



Planning Committee

Application Address	39 Brudenell Avenue, Poole, BH13 7NW
Proposal	Demolition of the existing building and construction of seven apartments with associated parking, landscaping and access.
Application Number	APP/23/01263/F
Applicant	Cullen Property Group Ltd
Agent	Spruce Town Planning Ltd
Ward and Ward Member(s)	Canford Cliffs: Cllr John Challinor Cllr Gavin Wright
Report Status	Public
Meeting Date	18 July 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>Call-in from former Cllr Haines for the following reasons;</p> <p>I note that there is an application for this address to replace a large single detached dwelling with 7 apartments. This is a concern as the prevailing character of this road is large detached dwellings in generous plots. There has been some sub-division but nonetheless single detached houses. As far as I can recall, there are no blocks of flats in Brudenell Avenue.</p> <p>As this is a departure of the prevailing character of the road, I am minded to call this in.</p>

	Following Cllr Haines' resignation, Cllr Challinor confirmed that the application be determined by the planning committee.
Case Officer	Amelia Rose
Is the proposal EIA Development?	No

Description of Proposal

1. The proposal seeks to demolish the existing two storey dwelling on site and erect a block of seven apartments with parking and associated landscaping.
2. The existing dwelling is a large two storey dwelling on site that appears to date from the 1950s. The dwelling sits on a large plot and is proposed to be demolished to enable construction of a 4-storey block of seven apartments with basement level parking, situated in a similar position on site to the existing dwelling, fronting onto Brudenell Avenue. Access would remain from Brudenell Avenue although the access position will be moved to the south with turning, parking and communal cycle and bin storage.
3. Each flat would have two bedrooms with an open plan kitchen/living room. They would all benefit from outside amenity space including balconies and a communal garden to the rear.
4. It should be noted that the application pre-dates the Government requirements for statutory Biodiversity Net Gain and therefore there is no requirement for the application to provide the 10% BNG but it does provide biodiversity enhancement in line with relevant local plan policy.

Description of Site and Surroundings

5. The application site is occupied by a two-storey detached house with some accommodation in the existing roof, located on the east side of Brudenell Avenue within a mixed use – residential and tourism - area to the south-west of Canford Cliffs village, which offers a range of restaurants and local shops. The site consists of a 2-storey detached dwellinghouse with an integral garage and outdoor swimming pool, set on a large plot of land fronting to the west. The existing property is set back within its plot with a driveway and parking to the front (west), as well as a front garden. The site slopes up from the road meaning that the existing dwelling is elevated above the highway, and the dwelling is rendered and painted cream, with a tiled roof. There is a long garden area to the rear (east) of the building, laid out as a domestic garden with lawn and patio areas around the outdoor pool. There are several mature trees along the north, south and east boundaries of which are protected by an area Tree Preservation Order, and the site is surrounded by a high hedge on the southern and western (front) boundaries. It is bordered on the eastern (rear) boundary by a public right of way footpath connecting Brudenell Road to Nairn Road.
6. There are a mixture of property designs in the area, with several examples of modern dwellings in the immediate vicinity. There are a variety of properties within this area comprising a mixture of chalet bungalows and two to three storey detached dwellings

of various designs, height, width and depth, and three to five storey blocks of flats, set within verdant surroundings.

7. Brudenell Avenue and the adjacent streets are characterised by large dwellings or apartment blocks set within generous plots, a number of which have been subdivided and redeveloped in recent years. In this part of Brudenell Avenue and Brudenell Road, the buildings vary in age, size, design and form. Houses are interspersed with apartment blocks; traditional and modern dwellings sit alongside each other, many of which have been extended or modernised. The pattern of development is generally consistent, in the sense that each building fronts the highway and is set back from the road allowing for parking and front gardens as well as generous rear gardens. There are examples of plot severances and flatted developments within the vicinity that have resulted in reduced plot widths and mixed densities.
8. The scale of the existing buildings within this section of Brudenell Avenue and the generous plots create a characteristic spaciousness around the buildings. There are some prominent trees along the north, south and east boundaries of the site, which are all protected by TPOs.

Relevant Planning History:

Planning history of the site –

9. APP/23/01117/PA - Prior approval for the construction of a new second floor with hipped roof. To be the same footprint as the principal part of the original first floor. The new second floor will have windows to the front and rear elevations only. Granted – 14/11/2023.

37 Brudenell Avenue – adjacent plot to the north:

10. APP/12/01350/F - Demolition of the existing dwelling and garage and the construction of two detached dwellings with integral double garages. Granted – 18/12/2012.

7 Brudenell Road – adjacent plot to the south:

11. APP/23/00736/F - Demolition of the existing house and garage and erection of 1 detached dwelling and a block of 5 apartments including formation of new driveways with associated access, car & cycle parking, bin storage and associated boundary treatments. Granted 22/12/2023.
12. APP/24/00454/F - Demolition of the existing house and garage and erection of 1 detached dwelling and a block of 5 apartments including formation of new driveways with associated access, car & cycle parking, bin storage and associated boundary treatments at 7 Brudenell Road, Poole, BH13 7NN. Variation of condition 2 and 6 of planning permission APP/23/00736/F to include an additional recessed floor on both the flat building and the dwellinghouse. Addition of 2no. car lifts for the dwellinghouse on the driveway and replacement of garage on the ground floor of the dwellinghouse to a proposed as a gym, sauna and steam room. Application currently under consideration.

9 Brudenell Road – adjacent plot to the east:

13. APP/22/01052/F – Demolition of existing building and erection of a block of 9 apartments with associated access and parking. Granted 14/02/2023.

14. APP/23/00292/F – Variation of condition 21 of planning permission APP/22/01052/F (demolition of existing building and erection of a block of 9 apartments with associated access and parking) to enable a minor material amendment in the form of an enlargement to the approved second floor accommodation. Granted 09/062023.

Constraints

15. There are protected trees to the rear (west) and sides (north and south) of the site lying within an area TPO designation. The site lies within 5km (but not within 400m) of the Dorset Heathlands SSSI. The site is also located within the Coastal Zone and Shoreline Character Area.

Public Sector Equalities Duty

16. 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

17. 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.
18. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
19. For the purposes of this application, in accordance with section 2 of the 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.
20. 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.
21. 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

- **Wessex Water** – no objection.
- **BCP Biodiversity** – no objection subject to conditions – recommendations as set out within sections 6.0. Biodiversity Enhancements for Biodiversity Net Gain and 7.0.

Mitigation of 'Ecological Impact Assessment 39 Brudenell Ave, Poole, Dorset BH13 7NW' by KP Ecology, to be secured by condition that they shall be implemented in full. An informative shall be placed on any approval stating that if bats are found during demolition, works should cease, Natural England contacted and works put back into place.

- **BCP Waste** – no objection - provision should be made for 1 x 1100L and 1 x 660L recycling bins and 1 x 1100L refuse bins. The bin store is a suitable size to accommodate the number of containers required and is within 10 metres of the highway to facilitate collections.
- **Dorset and Wiltshire Fire and Rescue** – no objection – consideration should be given to the size of the access of the site and positions of fire hydrants.
- **Natural England** – no objection subject to mitigation being secured.
- **BCP Arboricultural Officer** – no objection subject to conditions – All protected trees of merit are to be retained and protected with this development. The hedge along the front will be lost which will open up views into the site, this could be mitigated by some new landscaping. Conditions required to ensure works are carried out in accordance with the arboricultural method statement, details of the arboriculturally sensitive operations being provided and approved in writing by the LPA prior to construction, and a landscape plan being submitted and approved prior to construction.
- **BCP Highways** – no objection subject to conditions – access would be acceptable, parking standards are appropriate. Conditions required to ensure Parking/ Turning prior to occupation, Visibility Splays, provision of Electric Vehicle Charging Points. A condition is required regarding the undercroft car park which shall be designed and constructed having regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011) or any future update and a scheme and program of works required to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site.
- **BCP Urban Design** – support subject to conditions – support for provision of dedicated pedestrian and cycle route into the site, the entrance would be at the front facing the street, making it well visible and easy to find. Support for soft landscaping, a landscaping plan should be provided involving planting and soft landscaping. Suggestion of provision of a defensible solution to undercroft parking to resist crime. Cycle storage would be easily accessible from the street and the bin store would be appropriately concealed to the front of the site with a green roof to reduce its impact on the streetscene.

The proposed scale and massing is considered acceptable and building line follows that of adjacent properties, with the recessed upper floors reducing bulk. The building is considered in keeping with the character and appearance of the area. Concerns over some single aspect units.

The more modern design makes visual reference to the character of the area and therefore would not be opposed. An energy statement will be required.

- **BCP FCERM** – support subject to conditions – drainage plan should be secured by condition.
- **BCP Environmental Health** – no objection subject to condition to secure control of dust during demolition, hours of operation and to restrict burning on site.
- **BCP Rights of Way** – no comment received.
- **Amphibian and Reptile Conservation Trust** – no comment received.
- **Dorset Wildlife Trust** – no comment received.
- **BCP Economic Development Trust** – no comment received.
- **Dorset Clinical Commission Group** – no comment received.
- **Dorset Police** – no comment received.
- **Dorset Police Crime Prevention Officer** – no comment received.

Representations

22. Three site notices were posted outside the boundaries of the site on 14th November 2023 and two additional site notices on 13th February 2024.
23. Five representations have been received from neighbours, objecting on the following grounds:
 - Not in keeping with the scale and character of the locality
 - Overbearing and loss of privacy
 - Loss of a view
 - Noise, congestion and inconvenience
 - Removal of several TPO trees
 - Would set a precedent – no apartments in Brudenell Avenue
 - Overdevelopment of the site – disproportionate to the size of the site
 - Increase in number of units on site will change demographics of the area and impact ambience and privacy
 - Lack of architectural interest in the building
 - Was an understanding among Council members 30 years ago for no apartments to be built in Brudenell Avenue

Key Issues

24. The key issues involved with this proposal are:
 - Principle of the proposed development
 - Presumption in favour of sustainable development
 - Affordable housing
 - Impact on the character and appearance of the area
 - Impact on neighbouring living conditions

- Living conditions of prospective occupiers
- Housing for an ageing population
- Impact on parking and highway safety
- Impact on trees and landscaping
- Biodiversity
- Sustainability
- Drainage
- Shoreline views
- Waste collection
- Land contamination
- Other considerations
- 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).

Poole Local Plan 2018:

- PP1 Presumption in favour of sustainable development
 - PP2 Amount and Broad Location of Development
 - PP8 Type and mix of housing
 - PP11 Affordable housing
 - PP12 Housing for an ageing population
 - PP27 Design
 - PP30 Heritage Assets
 - PP31 Poole's coast and countryside
 - PP32 Poole's Nationally, European and Internationally Important Sites
 - PP33 Biodiversity and Geodiversity
 - PP34 Transport strategy
 - PP35 A Safe, Connected and Accessible Transport Network
 - PP37 Building Sustainable Homes and Businesses
 - PP38 Managing Flood Risk
 - PP39 Delivering Poole's Infrastructure
 - PP40 Viability
27. It should be noted that the emerging BCP Local Plan has been published and has now been submitted for examination in June 2024, however at this stage, the emerging Local Plan attracts limited weight, although its evidence base may on occasion have information that could be material.

Supplementary Planning Documents (SPDs)

- BCP Parking Standards SPD (Adopted January 2021)
- The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted April 2020)

- Nitrogen Reduction in Poole Harbour SPD (Adopted April 2017)
- Poole Harbour Recreation 2019-2024 Supplementary Planning Document SPD (Adopted April 2020)
- Affordable Housing SPD (Adopted November 2011)
- Shoreline Character Areas SPG (Adopted 2004)
- Heritage Assets SPD (Adopted 2013)

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

28. 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.
29. 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 application site, however, is located outside of the areas that have been identified as the most accessible locations by Policy PP2 of the Poole Local Plan.

30. Notwithstanding this, Policy PP2 still identifies a need to deliver 1900 units over the plan period “Elsewhere within the urban area” which would include the application site. In accordance with Policy PP2 (b), there is still potential for development to come forward in such areas provided that the scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing. The proposal will also be expected to demonstrate how suitable sustainable transport measures have been incorporated into the proposal to connect the development with town, district and local centres, as an alternative to reliance upon the car.
31. 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.
32. The proposal is therefore acceptable in principle under Policy PP2 subject to compliance with the remainder of the Development Plan.

