

# Planning Committee



Application Address	9 Partridge Walk, Poole, BH14 8HL
Proposal	Demolish existing house and erect 2 detached houses with associated access and parking
Application Number	APP/23/00247/F
Applicant	KLF Developments Ltd
Agent	Mr Annen - Pure Town Planning
Ward and Ward Member(s)	Penn Hill Councillor Jo Clements and Councillor Oliver Walters
Report status	Public Report
Meeting date	17 <sup>th</sup> August 2023
Summary of Recommendation	Delegate powers to the Head of Planning to <b>Grant</b> subject to completion of Section 106 to secure mitigation
Reason for Referral to Planning Committee	Call in by Councillor Bryan Dion for below reasons: <ul style="list-style-type: none"><li>• Mass and bulk is overwhelming compared to neighbouring properties in violation of PP27.</li></ul>
Case Officer	Sophie Burch

## Description of Proposal

1. The proposal seeks full planning permission to demolish the existing dwelling and erect two detached dwellings with associated access and parking.
2. The proposed dwellings comprise three storeys with a flat roof and contemporary design. Each dwelling benefits from four bedrooms, with an open plan lounge, kitchen and dining area on the ground floor and a cinema/games room and garage on the lower ground floor.

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

3. The application site comprises a detached, 1960's red brick bungalow which is located centrally on the plot. There is a small garage/outbuilding to the rear of the site that is accessed from a vehicular access off the head of the cul-de-sac. There are no protected trees on site, however the site is well landscaped with shrubs, bushes and hedging to the perimeter of the site.
4. Partridge Walk is residential in character and comprises mainly of detached dwellings. The character of the road is developing, with a number of plot severances and contemporary homes approved over the last number of years.

### **Relevant Planning History**

5. 9 Partridge Walk - APP/23/00619/F - Demolition of the existing house and the erection of 2 detached houses with associated access and parking. (Revised) - **PENDING.**
6. 1 Partridge Walk - APP/22/01552/F - A rooftop extension and terrace to existing house- **APPROVED.**
7. 2 and 3 Partridge Walk - APP/19/00389/F - Demolish existing dwelling houses t number 2 and 3 and erect three detached dwellings – **APPROVED.**
8. 1 Partridge Walk - APP/15/01802/F - This application proposes to demolish the existing bungalow and build a new contemporary dwelling – **APPROVED.**
9. 8 Partridge Walk - 07/11355/001/F- Demolish existing and erect two detached houses with integral garage. \*\*\*Amended plans and description received 26.6.07 & 13/07/07\*\*\* - **APPROVED.**
10. 7 Partridge Walk - 07/113420/002/F - Demolish existing and erect two houses with integral garages (Revised Scheme) - **APPROVED.**

### **Constraints**

11. None

## **Public Sector Equalities Duty**

12. 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**

13. 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.
14. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
15. 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.
16. 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**

17. BCP Highways Authority - No objection subject to the attachment of conditions
18. Waste Collection Authority - No comments received
19. BCP Biodiversity Officer – Supports the proposal subject to a condition to secure that the recommendations in Ecology report are implemented.
20. BCP Environmental Services (Contaminated Land) - Support the proposal subject to the imposition of a condition in the event of unexpected contamination being found.
21. Society for Poole- Objection to proposal- fails to respect adequately the impact on the neighbourhood of introducing three-storey developments on all surrounding dwellings occupying the sloping site affected. Concerns raised with regards to top floor terraces and impact on privacy.

## **Representations**

22. In addition to neighbour letters, site notices were erected around the site on 24<sup>th</sup> March 2023, with an expiry date of 17<sup>th</sup> April 2023.
23. 19 letters of representation have been received, commenting on the following, it is noted that a number of these were received after the end of the consultation period
  - Generally proposed development is a welcome improvement
  - No height elevations figures
  - Loss of amenity in terms of outlook, overlooking, privacy, overbearing
  - Height should be restricted
  - Smaller windows or obscure glazing should be requested
  - Error on drawings
  - Current plot not large enough
  - Restrictive Covenants on neighbouring dwellings
  - Insufficient details
  - Dominant in street scene
  - Plans not to scale
  - Impact on traffic
  - Issues with road surface

- Increased hard standing
- Issues with drainage
- Previous occupant of dwelling has died
- Request to condition soft landscaping
- Planning department should visit neighbouring dwellings
- Dwellings at 3, 3b and 3 were approved due to sustainable attributes- should be mandatory condition if scheme approved
- Overdevelopment

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

24. The key issue(s) involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development
- Impact on character and appearance of area
- Impact on amenities of future occupiers and neighbouring residents
- Impact on highways and parking
- Sustainability
- Biodiversity
- Other Matters
- SAMM/CIL Compliance.

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

### **Policy Context**

26. Section 38(6) of the Planning Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (2018).

Poole Local Plan (November 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
- PP27 Design
- PP28 Flats and Plot Severance
- 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

#### Other Development Plan Documents

- SPD3 Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)
- SPD 5 Poole Harbour Recreation 2019-2024 SPD (Adopted February 2020)
- SPD7 BCP Parking Standards SPD (Adopted January 2021)
- Nitrogen Reduction in Poole Harbour SPD (Adopted April 2017)
- Poole Harbour Recreation 2019-2024 Supplementary Planning Document SPD (Adopted April 2020)
- The Dorset Heathlands Interim Air Quality Strategy SPD (2020-2025)

#### 27. National Planning Policy Framework ("NPPF"/"Framework")

Including in particular the following:

## Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

*Section 11- Making effective use of land*

*Section 12 – Achieving well-designed places*

## **Planning Assessment**

### **Presumption in favour of sustainable development**

28. 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.

29. 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.

30. 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.
31. 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.
32. In this instance, the scheme would provide one additional dwelling. The proposal would also contribute towards the Council's housing delivery targets. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
33. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

### **Principle of development**

34. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP01, the Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations.
35. Policy PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors.
36. A sustainable transport corridor is defined as 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.

37. 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.
38. The application site does not fall within a sustainable transport corridor. However, the policy goes on to allow development of other parts of the plan area where the development delivers a sustainable pattern of development and contributes to suitable sustainable travel options. A sustainable pattern of development is one that delivers economic, environmental and social benefits. The scheme proposes to deliver 2 family homes in an area characterised by such development. It would have minor economic benefits during construction and minor social benefits of providing family homes in an area characterised by such a form of residential development. Policies PP27 and PP28 provide the policy basis to assess the merits of the scheme and the extent of environmental benefits.

#### **Impact on character and appearance of area**

39. Policy PP27 of the Poole Local Plan (2018) states that development will be permitted where it reflects or enhances local patterns of development in terms of layout, height, scale, massing, materials, landscaping and visual impact. Policy PP28 relating to plot severance states that severances will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
40. The existing dwelling would be demolished, and the site split into two plots down the middle. Each plot would measure approx. 32 metres in length and 12 metres in width, however given the unusual shape of the plot this would be wider at certain points. Parking is proposed to the front of the site, with each dwelling set back approximately 8 metres from the highway. The building line would project further forward and further

back than that of the existing bungalow. The proposed rear gardens measure approximately 114 sqm and 175 sqm, given the irregular plot shape.

41. It is noted that the existing site is wider than the majority of sites along Partridge Walk, and the existing bungalow is also smaller than the majority of dwellings along the street. The sites to the west of the application site have been subdivided, as have the plots to the east and northeast over recent years (Nos. 2-3, 7-7A and 8A-8B). The amount of plot coverage, and the garden sizes proposed are in keeping with surrounding development, as indicated on the site plan submitted by the applicant.
42. It is noted that the proposed development would result in an increased amount of built form, the loss of hedging and shrubbery to the front of the site and excavation to make way for the lower ground floor. This would result in increased dominance within the street scene, however given the changes in the context of the site as a result of the developments at Nos. 2-3, 7-7A and 8A- 8B, many of which are three-storeys in height with large areas of hardstanding to the front, this would not be at odds with the surrounding development.
43. Again, as mentioned it is noted that the existing bungalow is more modest in scale than the majority of surrounding development. In addition, given the proposed reduced land levels, and the increase in land level to the rear, the proposed dwellings would sit well below that of No.8A and 8B to the rear of the site. Hedge planting is also indicated along the frontage to soften the appearance of the scheme on the street scene.
44. Gaps of approximately 2 metres are proposed between the two dwellings, however this is not uncommon within the area with 1.1 metre gaps between the dwellings at Nos. 2A, 2B and 3. As such, there is no objection to this.
45. It is therefore considered that the proposed plot severance is in keeping with surrounding development, which mainly comprises of narrower plots in comparison to the existing plot.
46. With regards to the overall design of the proposed dwellings, the two proposed dwellings would extend across almost the entire width of their plots, this is however common within the surrounding pattern of development and the proposed development would achieve an amount of plot coverage which is in keeping with the surrounding pattern of development, as mentioned. Each dwelling would be of a contemporary style, with three storeys when viewed from the front and two storeys when viewed from the rear given the increase in land levels to the rear of the site. The dwellings would both feature a flat roof form and the ground floor would project forwards of the lower

