

Planning Committee

Application Address	19A Rozelle Road, Poole, BH14 0BX
Proposal	Demolish existing and erect 3 detached houses with parking
Application Number	APP/23/01196/F
Applicant	Crestland Homes Ltd
Agent	ARC Architects
Ward and Ward Member(s)	Penn Hill Councillor Jo Clements Councillor Oliver Walters
Report Status	Public
Meeting Date	15 February 2024
Summary of Recommendation	Grant with conditions in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	<p>The Planning Committee has the power to consider and determine any matter arising in relation to any Town and Country Planning Legislation where that matter has been expressly referred to the Planning Committee by an Officer for such a purpose as an alternative to that Officer exercising a power delegated to them pursuant to the Officer Scheme of Delegations</p> <p>This application is a resubmission of a scheme that was previously recommended for approval by the Officer but refused at planning committee. The application is referred to the Planning Committee by the (former) Head of Planning in agreement with the Chair of Planning Committee on account of the scheme being a resubmission of a previously refused committee item.</p>
Case Officer	Amelia Rose
Is the proposal EIA Development?	No

Description of Proposal

1. The proposal seeks to demolish the existing bungalow and erect three detached dwellings with parking.
2. The dwellings comprise two storeys with a hipped roof and small front projecting gable. The properties will sited on a broadly consistent frontage facing the end of the cul-de-sac. Shared access and turning with parking and communal cycle storage would be provided.
3. Each dwelling has an open plan kitchen/living room on the ground floor and three bedrooms on the first floor. Amenity space is provided to the rear.

Description of Site and Surroundings

4. The application site comprises a detached bungalow and garage at the end of a cul-de-sac. The site slopes of gently towards the west, with the properties on Mansfield Road being elevated relative to the application site.

5. Rozelle Road is a residential street comprising a mix of single storey and two storey dwellings in a variety of styles, ranging from the late Victorian/Edwardian period to post-war properties. Predominant materials are red brick and render with plain clay tiles and slate and later concrete tile roofs. The dwelling to which this application relates lies at the end of the Rozelle Road cul-de-sac.

Relevant Planning History:

6. APP/22/01585/F - Demolish existing house and erect 3 detached houses with parking. REFUSED AT PLANNING COMMITTEE 25/04/2023. This application was called in to committee by the previous ward members on the grounds of overdevelopment of the site, amenity impacts, alongside what was considered non-compliance with many policies of the Poole Local Plan 2018.

This application was refused at committee on four grounds:

- Overdevelopment of the site with the scale and mass considered out of keeping with the surrounding area. The perceived mass of the buildings is considered greater due to the lack of separation between them such that they would appear as one unit which would result in detrimental impacts on the area and this would therefore be contrary to Policies PP27 and PP28 of the Poole Local Plan 2018.
- The proposed dwellings, due to their proximity and orientation to the surrounding residential properties, would result in an overbearing relationship with unacceptable levels of overlooking and loss of privacy, particularly to those dwellings along Earlham Drive. The proposal is therefore contrary to Policies PP27 of the Poole Local Plan 2018 in that it would result in a harmful impact upon the amenity of neighbouring residents.
- No avoidance or mitigation of adverse effects through SAMM has been secured to ensure no adverse effects on the heathland special features including those which are SPA and SAC features.
- No avoidance or mitigation of adverse effects through SAMM has been secured to ensure no adverse effects on the heathland special features including those on Poole Harbour.

An appeal has now been lodged for this case.

7. APP/22/00401/F- 19A Rozelle Road, Poole, BH14 0BX - Renewal of expired Permission APP/18/01514/F to demolish existing dwelling and replace with 2 No Detached 4 Bed dwellings – APPROVED.
8. APP/18/01514/F- 19A Rozelle Road, Poole, BH14 0BX- Demolish existing, construct 2 x two storey detached dwellings – APPROVED.
9. APP/15/00607/F- 19A Rozelle Road, Poole, BH14 0BX- Additional single storey dwelling at grounds of existing dwelling at 19a Rozelle Road - REFUSED, DISMISSED AT APPEAL.