Presumption in favour of sustainable development

33. 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.
34. 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.
35. 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.
36. 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 2022 HDT result of 80%. For the purposes of paragraph 11 of the NPPF, the tilted balance is potentially engaged. However, the site 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.

Affordable Housing

37. Whilst the site is located outside of the areas that have been identified as the most accessible locations in the Poole Local Plan, development will still be permitted on those areas provided that the scheme achieves a policy compliant level of affordable housing.

38. Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, whilst the proposed development is only for 7 units the overall floor space exceeds 1,000 square metres. Therefore, the proposed development exceeds one of the thresholds that would trigger the requirement for the provision of affordable housing. Due to the location of the application site, the affordable housing target that is to be sought in relation to this current proposal is 40% affordable housing.
39. The applicant has provided a Viability Assessment Report, as set out in Policy PP40, to demonstrate to the Council that the proposal would not be viable if it were policy compliant. This assessment has been independently evaluated by the DVS. The DVS concluded that the proposal is not capable of providing any affordable housing contribution.
40. The proposal therefore meets the requirements of Policies PP11 and PP40 and the acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development under PP2.

Impact on the character and appearance of area

41. 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.
42. PP28 requires that flatted development will be permitted where the plot can accommodate an appropriate scale and massing of the building; respectful of the prevailing character of plot coverage within the street; to include the associated parking, bin storage, cycle stores etc.
43. The existing dwelling would be demolished, and the dwelling replaced with one block of seven flats, with undercroft parking to the basement level. The building would be a maximum width of around 22 metres to the ground floor, stepped in to 21 metres on the first floor and 15 metres on the second floor, being stepped in from both the north and south sides with a flat green roof on either side of the stepped parts. The building would be a maximum depth of 26 metres on the ground floor, stepped in to the front and rear to 24m on the first floor and 15 metres on the second floor, which would be set back with a green roof on the flat roof parts. The flat roof would reflect many of the adjacent developments and a penthouse apartment is proposed at the 3rd floor, set back from each elevation to provide interest and minimise the impact of the top floor.
44. The building would be set at a similar height to the existing building, which is 2.5 storeys plus a pitched roof, and has permission to be extended upwards to be three storeys plus the roof. The proposed building would be lower than the fallback position granted under APP/23/01117/PA (para. 9 above) which has a height of 24m AOD, compared to the proposed block of flats which would be 21.9m AOD.
45. The Prior Approval APP/23/01117/PA, would involve erecting a further floor on a single dwellinghouse with a hipped roof which would recess into the site on an building with a depth of approx.. 9m. Compared against the proposed block of 7 flats with 26m depth and the bulk of the flat roof design, the Prior Approval is considered to have negligible relevance to an assessment of the physical impacts of the scheme which has been made in relation to the character of surrounding buildings.. Consequently the consent

under APP/23/01117/PA has been given limited weight in the assessment of the proposals.

46. The building would be approx.. 800mm higher than 37a Brudenell Avenue which is set to the north of the proposal and has a similarly inset second floor. The proposal would be set lower than 37 Brudenell Avenue which has a the ridge height at 26.8m AOD. This neighbour is set behind 37a at an elevated height but also set well into the site, being around 40m from the Brudenell Avenue frontage. The scale of the existing buildings within this section of Brudenell Avenue and the relatively spacious plots create significant gaps between and around the buildings. The new building is considered to have been designed and sited to respect the setting and character of the site and surrounding area.
47. The proposed layout ensures the spacious character of the area is retained, with the distances to the north being similar to the existing situation, and takes into account the other proposed developments adjacent to the site (including application ref APP/23/00736/F at 7 Brudenell Road to the south), alongside the existing buildings and neighbouring dwellings including at 37 and 37a Brudenell Avenue to the north. The new building would continue to respect the varied frontage positions along Brudenell Avenue, and where possible the existing boundary hedgerow will be retained. The layout has been informed by the existing site configuration, the positions of protected trees and the need to respect the existing streetscene and neighbouring dwellings. Development will therefore be concentrated on the land that has already been developed towards the front and centre of the site. Development to the rear of the site due to the rising levels would likely be more prominent.
48. Contextually, it is considered that the new building would complement the neighbouring properties on Brudenell Avenue, in particular the contemporary design and form of the recently constructed 35-37a Brudenell Avenue, of which the proposal would appear architecturally similar to, and of a similar scale. In terms of the introduction of a flatted block on the site, there are evidently existing and proposed apartment buildings nearby as shown on the submitted analytical block plan. There are permissions for apartments within the sites directly to the south and east of the plot. In addition, as discussed, the proposal visually appears similar and not significantly larger than the neighbouring dwellings at 35-37a Brudenell Road. The width is very similar to or less than many of the buildings within the surrounding context which means that the proposed development would continue to support the existing pattern of development and would not look out of place. The block plan demonstrates that the new building will respect the grain of development and amenity space of the existing homes on this part of Brudenell Avenue and the adjacent Brudenell Road.
49. The proposed width and depth of the building and the proposed separation distance between adjacent building is also commensurate with the wider pattern of development nearby. The proposal would include a substantial amount of the plot retained as soft landscaping, which would ensure the built form would not appear overly dominant and retain an appropriate level of spaciousness within the site. The resultant plot coverage respects the prevailing pattern of development and the basement car parking ensures cars will not dominate the site in compliance with Policy PP27.
50. In response to the suggestion that there are no flats within Brudenell Avenue, it is evident there is a variety of dwelling types in the vicinity with flatted blocks apparent at the junction with Brudenell Road for example. No part of the Local Plan rules out flats

in principle on the site, the scheme needs to be considered on its merits in relation to the Development Plan as a whole

51. When compared to the existing character of Brudenell Avenue, the scale and massing of the proposed building is considered acceptable, and although it is slightly more prominently located within the site than the existing building, the foremost building line still follows the front line of adjacent properties and the recessed nature of upper floors helps reduce the building's bulk. It is therefore overall considered that the proposal achieves an appropriate balancing between making a more efficient use of the land whilst also ensuring that the character of the area is effectively preserved and enhanced, as was agreed by the Urban Design Officer.
52. The proposal would be of a contemporary design, with large areas of glazing and of a flat roof nature. This aspect of the proposed scheme would not detract from the wider character of the area where flat roofed, contemporary buildings are present. Although the more contemporary architectural approach results in a boxy design, the proposed building provides articulation in the built form. The urban design officer also noted that the more modern design makes visual reference to the character of the area and therefore would not be opposed.
53. The proposed materials are light grey render and silver birch cladding to the walls, and aluminium fenestration of a bronze finish. This has limited relevance to the vernacular building materials in Poole however it is noted that schemes of similar design and similar contemporary finishing materials have previously been accepted in the vicinity. It is therefore considered that the proposed design and finishing materials would respect the character and appearance of the area. In this regard, the proposal would comply with the provisions of Policy PP27 of the Poole Local Plan.
54. With regard to the surrounds of the building, both pedestrian and vehicular accesses would be made from Brudenell Avenue and the existing vehicle crossover would be reinstated. It is a positive that a separate pedestrian access is proposed to increase permeability and improve safety for prospective occupiers and visitors. Part of the front boundary wall and hedge would be removed to facilitate the new vehicular access. The hedge and low boundary wall were previously considered to contribute positively towards the streetscene and enhance the character and appearance of the area by the Urban Design Officer, however the site visit revealed that the hedge is in poor condition, in a dying state and has turned black and partially fallen over. Therefore, despite its previous enhancement to the streetscene when it was in good condition, it is considered that a condition to ensure the hedge is retained and enhanced where possible, in accordance with other planting, would improve the current appearance of the hedge and the appearance of the front of the site in general. In conjunction with a landscaping condition to ensure that the verdant nature of the site is retained with native planting, it is considered that the impacts on the streetscene would be acceptable.
55. The Urban Design Officer noted that another positive element of this scheme is that the cycle storage would be integral part of the building with convenient access to the street. The bin store would be an outbuilding placed at the front of the site, nonetheless, this would be placed along the northern boundary, concealed behind the front boundary and vegetation. It would also have a green roof which would help blend it in with the existing and proposed vegetation and lessen its visual impact on the street scene and would be acceptable overall.

56. The proposed open parking spaces would be partially hidden behind a landscaped area, and though there would be a more visible expanse of hardstanding at the frontage of the development, this has been softened with grass block paving, which will help reduce visual effect while also offering an opportunity to improve soft landscaping on site, bringing environmental benefits. In terms of the area of hardstanding, this would be of a similar size to the existing. Much of the front of the site and the southern boundary along with the rear would therefore be retained and enhanced as landscaping.
57. It is therefore overall considered that the proposal allows for an appropriate increase in density and is of an appropriate design which would contribute an additional six units to the housing supply 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 neighbouring residents

58. 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.
59. 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).
60. The proposed block would be set in spacious surrounds and would be set in from either side of the north and south side boundaries. On the northern side boundary the proposal would be set slightly further in than the existing dwelling, and set slightly closer to the side boundary to the south than the existing dwelling, where the existing swimming pool lies. The second floor would be set in from the first floor which would appear a similar height to the existing dwelling.
61. With regard to the impacts on dwellings to the north, numbers 37 and 37a Brudenell Avenue are large contemporary style dwellings of three (lower ground, ground and first floors) and four storeys (lower ground – second floors). The proposal would appear of a similar height, as discussed above.
62. The outlook from the two dwellings at 37 and 37a is primarily to the west over the front of the site, with some outlook facing partially south to maximise natural light reaching the dwellings. Number 37a has a building line set slightly further forward than the proposed block, meaning that the proposed new block would not be prominent from the front of number 37a. 37a has an obscure glazed side window on the first floor facing over the site. There is one further side window to the lower ground floor serving the study/bedroom 4 of number 37a but this lies adjacent to the existing host dwelling, and the impacts would not be substantially different from existing. The rest of the outlook from 37a to the front of the site would not be substantially impacted. Within the proposed block, there would only be two obscure glazed bathroom windows facing north towards the side elevation of 37a. Therefore overall, there are not considered to be substantial detrimental impacts on No. 37a from the proposed new block.

63. With regard to number 37 Brudenell Avenue, which is set further back than 37a, this occupies higher ground at the back of the site. The steep gradient means that the first and second floors of number 37 look over the top of 37a. This dwelling is further away from the proposed block with an outlook to the front and rear of the site to the east and west. Whilst the scheme will be visible to this neighbour, there would be no direct views to the new block. It would be visible from the front of number 37 though the closest point of the proposed building is around 20 metres away from the dwelling. The block would therefore not have an overbearing impact, nor result in a substantial loss of outlook to No.37.
64. With regard to the arrangement of buildings to the south of the site, directly to the south lies 7 Brudenell Road which lies on the corner of Brudenell Avenue and Brudenell Road and fronts onto Brudenell Road. A visit to the site confirmed that this neighbouring dwelling at 7 Brudenell Road is boarded up and ready to be demolished to make way for the consent that was granted under application APP/23/00736/F to construct a block of apartments and replacement dwelling on the site (and a variation of condition for this application ref APP/24/00454/F has been lodged for amendments to the plans to construct an additional floor on top of the previously approved to form two 4-storey buildings). use, both set on the site with primarily a southern facing outlook onto Brudenell Road.
65. The new dwelling proposed on the neighbouring site at 7 Brudenell Road would lie at the part of the site adjacent to the proposed block. The dwelling would have a ground floor study with a north facing window and a bathroom, wc, ensuite and laundry room to the first floor facing north. These would be the only windows facing north towards 39 Brudenell Avenue, and due to their proposed uses, the majority of these windows would therefore be obscure glazed. The scheme shows retention of the hedge on the southern boundary, and with this there would be no direct views down into the north elevation of the proposed dwelling on the adjacent site. There is a difficulty in relying on the retention of a hedge in providing a screen to maintain privacy as this cannot be guaranteed long-term. Therefore the impacts have been assessed without reliance on the hedge. In this respect, any views from the proposed block would be to mainly secondary or non-habitable rooms in the approved dwelling on No.7 and would not result in a substantial loss of privacy.
66. The rest of the outlook for this proposed dwelling at number 7 is over the south and west of the site, away from the proposed block at number 39. The proposal would be slightly elevated above this site due to the site levels, however due to the outlook of the dwelling primarily over the south and west of the site, the proposal would not result in an overbearing impact or substantial loss of outlook to the proposed new dwelling.
67. With regard to the proposed block of flats on this plot to the south, this lies to the south east and is set away from the proposed block at an angle meaning that there would be no direct views between the two. The louvres proposed to the new block would restrict views towards the flat block and these would be conditioned to ensure they remain in place for the lifetime of the development. Considering these factors, the scheme is considered to have acceptable impacts on the living conditions of the approved properties at 7 Brudenell Road.
68. In relation to the existing building on the site, the relationship is still considered acceptable, due to the lack of outlook from the proposed building towards this elevation. The proposed building would bring the built form closer to the southern boundary however number 7 Brudenell Road lies to the south of the site so there would not be a substantial loss of outlook or an overbearing impact in relation to this

neighbour. There would be the perception of additional bulk and massing closer to the boundary, however the principal aspect of the proposal at number 39 faces to the west.

69. It is therefore considered that the impacts of the proposed block of flats would be acceptable in relation to the existing dwelling or proposed development at number 7 Brudenell Road to the south.
70. To the east of the site is a public footpath and set beyond is the rear are properties along Haven Road, and the site of the newly proposed scheme of flats at 9 Brudenell Road. Due to the topography which rises to the rear of the host site, the distance between the proposal – in excess of 40m - and the dense tree cover to the rear of the site, the impacts of the scheme on these neighbours is considered acceptable.
71. To the west, to the front of the site, 12 Brudenell Avenue, is a 2- storey dwelling set down from the site but screened from the street by mature trees. Though this neighbour has expressed concerns, with a distance of 22 metres between the front of the proposed block and the neighbouring boundary, and over 37 metres between the proposed block and the front of this neighbour it is considered that there would not be a resultant loss of privacy, overbearing impact or loss of outlook to this neighbour and the impacts are considered acceptable.
72. Terraces & balconies are proposed to the units and the impacts on neighbouring privacy from these are considered acceptable. To the ground floor, the terrace of flat 1 lies to the rear of the block and is bordered by a 1.8 metre high wall on the northern elevation to ensure there would not be any loss of privacy to any neighbour to the north, with the outlook from the terrace over the rear of the site. Flats 2 and 3 on the ground floor and 4, 5 and 6 on the first floor would all have recessed roof terraces, set within the side walls of the building, so have direct views out to the front and rear respectively, with limited sideways views to the north and south.
73. The second floor penthouse would have three roof terraces, one to the rear which would have 1.8m high obscure glazing either side (north and south) to restrict views. The two terraces to the front (west) elevation would face out primarily over the front of the curtilage and are set in line with the front of the dwellings at 37a Brudenell Avenue and 7 Brudenell Road adjacent. It is therefore considered that these front elevation second-floor balconies would not require obscure glazing, and the privacy impacts are overall considered acceptable from the balconies/roof terraces, subject to condition.
74. 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.

Impacts on living conditions of future occupants

75. Paragraph 9.5 of the preamble of PP27 states that; *"It will be important to ensure that the right balance is struck between delivering urban intensification, whilst maintaining high standards of amenity for existing and future occupants. For housing development, the Council encourages applicants to comply with the national prescribed space standards when preparing and submitting planning applications. Schemes that are significantly below these standards e.g. more than 20% of floor space will need to demonstrate how the development will achieve an acceptable standard of living for future occupants."*

76. The seven flats all exceed the nationally described technical housing standards for two bedroom, three or four person flats and three bedroom, four to six person flats, with the floorspace for each flat compared to the standards as set out in the Nationally Prescribed Space Standards as follows:

Proposed Flat no.	Proposed No. bedrooms	Proposed floorspace in m²	Minimum floor space (NSS) (m²)
1 - Ground floor	2	126	61 (3 person) / 70 (4 person)
2 - Ground floor	2	128	61 (3 person) / 70 (4 person)
3 - Ground floor	2	131	61 (3 person) / 70 (4 person)
4 - First floor	2	119	61 (3 person) / 70 (4 person)
5 - First floor	2	121	61 (3 person) / 70 (4 person)
6 - First floor	2	119	61 (3 person) / 70 (4 person)
7 - Second floor	3	165	74 (4 person) / 95 (6 person)

77. The proposed development would create a high standard of living conditions, with lots of natural light and large spacious rooms, with a range of en-suites and dressing rooms for the bedrooms and large living spaces alongside private outdoor terrace areas for each unit. The urban design officer noted that flats No.2 & 5 are single-aspect units with windows/doors facing only north-east. Saying this, they are designed to have cross-ventilation, though may be internally slightly darker, and they would benefit from some direct sunlight to the east. It is considered that these units would still provide an acceptable standard of living when considering their size and access to private external terraces. All units will benefit from large glazing panels and sliding doors on the western and eastern elevations which will provide natural light and solar gain. There will be limited glazing on the southern elevation and the only obscured glazing on the north elevation serving two bathrooms, which will ensure no adverse impact on the amenity of the occupiers, with most of the outlook over the front and rear of the large plot.
78. The proposed flats also benefit from roof terraces to provide outdoor amenity space where overlooking will be minimised through the proposed planting and screens to the terraces, and restricting access to large areas of the flat roofs for maintenance only. There may be a small degree of mutual overlooking between neighbouring terraces however mutual overlooking is commonplace in residential areas and also in the locality where buildings are designed to take advantage of sea views. Therefore, the sizes and design of the flats are considered to accord with the expectations of PP27 and would overall create acceptable living conditions.

Housing for an ageing population

79. In order to meet the needs of the ageing population, Policy PP12 (3) requires at least 20% of a mix of the housing types on sites over 1,000sq.m floor space to comply with Part M4 (2) of the Building Regulations, in order to deliver adaptable and accessible homes. The proposals have been demonstrated as being potentially capable of

complying with this requirement. The proposed drawings show 2 ground floor units (flats 1 and 2) to meet the requirements of Policy PP12, and two disabled parking spaces have also been provided in accordance with this, as marked on the site plan. A condition has been placed to ensure that these measures come forward, and subject to this, the proposal would be compliant with Policy PP12, and acceptable on these grounds.

Impact on highways and parking

80. PP27 (g) requires that developments provide convenient and practical parking and cycle storage. The site lies within Zone D of the Parking Standards SPD and the application proposes parking in accordance with this, with fourteen spaces in total, which equates to two per flat, but also includes within this number, two disabled spaces set within the undercroft which would be a benefit of the proposal and four resident/visitor spaces outside of the block (within the front of the site). The majority of parking for residents would be set within 8 spaces within the undercroft. These parking spaces would all have electric vehicle charging. Covered secured cycle storage for residents is confirmed at one per bedroom, with 15 spaces in total which would be acceptable, secured within a cycle unit accessed through the undercroft. With regard to this undercroft, highways and the urban design team have recommended a condition to ensure that the under-croft car park shall be designed and constructed having regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011) or any future update. There are also two cycle stand spaces for visitors to the front of the site, which would be in accordance with the requirements. Additional conditions are required to ensure Parking/ Turning prior to occupation, Visibility Splays, and provision of Electric Vehicle Charging Points to ensure the proposal would meet the requirements as set out within the SPD.
81. Policy PP35 notes that new development is required to provide safe access to the highway. Highways have confirmed that the scheme would be acceptable subject to conditions. The Urban Design Officer noted that it is a positive that there would be a separate access for pedestrians, with the existing access being blocked off and a new one for vehicles/cycles alongside a separate pedestrian entrance heading straight to the entrance of the building being constructed.
82. Highways Officers noted that a further condition is required for a scheme and program of works required to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site.
83. The amount of traffic generated by six 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. Highways considered that this aspect of the scheme and raise no concerns.
84. To the rear (east) of the site lies a Public Right of Way. The Rights of Way team were consulted on the proposal but did not make any comments. However, it is considered that through redevelopment of the site, which will retain built form to the front (west) of the site away from the Public Right of Way, there would not be any detrimental impacts on the PRow.
85. It is therefore considered that, subject to the conditions as set out above, the proposal is wholly compliant with the BCP Parking Standards SPD (2021) and Policy PP35 of

the Local Plan 2018 and is acceptable in regard to parking, rights of way and highways impacts including highway safety.

Impacts on Trees and Landscaping

86. Policy PP27 notes that proposals are acceptable where they respond to natural features on the site and do not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area.
87. TPO 34/1999 protects trees on the site and the neighbouring site with individual and group designations. TPOs therefore lie in a group designation to the eastern section of the site, far to the rear of the proposed development, alongside three individual protected trees which lie on the northern boundary. There are two further protected trees on the southern boundary which lie towards the rear of the plot.
88. The arboricultural team were consulted and noted that the application has been submitted with a detailed arboricultural impact assessment and method statement which supports the application and provides information and method to ensure trees can be retained within development. The Trees Officer confirmed that all protected trees are to be retained.
89. The hedge to the front of the site is to be retained as far as possible, however this is in poor condition and a landscaping plan will be required and secured by condition, to include new tree planting alongside other soft landscaping along the front boundary to help mitigate the loss of the hedge. The site plan shows large areas of hedge and a range of planting to the front, however more detail will be required.
90. One further condition was considered necessary to ensure that there is no damage to the trees from the creation of the retaining wall for the basement if measures prescribed within the method statement are not followed. Therefore, a condition would be needed to ensure details are provided for the retaining wall to ensure it would not impact T2 during construction, and locations of soakaways can be secured by condition along with a pre-commencement meeting.
91. Therefore, subject to conditions as set out above, the proposal is considered to have acceptable impacts on the mature trees on site, and a landscaping scheme will ensure that despite removal of the dead hedge from the site frontage, the front will be softened with provision of trees to be agreed by the Arboricultural Officer. Therefore, the proposal is considered to be compliant with Policy PP27 with regard to trees and landscaping.

Biodiversity

92. An Ecological Impact Assessment was provided within the application which stated that there was no evidence of any bats and no potential roost features were found during the survey. The Biodiversity Officer confirmed that the recommendations as contained within this report are acceptable and there were no concerns raised. The Biodiversity Officer recommended a condition to ensure that biodiversity recommendations as set out within this report are secured. An informative was also suggested stating that if bats are found during demolition, works should cease, Natural England contacted and works put back into place. These would ensure that the development complies with the biodiversity requirements as set out within Policy PP33 of the Poole Local Plan 2018.

Sustainability

93. The proposed scheme is required to meet the latest Building Regulations, therefore achieving a high level of energy efficiency and sustainability. Policy PP37 requires that new residential development should incorporate a proportion of future energy use from renewable energy sources, building design, construction and material. 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.
94. Proposals of 11 or more homes or 1000m²+ in terms of floorspace are required to provide a minimum of 20% of their predicted future energy needs and therefore it is appropriate and reasonable to impose a condition to secure details of the measures that are to be implemented to achieve 20% of the energy needs of the proposed dwellings through renewable energy sources, in accordance with Policy PP37 of the Poole Local Plan.

Waste Collection

95. PP27 (g) requires that development provides convenient and practical waste and recycling arrangements in accordance with the relevant standards. The proposed bin store is large enough to accommodate the number and volume of bins required for the development, as has been confirmed by the Waste Team. The bin store is situated in an accessible location and distance for the collection vehicle to facilitate collections along Brudenell Avenue, within 10 metres of the kerb as required by the relevant standards. The bins for the proposed property will be kept in their allocated bin store and will be presented to the kerbside for collection day.
96. The bin store would be an outbuilding placed at the front of the site, this would be placed along the northern boundary, concealed behind the front boundary and vegetation. It is also proposed that the bin storage would have a green roof which would help blend it in with the existing and proposed vegetation and lessen its visual impact on the streetscene, meaning that the proposed bin store would be compliant with design policy PP27 of the Poole Local Plan.

Land Contamination

97. The site does not lie within any areas identified as being at risk from contamination and therefore the Environmental Health team had no objections on contamination grounds. They did however suggest conditions to ensure there would be no impacts on neighbours from demolition through a scheme to control dust emanating from the site during development, a condition to ensure no burning on site, and a final condition to ensure no machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays or Public Holidays. It is therefore considered that subject to these conditions, the proposal is considered acceptable on the grounds of land contamination and Environmental Health impacts.

Shoreline views

98. The application site is currently screened from view by mature trees and vegetation and therefore it has no impact on the shoreline views. The proposal would be of a slightly greater scale and mass than the existing building, and due to the rising

topography of the site, it would be more visible from the approach from the Harbour. However, whilst the overall scale and mass of the proposed building would be greater than the existing one, the proposal would not appear unduly prominent or dominant in views from Poole Harbour, due to the location of the site and the three storey height not being out of keeping or dominant in relation to the surrounding buildings, alongside the dense tree cover in the locality and the distance of the proposed scheme from the shoreline. As such, the proposal would comply with the provisions of Policy PP31 of the Poole Local Plan.

Drainage/Flooding

99. Policy PP38 concerns Managing Flood Risk and sets out how all major developments will be required to incorporate SUDS and seeks to ensure post-development surface water runoff does not exceed pre-development levels. The site is within Flood Zone 1 and therefore at low risk of either fluvial or tidal flooding. The site is also not at a high risk from surface water flooding when referring to the Environment Agency's relevant mapping. However, major development of over 1000m²+ in terms of floorspace is required to be supported by a surface water management scheme in accordance with the NPPF to ensure that the proposed development or any adjoining property or infrastructure is not placed at risk or to suffer any worsening as a result of the development.
100. A drainage plan was provided which showed details on SuDS and surface water management, allowing for climate change up to 2070 as required, and was sent to the flood risk team for consultation. The Officer confirmed no objections overall, that the proposed new build would connect to the sewer and the Agent provided proof that Wessex Water have agreed to this and that their systems can take the flow.
101. It is recognised that there would be a slight increase in hardstanding on the site however, overall, subject to a condition ensuring that the development is undertaken in accordance with the drainage plan, the application received support of the drainage team and is considered to comply with Policy PP38 regarding flood risk.

SAMM/CIL Compliance

Contributions Required			Dorset Heathland SAMM		Poole Harbour Recreation SAMM	
Flats	Existing	0	= 7 x £348		= 7 x £124	
	Proposed	7				
	Net increase		7 flats = £2436	N/A	7 flats = £868	
Houses	Existing	1	= - £510		= - £181	
	Proposed	0				
	Net increase			-1 house	-1 house	

Total Contributions		= £2436 - £510 = £1923 plus admin fee	£868 plus admin fee = £687 plus admin fee
CIL	Zone A	@ £275.57 per sqm	

102. 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.
103. 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.
104. 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.
105. 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.

Summary

- The proposal would provide 6 additional residential units of accommodation on site.
- The proposed scheme would make an efficient use of the site.
- The proposal would not deliver affordable housing provision on site.
- The proposal would have acceptable impacts on the prevailing character and layout of the surrounding development in the area. The scale, massing and design of the proposed development together with its external finishes, would be appropriate in the context of the surrounding built form and enable it to integrate in an acceptable manner within the street scene.
- The proposed development would have acceptable impacts on the amenities and privacy of the occupants of neighbouring and nearby properties, subject to conditions.
- The proposal would provide adequate living conditions for the prospective occupiers of the proposed flats.
- The proposed access and parking arrangements are acceptable and would not be detrimental to highway and pedestrian safety.
- The proposed waste collection arrangements are adequate and proportionate to the scale of the proposed scheme.
- The scheme can provide an adequate level of biodiversity enhancement, secured by condition.

- The provision of 10% of the predicted energy consumption of the proposed dwellings through the use of renewable energy sources can be secured by condition.
- The proposal would preserve the protected shoreline views.
- The proposed scheme would deliver suitable and comprehensive SUDS, subject to condition.
- The proposal would mitigate the impact on heathland and harbour recreation through SAMM contributions which have been paid.
- The proposal would be CIL liable.

Planning Balance / Conclusion

106. 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 7 dwellings, a net increase of 6 homes on the site. It is considered that the principle of seven flats on this plot is acceptable and the proposal has been shown to be compliant with Local Plan policies.
107. 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.
108. The scheme would contribute to the Council's demand for new housing, and it would achieve social benefits by delivering an additional 6 new residential units in an established residential area, in a manner that would preserve the area's residential character without harming the residential amenities of the neighbours, highway safety, or protected habitat nearby. There are economic benefits from the build stage and additional residences within the urban area. The environmental impacts are neutral.
109. 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.
110. The scheme complies with Development Plan as a whole and is therefore recommended for approval.

Recommendation

111. It is recommended that this application be approved subject to the following conditions.

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 approved shall be constructed in accordance with the approved plans:

Amended location plan, drawing number 01A. Received 8th January 2024.

Block plan, drawing number 02A. Received 8th January 2024.

Proposed site plan - showing second floor plan, drawing number 04D. Received 15th April 2024.

Proposed site plan - showing basement floor plan, drawing number 05D. Received 15th April 2024.

Proposed ground floor plan, drawing number 06A. Received 9th April 2024.

Proposed first floor plan, drawing number 07A. Received 9th April 2024.

Proposed second floor plan, drawing number 08A. Received 9th April 2024.

Proposed basement floor plan, drawing number 09A. Received 9th April 2024.

Indicative streetscene, drawing number 10A. Received 16th January 2024.

Proposed front elevation – west, drawing number 11. Received 1st November 2023.

Proposed side elevation – north, drawing number 12. Received 1st November 2023.

Proposed rear elevation – east, drawing number 13. Received 1st November 2023.

Proposed side elevation – south, drawing number 14. Received 1st November 2023.

Materials schedule. Received 11th June 2024.

Drainage plan, drawing number 1000 Rev P2. Received 9th April 2024.

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

3. The materials to be used for the external faces on the development shall be as specified on the approved materials schedule, received 11th June 2024.

Reason – In the interests of the character and appearance of the area and in accordance with Policy PP27 of the Poole Local Plan 2018.

4. Both in the first instance and upon all subsequent occasions, all side elevation windows serving bathrooms 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).

5. Both in the first instance and upon all subsequent occasions, the screens to the roof terrace serving the rear (eastern) elevation of flat 7 on the second floor must be obscure glazed, conforming with or exceeding Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) on the north and south elevations. These screens shall be installed prior to first occupation of this unit and thereafter 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).

