (Working with applicants: Approval)

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

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

Also:

- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

2. IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:

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

3. IN82 (Demolition of Buildings)

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

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

Background Documents:

103. Case File ref: APP/22/01364/F

NB. 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: Monika Kwiatkowska

Date: 13/12/22

Agreed by:

Date:

Comment: