



Planning Committee

Application Address	49 Foxholes Road, Poole, BH15 3NB
Proposal	Demolition of existing buildings and erection of eight dwellings with associated access and parking.
Application Number	APP/24/00394/P
Applicant	Vivir Developments Limited
Agent	Chris Meil Pure Town Planning
Ward and Ward Member(s)	Oakdale: Councillor Rice Councillor Miles
Report Status	Public
Meeting Date	10th October 2024
Summary of Recommendation	Grant in accordance with the details set out below in the report
Reason for Referral to Planning Committee	Call in from Cllr Rice for the following reasons; On the basis of over development and out of character for the area.
Case Officer	Claire Moir
Is the proposal EIA Development?	No

Description of Proposal

1. Planning consent is sought for demolition of the existing buildings (one house and associated outbuildings in garden including garage) and erection of eight dwellings with associated access and parking.
2. The proposals are outline with the following matters to be agreed at this stage; access, appearance, layout and scale. Landscaping is reserved for future approval.

3. The proposal is to demolish the existing bungalow and erect 4 pairs of semi-detached houses, two to replace the existing bungalow sited slightly forward of existing, and the remaining dwellings to be located within the existing rear garden area, each pair of dwellings will sit behind the previous all facing Southeast towards Foxholes Road.
4. The access onto Foxholes Road will be similar to existing and will run along the southwestern boundary of the site. To the front of the site, houses 1 & 2 front onto Foxholes Rd. House 2 will have a front garden area and two parking spaces are proposed to the front of house 1. Within the site there are two turning/passing areas both of which provide access to parking, which will sit between houses 1 & 2 and 3 & 4, and Houses 5 & 6 and 7 & 8. There are 18 parking spaces provided in total.
5. Each house will be three storeys with the top floor contained within the roof. The properties are shown constructed in brick and timber cladding with tiled roofs.

Description of Site and Surroundings

6. The area within which the application site is located is predominantly residential with a mix of detached and semi-detached properties, single and two storey, in red brick or render and with red or grey roof tiles. Within Dale Valley Road there is a predominance of terrace properties. There are a small number of commercial units on Dale Valley Road and The Laurels and Pine Lodge Care Home on Foxholes Road.
7. Along Foxholes Road, dwellings follow a staggered building line with properties sat behind gardens and parking areas with low walls and hedges along front boundaries. There are exceptions with The Laurels and Pine Lodge Care Home set back a considerable depth into its plot and to the rear of properties fronting Foxholes Road. Neighbouring the application site, 47 and 47a Foxholes Road also sit in a backland position, to the rear of no.45. The footprint and layouts of dwellings varies.
8. The application site extends to 0.25ha and is currently occupied by a detached bungalow with an asymmetrical pitched roof, which sits towards the front of the site behind a grassed front lawn which is screened by a low wall and substantial hedge. The dwelling has a red brick plinth, white rendered walls and a tiled gable to the front.
9. The access and a driveway sit to the south of the dwelling leading to a detached garage and to the rear of the site is a garden of substantial depth, which borders properties on Foxholes Road, Dale Valley Road and the rear part of Poole Cemetery. The garden is landscaped with predominantly grass, the lawn towards the dwelling is more manicured. There are a number of outbuildings, mature trees and shrubs. Along the southwestern boundary where it borders the cemetery is a wooded area within the Cemetery which is exposed to the application site.
10. The application site is within the Sustainable Transport Corridor. The trees within the site are not protected by a Tree Preservation Order. The site is recorded as being at risk from surface water flooding.

Relevant Planning History:

11. Application ref: 07/02368/002/F to demolish existing and erect a block of 6 flats and 1 maisonette, 2 pairs of semi-detached properties (11 in total) with associated bin and cycle stores and parking, accessed from Foxholes Road. **Granted.**
12. This scheme was never implemented and has now lapsed. It is noted that whilst there have been policy changes since this permission, the general principles regarding design, still exist and the Design Code from 2001 has not been replaced.

Constraints

13. Trees on Council owned land adjacent to the site.

Public Sector Equalities Duty

14. 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

15. 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.
16. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
17. 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".
18. 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

19. Arboricultural Officer – Objection. The siting of the proposed development is likely to have a negative impact on trees which make a positive contribution to the character and appearance of the area. Accordingly, the proposal would be contrary to criteria (1)(b) of policy PP27 of the adopted Poole Local Plan.

20. Transport Services - Initial response to defer for amendments. The most up to date plans are supported.
21. Environment Services (Waste) - No objection.
22. Environment Services (Contaminated Land) - No objection subject to conditions.
23. Lead Local Flood Authority (LLFA) – Floor level increased to 150mm above ground due to level changes on site and potential for systems to fail in extreme storm.
24. Fire and Rescue Services - Standard advice building regs etc.