ground floor from the front elevation. The top floors are set in from both the front and rear elevations, further minimising the impact of the increased bulk and mass on the street scene. This contemporary style, and increased height is in keeping with surrounding development within Partridge Walk, which has undergone modernisation over the last number of years.

47. Proposed materials include timber cladding, tile cladding and metal cladding with vast amounts of glazing to the front and rear elevations. Again, this is in keeping with surrounding development with numerous schemes in the area comprising of similar contemporary materials.
48. It is therefore considered that the proposal allows for an appropriate increase in density which would contribute an additional dwelling to the housing need. As such, the scheme is in accordance with Policies PP27 and PP28 of the Poole Local Plan (November 2018) in relation to its impact on the character and appearance of the area.

#### **Impact on amenities of future occupiers and neighbouring residents**

49. Policy PP27 of the Poole Local Plan states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.
50. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.130).
51. With regards to the impact on future occupiers, each dwelling would comprise of a cinema/games room, bedroom, utility room and bedroom on the lower ground floor. On the upper ground floor both dwellings would benefit from a large open plan kitchen/lounge with terrace to the front. Two bedrooms would be situated to the rear. All habitable rooms on this floor would benefit from acceptable levels of outlook and natural light. On the first floor, the master bedrooms, each with two dressing rooms and an ensuite, are proposed. A terrace is also proposed to the front of both dwellings. Both master bedrooms would benefit from acceptable levels of outlook and natural light. Each dwelling would also meet the national minimum space standards.

52. Each dwelling benefits from an acceptable amount of rear amenity space. Given Nos. 8A and 8B to the rear of the site, the proposed rear gardens would be somewhat overlooked, however such overlooking already exists with the current bungalow. As such, it is not considered that this overlooking to the proposed rear gardens would result in material harm over and above that which currently exists.
53. With regards to the impact on neighbouring amenity, the windows to the rear elevation would allow views towards Nos. 8A and 8B. However, separation distances of 21.5 and 22.8 metres would exist between the front of these dwellings and the upper ground floor rear elevation of the proposed dwellings. Separation distances of 24 and 25.1 metres would exist between the top floor of the proposed dwellings and the front elevation of these neighbouring properties. In addition, the rear windows on the top floor would serve a staircase so any unacceptable levels of overlooking from these windows is unlikely. Furthermore, the proposed dwellings would sit on a lower level to that of the properties to the rear of the site, reducing any potential overlooking further. Any overlooking that could occur to the front parking area of the dwellings to the rear of the site is unlikely to result in material harm. In addition, these areas are already visible from the street scene of Partridge Walk.
54. The windows to the front elevation of the proposed dwellings would face onto the highway and therefore would not result in unacceptable levels of overlooking. The window on the north facing elevation of House 1 would also look onto the highway. The windows on the south facing elevation of House 2 are shown to be obscure glazed to prevent any unacceptable levels of overlooking to Nos. 5 and 7 Partridge Drive, this can be secured via a condition. The terrace area to the top floor of House 2 could also be conditioned to ensure a privacy screen on the southern side to prevent any overlooking to the south. The terraces on the upper ground floor are set within built form and would therefore not result in any unacceptable levels of overlooking to the sides. The two dwellings would not result in any mutual overlooking between each other given the windows facing each other are shown to be obscure glazed and can be secured as such via a condition.
55. Given the orientation of the proposed dwellings, and the separation distances between the proposed dwellings and the dwellings to the north, the scheme is unlikely to result in any harmful overshadowing or material loss of sunlight/daylight.
56. With regards to appearing oppressive or overbearing, sufficient separation distances and the drop in land levels would ensure the proposed dwellings do not appear oppressive or overbearing to the dwellings to the rear of the site or to the north. With

regards to the dwellings to the south, the top floor on House 2 has been set in from both the front and rear, but also from the southern side by approximately 1.8 metres to reduce the perceived bulk and mass when viewed from the rear windows of Nos. 5 and 7 Partridge Drive. This ensures that the top floor of House 2 does not sit closer to No.5 and 7 than the existing dwelling. The lower floors will sit closer to the dwellings along Partridge Drive, but only by approximately 1.5 metres, and at a lower height than the existing dwelling, given the set back of the top floor. This, coupled with the separation distances of between 15 and 16 metres would ensure that the scheme does not result in unacceptable levels of harm by way of appearing oppressive or overbearing to the properties along Partridge Drive.

57. With regards to impact on outlook, sufficient separation distances would ensure there is no detrimental impact on outlook for neighbouring dwellings as a result of the scheme. Although the scheme would alter the wider views for a number of dwellings, the planning system does not afford the right to a view.
58. The additional pedestrian movements from the new dwellings although noticeable to the neighbours, the noise and disturbance arising would be of a residential nature and scale and would not be so significant as to materially harm the amenities of these neighbours.
59. The impact on the residential amenities of the surrounding properties has been carefully considered and the representations referring to these issues are recognised and acknowledged. However, it is considered that the scheme is acceptable and compliant with the provisions of Policy PP27 of the Poole Local Plan (November 2018).

### **Impact on highways and parking**

60. Each dwelling would be provided with a new access which would require the formation of a dropped kerb crossing and the existing vehicular access would be closed up, which would require the existing dropped kerb to be raised.
61. Each dwelling would be provided with sufficient parking provision. EV Charging points can be secured via condition. Sufficient secure and sheltered cycle parking is provided within the garage of each dwelling. BCP Highways Authority have been consulted on the scheme and have no objection subject to conditions to ensure the provision of the proposed parking/turning areas and EV charging points.

62. It is noted that a number of objections make reference to the condition of the road surface and the impact on traffic as a result of the creation of an additional dwelling. BCP Highways Authority, however, has not raised any such issues associated with the above concern.
63. It is therefore considered that the scheme is in accordance with Policies PP34 and PP35 of the Poole Local Plan (November 2018).

### **Sustainability**

64. Being a new build development, it will be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. It is appropriate and reasonable to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy sources, in accordance with Policy PP37 of the Poole Local Plan.

### **Biodiversity**

65. An Ecological Assessment Report & Ecological Assessment and Bat Activity Survey Report have been submitted in support of the application. The Ecological Assessment Report found that the dwelling held 'moderate potential' for roosting bats due to several tile gaps on the roof. As such, two bat activity surveys were conducted on 5<sup>th</sup> and 22<sup>nd</sup> May 2023. No bats were recorded emerging or entering the dwelling during those surveys. The Ecological Assessment and Bat Activity Survey Report recommends a number of measures and enhancements. The Council's Biodiversity Officer has reviewed both reports and has advised that they are suitable, and that all recommendations as set out in the Ecological Assessment and Bat Activity Survey Report should be secured via condition to satisfy the provisions of Policy PP33 of the Poole Local Plan and the NPPF. It is reasonable to impose such a condition.

### **Other Matters**

66. The site is not identified as being at risk from surface water flooding and is located within Flood Zone 1 (lowest probability of river or tidal flooding). It is recognised that the

scheme would introduce an increased level of hard surfacing across the site. The application form states that soakaways would be used for the discharge of surface water drainage which could be acceptable; however, there is minimal information on this aspect of the proposed development. Therefore, to ensure there is adequate surface water drainage infrastructure on the site it is considered reasonable to impose a condition requiring further details to be submitted for approval. This would ensure the scheme is compliant with Policy PP38 of the Poole Local Plan (November 2018) which seeks to ensure post-development surface water run-off does not exceed pre-development levels.

67. It is noted that numerous objections make reference to the lack of figures in relation to heights on the submitted plans. There is, however, a measuring tool on the public access system which allows the public to measure plans. It is also noted that an objection states that there is an error on the plans. It is understood that this is referring to the Front and rear elevations, Drg No. 2309 10 received 24<sup>th</sup> February 2023. These did not show the set in from the side elevation on House 2. Amended plans to rectify this error have since been submitted.
68. Whilst some small trees, shrubs and vegetation would be lost as a result of the scheme, these are not protected by a TPO and could be cleared without planning permission. The scheme proposes some soft landscaping which would mitigate the loss of this vegetation. This is considered acceptable.
69. It is also noted that an objection discusses restrictive covenants on neighbouring dwellings. However, covenants are not a material planning consideration and as such do not carry weight in the determination of this application.
70. An objection also suggests that the Planning Department should visit and meet with occupiers of neighbouring dwellings. There is, however, no requirement to meet with neighbouring residents, or visit their properties. It is, however, noted a site visit of the application site was carried out by the Planning Department.
71. Bin storage areas are annotated towards the front of each site - this is considered acceptable and demonstrates that the bins can be accommodated within the curtilage of each individual dwelling in a manner that would not give rise to any conflict with highway and/or pedestrian safety. The Waste Collection Authority were consulted however no comments were received. Nevertheless, whilst the site would not be accessed by the Council's waste collection vehicle there is an expectation that the residents of the proposed dwellings would have to present their bins close to the front of the site on collection days and this is considered to be acceptable.

72. The Environmental Services Team have been consulted in relation to contaminated

that	Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM	land. They have advised the
	Flats	Existing	0	N/A	N/A	
		Proposed	0			
		Net increase	0	N/A	N/A	
	Houses	Existing	1	@ £485	@ 172	
		Proposed	2			
		Net increase	1	£485	£172	
	Total Contributions			£485 plus admin fee	£172 plus admin fee	
	CIL	Zone A		@ £256.76 per sqm		

development site is within 140 metres of old sand pits. They do not however hold any current records in relation to previous contaminative uses of the site itself. They have therefore recommended a standard contaminated land condition is attached to any permission granted.

### **SAMM/CIL Compliance**

73. 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.

74. 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.

75. 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.
76. The applicant has demonstrated a willingness to pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM subject to a positive resolution. As such, the proposed scheme can be made to comply with Policies PP32 and PP39 of the Poole Local Plan. To address this, the recommendation seeks powers to be delegated to officers to grant permission only after the appropriate contributions have been secured.
77. The application falls into CIL Zone A which has CIL chargeable rate of £256.76 per square metre.

### **Planning Balance/Conclusion**

78. The Council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the creation of much needed housing. The proposal would provide for 2 dwellings, a net increase of 1 home. It is considered that the principle of two properties on this plot is acceptable and the layout, scale, appearance, access and landscaping arrangements are compliant with Local Plan policies. The potential impacts on the living conditions of neighbouring residents have been carefully considered, but it is considered that the site could accommodate 2 properties without compromising their living conditions in terms of sunlight/daylight, outlook, privacy and a dominant built form.
79. 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 is relevant because the report does not identify any relevant policies in the NPPF to provide a clear reason for refusal.

80. Having recognised the collective benefits of the proposed scheme and the tilted balance approach, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
81. The scheme is therefore recommended for approval, subject to the completion of a Section 106 agreement to secure the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM.

### **Recommendation**

82. It is therefore recommended that this application be delegated to the Head of Planning (including any interim) to Grant permission subject to:
83. a) the completion of a Section 106 agreement to secure the required contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM; and
84. b) the conditions as set out below (with power delegated to the Head of Planning (including any interim) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (including any interim) does not go to the core of the decision

### **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 and Block Plan, Drg No. 2309 01 - received 24<sup>th</sup> February 2023;  
Site Plan showing first floors of proposed, Drg No. 2309 02 - received 24<sup>th</sup> February 2023;  
Site Plan showing ground floor of proposed, Drg No. 2309 03 - received 24<sup>th</sup> February 2023;  
Site Plans, Drg No. 2309 04 - received 24<sup>th</sup> February 2023;  
Lower Ground Floor Plan, Drg No. 2309 05 - received 24<sup>th</sup> February 2023;  
Upper Ground Floor Plan, Drg No. 2309 06 - received 24<sup>th</sup> February 2023;  
First Floor Plan, Drg No. 2309 07 -received 24<sup>th</sup> February 2023;  
Street scene, Drg No. 2309 08 - received 24<sup>th</sup> February 2023;  
Street Scene, Drg No. 2309 09 - received 24<sup>th</sup> February 2023;  
Front and Rear Elevations, Drg No. 2309 10A - received 17<sup>th</sup> April 2023;  
House 1 Side Elevations, Drg No. 2309 11 - received 24<sup>th</sup> February 2023;  
House 2 Side Elevations, Drg No. 2309 12 - received 24<sup>th</sup> February 2023;  
Site plans with survey overlay, Drg No, 2309 13 - received 17<sup>th</sup> April 2023; and  
Ecological Assessment & Bat Activity Survey Report, 9 Partridge Walk, Poole, Dorset, BH14 8HL received 24<sup>th</sup> May 2023.

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

3) GN030 (Sample of Materials)

Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the approved dwellings above the slab level. The development shall thereafter be carried out in accordance with the approved details.

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

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4) HW100 (Parking/Turning Provision)

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

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

5) HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to, and approved in writing by, the Local Planning Authority. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason - In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan (November 2018).

6) GN090 (Obscure glazing of windows)

Both in the first instance and upon all subsequent occasions, the upper ground floor windows on the north and south facing elevations of both dwellings, and the south facing window on the first floor of House 2 shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and every such window shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening. Every obscure glazed window shall thereafter at all times be retained in accordance with this condition.

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

7) GN170 (Screening to balcony)

An obscure glazed glass screen of a form sufficient to prevent external views of at least 1.8 metres in height shall be erected along the southern facing side of the balcony/terrace on the first floor of House 2. The screen shall be erected prior to the first of use of the balcony, 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 PP27 of the Poole Local Plan (November 2018).

8) GN070 (Remove use as balcony)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning Act 1990 (as amended) or any subsequent re-enactments thereof, no other area other than the areas marked as terraces on the approved plans shall be used as a balcony 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).

9) HW230 (Permeable surfacing condition)

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

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

10) DR020 (Drainage)

The development, hereby approved, shall not be occupied until surface water drainage works have been carried out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason - To ensure there is adequate provision of drainage facilities and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

11) GN162 (Renewable Energy - Residential)

Prior to first occupation of the dwellings, hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to, and approved in writing by, the Local Planning Authority. These measures must then be implemented before any residential occupation is brought into use, and maintained and retained thereafter. 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).

12) AA01 (Non standard Condition)

Prior to the first occupation of the dwellings, hereby approved, all recommendations as set out in Section 5: Conclusions & Biodiversity Enhancements and Appendix 5: Biodiversity enhancements & stag beetle logger of 'Ecological Assessment & Bat Activity Survey Report 9 Partridge Walk, Poole, Dorset, BH14 8HI' by ABR Ecology Ltd shall be implemented, and thereafter retained.

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).

1. AA01 (Non standard Condition)

In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local

Planning Authority and further development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

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

### **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; and
- the application was considered and approved without delay.

#### **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.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

### 3) IN11 (First 4.5 Access Crossing)

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

### 4) IN12 (Kerb crossing to be raised)

As a required adjunct of this access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge) restored. Normally this work will be undertaken at the expense of the developer by the Highway



Authority although, on occasions, there might be instances where the developer, under supervision, can undertake this work.

5) IN13 (Kerb crossing to be lowered)

The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and Inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority, or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense.

6) IN81 (SMM Approval)

The necessary contributions towards SMM arising from the proposed development have been secured by a S106 Agreement and have been received.

7) IN84 (AA Passed)

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

**Background Documents:**

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

Case Officer Report Completed:

Officer: Sophie Burch

Date:28/06/2023