6. The louvres proposed on the development and as shown on the approved elevations 'Proposed side elevation – south, drawing number 14', including to all windows on the southern side elevation of flats 2 and 3, and to the southern side elevation of flat

6 (in bed 4), shall all be installed prior to the first occupation of the building hereby permitted and shall thereafter be retained at all times.

Reason – To protect the amenity of neighbouring dwellings and the prospective occupiers of the approved flats and in accordance with Policy PP27 of the Poole Local Plan 2018.

7. 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, the flat roof areas of the upper floors that are not marked to be used as terrace areas, as shown on Proposed ground floor plan, drawing number 06A, Proposed first floor plan, drawing number 07A and Proposed second floor plan, drawing number 08A, shall not be used as a balcony, roof garden or similar amenity area.

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

8. No part of the development hereby permitted shall be occupied unless all the biodiversity measures as given in sections 6.0. Biodiversity Enhancements for Biodiversity Net Gain and 7.0. Mitigation of 'Ecological Impact Assessment 39 Brudenell Ave, Poole, Dorset BH13 7NW' by KP Ecology, have first been fully provided as approved. Thereafter, those measures shall at all times be retained.

Reason – In the interests of mitigating impacts on biodiversity on site and in accordance with Policy PP33 of the Poole Local Plan.

9. All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

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

10. No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to site of any equipment, materials or machinery for use in connection with the implementation of the development (save as is necessary for the purpose of this condition) unless:

(a) a site meeting involving a representative of the local planning authority and an Arboricultural Consultant has first taken place to identify any supplemental requirements for protecting trees during the carrying out of the development on and adjacent to the application site; and

(b) there has been submitted to and agreed in writing by the local planning authority details of supplemental requirements confirmed at the meeting ("the Supplemental Requirements"); and

(c) all tree protection has been provided in accordance with both the Approved Tree Details and the Supplemental Requirements ("the Full Approved Tree Protection Measures").

Once provided, the Full Approved Tree Protection Measures shall thereafter at all times be retained until the development has been completed and all equipment,

machinery and surplus materials relating to the construction of the development have been removed from the site unless an alternative time is otherwise agreed in writing by the local planning authority.

Until such time as the Full Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Full Approved Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority."

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

11. Notwithstanding any details contained in any document (including any plan) submitted in connection with the development hereby permitted, no part of the development hereby permitted shall be commenced unless full details of the design and construction of the under-croft car park, which in particular have had regard to regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011) (or any subsequent relevant replacement), have first been submitted to and approved in writing by the local planning authority. The development shall only be constructed in accordance with the approved under-croft car park details.

Reason – In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan (2018), the Parking Standards SPD (Jan 2021), and the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (2011).

12. A person with relevant experience, must design the details relating to the final and temporary services and rainwater soakaways/holding tanks, or waste pumps (section 4), and soil retention system (retaining wall), section 3. These must include accurate locations of installation, including cross-sections, detailing levels of existing / proposed finished levels and construction method statements for each specific operation, which will be required prior to or at the pre commencement meeting in Condition 10.

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

13. No above ground works shall commence until a detailed Landscape Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the position, species and size of all new trees, shrubs and ground covers proposed for the development and specification for maintenance and aftercare.

Upon approval:

- a) The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) All planting shall be carried out in accordance of British Standards including regard for plant storage and ground conditions at the time of planting.

c) The scheme shall be properly maintained for a period of 5 years and any plant (including those retained as part of the scheme) which die, are damaged or diseased within this period shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

d) The whole scheme shall be subsequently retained.

Reason – To ensure that reasonable measures are taken to establish trees and vegetation in the interests of local amenity and the enhancement of the development itself in accordance with the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, details of the retaining wall proposed to the north of the site shall be provided to ensure it will not impact on tree T2 during construction.

Reason – To protect the protected trees and in accordance with Policy PP27 of the Poole Local Plan.

15. As identified on the approved proposed ground floor plan, drawing number 06A, 20% of the 7 dwellings hereby permitted (2no.) are to be built in accordance with the requirements of Approved Document Part M4(2) Category 2 of the Building Regulations (2015) (as amended). The units shall be thereafter retained in this manner.

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

16. The development hereby approved shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site during the development has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full before the proposed development is started, including demolition and site clearance.

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

17. During demolition and construction of the development hereby approved, no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturday and at no time on Sundays, Bank Holidays 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).

18. During demolition and construction of the proposed development hereby approved, there shall be no burning undertaken at any time on the site.

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

19. The development hereby permitted shall not be brought into use until the access, turning space, garaging/vehicle parking and cycle parking shown on the approved proposed site plan, drawing number 05D, 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).

20. Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), the land designated as visibility splays as indicated on the proposed site plan, received 15th April 2024, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

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

21. 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 discharge 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

22. Prior to the first occupation of the development hereby approved, the developer shall submit a scheme and program of works to be agreed in writing with the Local Planning Authority, to close the existing access (which is to be made redundant) and for the installation of a new footway crossing to the access hereby approved, including raising the existing dropped kerbs and reinstating the footway to the redundant access and providing a new dropped kerb crossing to the approved access, and the alteration of the road markings on the highway outside the site, including the parking bay markings, yellow lines, and any relevant signage, and amendments to the existing TRO, corresponding with the closure of the existing accesses and formation of the new access to the site. The scheme shall comply with the standards adopted by the Local Highway Authority. The agreed scheme shall thereafter be fully implemented, at the developer's expense, in accordance with the agreed program of works prior to first occupation of the dwellings hereby approved. At no time thereafter shall the expunged access be used for such a purpose.

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

23. 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).

24. 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).

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. (Community Infrastructure Levy - Approval)
- Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations
- The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended). In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:
<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>.

3. 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. 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. The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council and complete an online application form at: <https://www.bcpccouncil.gov.uk/Roads-and-transport/Dropped-kerbs/Apply-for-a-dropped-kerb.aspx>
6. If bats are found during demolition all work should cease and if possible, part of the structure that was removed and exposed bats must be put back into place. A bat ecologist should be employed as soon as possible to address the situation and Natural England contacted.

Background Documents:

Case File ref APP/23/01263/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.

In addition to uploaded information there may be other publicly accessible information that may be accessed on request.

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