Constraints

10. The site lies within 5km (but not within 400m) of the Dorset Heathlands SSSI.

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 regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, 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.
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 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.
15. 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.
16. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

17. Environmental Health – support subject to conditions – no concerns apart from deliveries during demolition and construction phases. Suggestion of condition to limit timings of large vehicle movements as the site lies at the end of a cul-de-sac.
18. Highways – support subject to conditions – highways noted on the original submission that the parking space on dwelling number one would be problematic due to a requirement for an aisle extension to aid in manoeuvring. It was suggested that the plans were amended to facilitate this. Amended plans were subsequently received which provided the suggested 1 metre aisle extension and therefore solved this identified issue which was confirmed as acceptable by Highways. It was confirmed that the requirement for EV charging points could be secured by condition, as well as two other conditions including parking and turning and that the kerb crossing should be lowered.
19. Waste Collection Authority – no comments received.

Representations

20. Three site notices were posted outside the boundaries of the site on 30th October 2023, with an expiry date for consultation of 24th November 2023.
21. Six representations have been received from five neighbours on the scheme.
22. Five of the six representations received object to the scheme on the following grounds:
 - Issues remain the same as with the previous application which was refused, so this one should be
 - Parking is an issue within the surrounding roads, each dwelling will only have one parking space which will make the situation worse in a busy end of cul-de-sac
 - Increased danger to pedestrians from pavement parking
 - Will be overbearing and not in keeping with surrounding low level homes
 - Footprint for each dwelling appears to be larger than the previous application
 - The proposal represents an overdevelopment of the site

- Would make access for emergency vehicles and refuse vehicles even harder
- One or two homes in this location would be more appropriate
- Potential health hazard from the proposed bins area lying adjacent to 19 Rozelle Road
- 19A Rozelle Road is on raised land and would be overbearing to 19 Rozelle Road
- Impacts on health and wellbeing of neighbouring residents.

23. One representation received was more supportive of the scheme stating that there are fewer bedroom windows facing onto properties along Earldam Drive and they would feel more comfortable supporting this scheme than with the previous applications including APP/22/01585/F which was refused at committee.

Key Issue(s)

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

- Principle of development
- Presumption in favour of sustainable development and housing land supply
- 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 and 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).

27. Poole Local Plan 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
- PP39 Delivering Poole's Infrastructure

It should be noted that the emerging BCP Local Plan has been published ahead of consultation in 2024, however at this stage, the emerging Local Plan attracts negligible weight, although its evidence base may on occasion have information that could be material.

Supplementary Planning Documents (SPDs)

- SPD3 Dorset Heathlands Planning Framework 2020-2025 (Adopted March 2020)
- SPD5 Poole Harbour Recreation 2019-2024 (Adopted February 2020)

- SPD7 Parking Standards SPD (Adopted January 2021)

28. **National Planning Policy Framework** (“NPPF” / “Framework”) (December 2023)

- The policies in the Framework are material considerations which should be taken into account in dealing with applications.

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For **decision-taking** this means:

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

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Planning Assessment

Principle of development

- 29. 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.
- 30. Policy PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. The Local Plan identifies that a minimum of 5,000 homes will need to be delivered in the sustainable transport corridors over the plan period.
- 31. 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.
- 32. 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.

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

Presumption in favour of sustainable development

34. 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.
35. 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.
36. 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.
37. 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, the tilted balance is potentially engaged. However, it also lies within 5 km of a European Habitat site and Poole Harbour. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

Impact on the character and appearance of area

38. 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.
39. The existing dwelling would be demolished, and the site split into three plots, with parking and turning areas to the front of each dwelling. Each plot would measure between approx. 7-9 metres in width, and 23 metres in depth taken from the front of each parking space to the rear of the site. This does not include the turning space and landscaped area to the front of the site, which adds additional depth of around 7m to the site as a whole, and spans the 26m+ width of the site at this point. The proposed front and rear building lines would generally be in line with that of No.19 Rozelle Road, ensuring continuity.
40. It is noted that the existing site is larger than the majority of sites along Rozelle Road. The sites immediately adjacent to the application site, to the south, east and north along Earlham Drive and Mansfield Road are of a similar size to the proposed plots of the three dwellings, as are those along parts of the northern and southern sides of Rozelle Road. Due to the layout of Rozelle Road and the variety of dwellings within the street, there is not a consistent pattern of development or plot size.
41. In addition, APP/19/01540/F granted permission for the subdivision of the existing property at No.18 Rozelle Road to form a pair of semi-detached properties. This resulted in the creation of a narrower plot, measuring 6 metres in width at No.18a. The previous application APP/22/01585/F proposed erection of three dwellings of a similar style and design was refused at Committee on four grounds, including the impacts on the character and appearance of the area from the mass of the dwellings and overdevelopment of the site.

42. Whilst the proposed development would result in gardens of a reduced depth when compared to many of the dwellings to the north and south side of Rozelle Road, the existing garden serving the bungalow is of a similar depth. In addition, the proposed gardens will be of a similar depth and size to that of 19, 20 and 20a Rozelle Road. As such, this is considered acceptable and justifies the smaller depth of gardens when compared to some other plots in the vicinity. It should be noted that the proposed gardens are considered of an appropriate scale for the size of dwelling and relate to the varied pattern of development.
43. It is therefore considered that the proposed plot severance is in keeping with the pattern of development in the area, which mainly comprises of narrower plots in comparison to the existing plot. With regards to the overall design and appearance of the proposed dwellings, the three dwellings would extend across almost the entire width of their plots, each dwelling being slightly wider to the rear and set in from the eastern sides at the front. However, this is common in the area, including along Rozelle Road and Mansfield Road, and the proposed development would result in plot coverage which is in keeping with the surrounding pattern of development.
44. Each dwelling would be two storeys in height, with a hipped roof. The dwellings would be 6m in width to the rear and 5m to the front. There is a variety of house types in the street which comprise bungalows, detached two storey dwellings and semi-detached properties. In addition, APP/22/00401/F granted permission for two, two storey dwellings on the site, albeit on larger plots.
45. Since this previous approval and the previous application APP/22/01585/F, the front gardens have also been improved, now appearing less as just a vehicle parking area and more landscaping including shrubs and hedges that would help to define the boundaries, enhance the character of the site and aid in providing privacy to each plot. There would be access to the side of each dwelling, down a separate entrance of 1m in width to the eastern side elevation between the host dwelling and the neighbour.
46. Proposed materials include buff brick walls with a slate effect roof and black uPVC fenestration. The vernacular materials in the area are red and buff brick. The use of buff brick is seen throughout the streetscene and therefore the proposed use of buff brick to the walls would be acceptable and would not look out of keeping in the locality. A condition will be added to ensure that red or buff brick is used.
47. The designs overall are slightly more contemporary than surrounding development, given the lack of consistency in materials seen within the area, this is considered to be acceptable with suitable materials identified above.
48. It is therefore overall considered that the proposal allows for an appropriate increase in density which would contribute an additional two dwellings to the housing need in a sustainable location in Poole. The proposed scheme would be in keeping with the surrounding pattern of development and would have an acceptable impact on the character and appearance of the area, in accordance with PP27 and PP28 of the Poole Local Plan 2018.

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.135).
51. With regards to the impact on future occupiers, each dwelling is stated as 112m². This complies with Nationally Described Space Standards for a 3-bed 5-person dwelling minimum standard of 93m². The

kitchen/diner and all bedrooms provide an acceptable standard of natural light and outlook. It is noted that the dining rooms are all served by a large window which would face onto a car parking space, however there would also be an array of planting and hedgerows to improve the outlook from the front of the dwellings and it is noted that this outlook has been improved since the previous submission APP/22/01585/F which showed the front of the dwellings to appear more as a car parking court than a front garden. It is also recognised that the kitchen/diner to the rear provides a good standard of light and outlook, particularly given the large sliding doors and the orientation of the property, with this room and the rear of the new units in general facing south to ensure maximum solar gain to the rear of the dwellings.

52. Furthermore, there are windows proposed down the side of each dwelling, at ground floor and first floor. To the ground floor, these would serve the side of the kitchen, and would face forwards towards the front of the plot. To the first floor, one of the proposed windows down the eastern sides of the dwellings would also face forward towards the front of the plots. These would serve the main bathrooms and are shown obscure glazed. These additional windows would help to ensure a good standard of amenity and natural light into the dwellings, though they would have a poor outlook down the sides of the dwellings. However, given all other windows provide a good standard of amenity, these windows are considered useful for light and airing purposes and it is not considered that this would result in significant material harm to the living conditions of future occupiers.
53. One further window to the side of the dwellings would lie on the eastern side and would serve the main staircases which would provide light into the hall and landing of the units. This would not be obscure glazed to units two and three, as it would have a view down the side of the dwellings. However, to unit one, which is the westernmost unit on the plot, amended plans have been received to ensure that this window would be obscure glazed to ensure that there are no impacts on the dwellings along Mansfield Road which this window would face onto.
54. As previously discussed, each dwelling benefits from an acceptable amount of rear amenity space. Given the gardens are all proposed to be south facing they will benefit from a good standard of natural light. Details of all boundary treatments can be conditioned to any approval to ensure privacy within and from these rear gardens.
55. A previous approval (APP/22/00301/F) granted a 2-storey dwelling on a slight stagger between approximately 1m – 3m from the boundary with No. 19. The current proposal would site a smaller dwelling between 1.5-2.5m from the boundary with No. 19. On the approved scheme APP/22/00301/F at the site, the approved dwelling also sits forward of the front elevation of No. 19, on the current proposal, the proposed dwellings would extend around 2m beyond the rear elevation of No.19. In the circumstances, the impacts of the current proposals on the outlook from No.19 are not considered to be significantly different from the extant approval. With the proposed development lying directly to the west of the dwelling at 19 Rozelle Road, there would be potential impacts on light to the front of the dwelling at 19 Rozelle Road in the evening, however due to the layout and an existing dwelling lying within this location, this is not considered to be significant. As 19 Rozelle Road faces south, there would be no significant detrimental impacts as ample direct sunlight would still be received.
56. With the proposal lying adjacent to the neighbouring dwelling with a similar front building line, and only extending 2m further out to the rear, it is considered that the proposed development would not appear oppressive or overbearing to neighbouring residents and would be unlikely to result in any unacceptable levels of overshadowing. Due to separation distances between the proposal and the other neighbouring dwellings along Earham Drive to the south and Mansfield Road, there are not considered to be any detrimental impacts on these dwellings.
57. With regards to overlooking, all windows apart from one on each dwelling face either over the front or the rear plot, as with the existing bungalow. The windows on the front elevation, at both ground floor and first floor level will look onto the parking space and turning area. Separation distances of approx. 14 metres will ensure there is no unacceptable overlooking from these windows to the side elevation of No.21 Rozelle Road. In addition, units 1 and 2 face onto the front amenity space of No.21, which is already within public view.

58. All dwellings benefit from a first-floor window serving the stairwell on the western elevation. As these do not serve principal accommodation, they will have an acceptable impact on neighbouring privacy. With regards to the first-floor windows on the rear elevation, these will face 10 - 11 Earlham Drive. These neighbours have single storey wings to the rear which extend close to the site boundary. The windows sit approximately 7 metres from the rear boundary adjoining these neighbours and approx. 24 metres from the living room window of the development approved at No.9 Earlham Drive (APP/18/01200/F). The previous approval APP/22/00301/F grants 2-storey dwellings with rear-facing 1st floor bedroom windows approximately 10m from the boundary with 9 & 10 Earlham Drive. Compared to the previous application APP/22/01585/F, these rear windows have been made slightly smaller in depth which will help to offset any impacts from them being closer to the boundary than the previous applications.
59. It is recognized that the development will likely result in some loss of privacy to these dwellings, however some levels of overlooking are not uncommon within built-up urban areas with a tight urban grain. There would be around 13m from the proposed dwellings to the 2-storey rear elevation of 10 - 11 Earlham Drive. The scheme has a single rear-facing 1st floor bedroom to each unit. The rear elevations of 19 & 17 Rozelle Road extend a similar distance to the south and on balance the resulting relationship is considered an acceptable
60. A condition to ensure no construction work is undertaken during antisocial hours would be attached to any permission to protect neighbouring amenity.
61. A representation from the neighbour at 19 Rozelle Road to the east of the site was concerned with impacts on their health from the bin storage areas which would lie to the front of the site, near to the boundary with number 19. The building to the front is a cycle store and the proposed slabs for bins are for collection day. As detached properties there will space within the proposed curtilages to store bins outside of collection day. The Waste team were consulted however no comments were received, and Environmental Health did not have any comments with regard to waste on the site. There are therefore not considered to be any detrimental impacts on this neighbour from the proposed bin collection position lying adjacent to No.19's front garden.
62. 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. It is considered that the amenity impacts from this proposal are acceptable. It is overall considered that the scheme is acceptable and compliant with Policy PP27 of the Poole Local Plan 2018.

Impact on highways and parking

63. Each dwelling would benefit from one parking space and turning area to the front. A communal cycle store would also be provided to the front of the dwellings. This would meet the number of spaces required for such dwellings within this location, as outlined in the Parking Standards SPD. The existing access would be widened and shared by the proposed dwellings.
64. The Parking Standards SPD requires all new development to include Electric Vehicle Charging points and as such, proposals for new houses with at least one designated parking space must ensure the provision of at least one active EV charging point. Therefore, the proposed houses would need one active charging point each. Details of this could be conditioned to any approval.
65. Policy PP35 notes that new development is required to provide safe access to the highway. BCP Highways Authority were consulted on the initial plans and advised that more turning space to the front of the dwellings would be required. The plans were therefore amended to slightly reduce the hedged area to the west of the site and increase the turning space. This would mean that the vehicles parked on site would be able to enter and exit the site in a forward gear, addressing potential highway safety issues stemming from the movement of vehicles onto Rozelle Road. Highways confirmed that the amended plans were suitable. It is therefore considered that the proposal is wholly compliant with Policy PP35 of the Local Plan 2018 and is acceptable in regard to parking and highway safety.

66. The amount of traffic generated by three additional units would have acceptable impacts on the capacity of the wider highway network and no evidence has been demonstrated that this increase cannot be satisfactorily accommodated within the highway network.
67. The scheme overall therefore complies with adopted BCP Parking Standards Supplementary Planning Document (2021) and Policy PP35 of the Poole Local Plan 2018.

Sustainability

68. 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. 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

69. The proposal does not include any biodiversity enhancements, however a condition is proposed to secure biodiversity enhancements in the form of bat tubes and bird boxes, to satisfy the provisions of Policy PP33 of the Poole Local Plan and the NPPF. It is considered this can reasonably be achieved within the scheme and would thereby comply with Policy PP33.

Other matters

70. The site is not identified at being at risk from surface water flooding and is not within a flood zone. It is recognised that the scheme will introduce an increased level of hard surfacing across the site. The application form states that soakaways will be used for surface water drainage which could be acceptable; however, there is minimal information on this aspect. Therefore, to ensure there is adequate surface water drainage infrastructure on the site it is considered reasonable to condition further details to be submitted. This will ensure the scheme is compliant with Policy PP38 of the Poole Local Plan 2018 which seeks to ensure post-development surface water run-off does not exceed pre-development levels.

SAMM/CIL Compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	N/A	N/A
	Proposed	0		
	Net increase	0	N/A	N/A
Houses	Existing	1	= 2 x 485 = £970	= 2 x 172 = £344
	Proposed	3		
	Net increase	2	£970	£344
Total Contributions			£970 plus admin fee	£344 plus admin fee
CIL	Zone C		@ £137.78 per sqm	

71. 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.

72. 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.
73. 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.
74. The applicant has completed a suitable s106 agreement securing the necessary mitigation towards the scheme's impacts on the Dorset Heathlands and Poole Harbour Recreation SAMM. As such, the proposed scheme complies with Policies PP32 and PP39 of the Poole Local Plan. The application falls into CIL Zone C which has CIL chargeable rate of £137.78 per square metre.

Planning Balance / Conclusion

75. 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 3 dwellings, a net increase of 2 homes within a sustainable transport corridor. It is considered that the principle of three properties on this plot is acceptable and the layout, scale, appearance and access 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 any impacts associated with overlooking does not significantly and demonstrably outweigh the benefits of the scheme in providing additional dwellings.
76. Given the shortfall of the number of homes delivered in the Local Plan area, and, as the scheme can satisfactorily mitigate its impacts on protected sites, 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 adverse impacts, when assessed against the Framework taken as a whole.
77. 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.
78. The scheme is therefore recommended for approval.

Recommendation

79. It is therefore recommended that this application be approved subject to CIL contribution.

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Indicative streetscene plan, drawing number 9654 / 204. Received 17 October 2023.
Location plan, block plan and proposed site plan, drawing number 9654 / 200. Received 15 November 2023.
Unit 1: Proposed floorplans and elevations, drawing number 9645 / 201 Revision C. Received 02 February 2024.
Unit 2: Proposed floorplans and elevations, drawing number 9654/202 Revision B. Received 02 February 2024.
Unit 3: Proposed floorplans and elevations, drawing number 9654 / 203 Revision B. Received 02 February 2024.
Proposed cycle store, drawing number 9643 / 206. Received 17 October 2023.

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

3. The proposed dwellings hereby approved shall be constructed of red or buff brick walls, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. The development shall be carried out in accordance with the materials as agreed.

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

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

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

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

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

6. Both in the first instance and upon all subsequent occasions, the first floor windows serving the stairwell on each dwelling, on the eastern elevation 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 is either a fixed light or hung in such a way as to ensure that the full benefit of the obscured glazing in inhibiting overlooking is maintained. Every obscured 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. The details for boundary treatment along the south, east and west boundaries of all rear gardens, and the north, south, east and west boundaries of the site in its entirety shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The agreed boundary treatments shall be completed prior to first occupation of any dwelling and retained thereafter.

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

8. 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).

9. Prior to commencement of development details of drainage to serve the development shall be submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied until the drainage details approved have been completed.

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

10. Prior to first occupation of the building(s) 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 shall be 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).

11. Prior to the first occupation of the dwellings hereby permitted 1 no. integral bat brick shall be installed within the southern elevation of each dwelling hereby permitted, away from direct effect of man-made lighting and on aspects and heights as recommended by Bat Conservation Trust – http://www.bats.org.uk/pages/bat_boxes.html. The installed biodiversity enhancement measures shall thereafter be retained on site.

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).

12. During construction, no machinery shall be operated and no process shall be carried out at the site and no heavy vehicle movements shall occur otherwise than between 08:00 – 18:00 on Mondays to Fridays inclusive, 08:00 – 13:00 on Saturdays, and not any time on Sundays, Bank or Public Holidays.

Reason - To protect the amenities of nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

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

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

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>.

Background Documents:

Case File ref APP/23/01196/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.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.