Representations

25. In addition to letters to neighbouring properties a site notice was posted outside the site on 26/04/24 with an expiry date for consultation of 20/05/24. A further site notice was posted on 23/08/2024 following amended plans with an expiry date for consultation of 06/09/24.
26. 19 initial representations have been received, raising objections. 10 further representations were received following re consultation, which continued their objection to the amended scheme. The issues raised comprise the following:
 - Light and noise pollution
 - Out of character
 - Overlooking and loss of privacy of neighbours and Cemetery
 - Additional strain on water and sewage systems
 - Insufficient parking on and off site
 - Air, soil and water pollution
 - Health impacts, dust, stress etc
 - Scale is not characteristic
 - Eyesore
 - Impact on wildlife and habitats on site
 - Increased flood risk and impact on existing drainage issues
 - Reduction in permeable surfaces
 - Road network cant cope with extra vehicles
 - Design not in keeping
 - Loss of trees
 - Noise from additional vehicle movements
 - Highway safety issues, dangerous junction and nearby school
 - Loss of woodland
 - Noise impact during construction particularly on those working from home
 - No details of relocation of telegraph pole
 - Harm to buildings structures nearby
 - Cramped
 - Lack of natural light
 - Harm to views

- Loss of sunlight
- Inaccessible to emergency vehicles

Note, a number of people have raised concern regarding impact on the value of properties in the area, this is not a material planning consideration and cannot be taken into account.

Key Issue(s)

27. The main considerations involved with this application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring privacy and amenities
- Parking/ highway safety
- Trees
- Drainage/Flood risk
- Waste
- Contamination
- Biodiversity

28. These points will be discussed as well as other material considerations below.

Policy context

29. 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 (Adopted 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP08 Type and mix of housing
- PP27 Design
- PP28 Flats and plot severance
- PP32 Poole's nationally, European and internationally important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP38 Managing Flood Risk
- PP39 Delivering Poole's infrastructure

Supplementary Planning Documents

- SPD3 Dorset Heathlands Planning Framework (2020-2025)
- SPD5 Poole Harbour Recreation SPD (2019-2024)
- SPD6 Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)
- SPD7 Parking Standards SPD (adopted January 2021)

30. National Planning Policy Framework (2023)

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Planning Assessment

31. **Presumption in favour of sustainable development**

32. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Poole Local Plan Policy PP01. 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.
33. 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.
34. 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%. The local plan is thus considered as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. The site will provide 7 additional units towards the supply of housing but also lies within 5 km of a European

Habitat site. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

35. The proposals would provide 8 dwellings in total, family sized homes, which would add to the overall housing stock within a sustainable location and would contribute towards the Council's housing delivery targets. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
36. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

Principle of development

37. 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.
38. 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 (STC).
39. 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. The Local Plan sets out a need to deliver 5,000 dwellings within the STC over the plan period, constituting 36% of the total housing supply. Policy PP2 sets out that development should meet or exceed the minimum indicative density of 50 dwellings per hectare in the STC.
40. 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.
41. The proposal represents a moderate density development within the sustainable transport corridor at 32 dwellings per hectare, below the indicative density in Policy PP2. Therefore the principle of the residential development on site is acceptable, subject to its compliance with the adopted policies.

Impact on character and appearance of area

42. 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 refers specifically to plot severances and states that residential proposals involving plot severance will only be permitted where they provide sufficient land to enable a type, scale and layout of development which would preserve or enhance an area's residential character.
43. The application site sits in an area which is predominately residential in character. The site is on Foxholes Road which is predominantly single and two storey detached and semi-detached properties, reflecting its main period of development from the inter-war period to the 1950s. However, the site also sits close to the junction with Dale Valley Road and borders the rear of properties on this road along its northeast and northwest boundaries. This part of Dale Valley Road is characterised by two storey terraced properties of an evidently different form and layout.
44. The existing dwelling sits within a staggered front building line, fronting Foxholes Road, however there are examples of backland development within close proximity to the site. The footprint and layout of dwellings and their plots varies, as does the architectural style of dwellings, although generally traditional brick and render, pitched roof and gable fronted dwellings predominate.
45. The proposals would result in a pair of semi-detached dwellings sitting to the front of the site, which would be slightly further forward than the existing dwelling but remain consistent with the staggered front building line of properties to either side. The dwellings to the rear would be a form of backland development, however this is not an uncommon feature within the area and would result in a more efficient use of land, the site currently having a substantial garden which is under used and is an anomaly in the pattern of development. The site is in a sustainable location and the proposals would therefore comply with Policies PP1 and PP2 of the Poole Local Plan 2018.
46. The design of the proposals is fairly traditional with pitched roofs and gables, although the choice of materials, brick with timber cladding and roof tiles give them a modern twist. Whilst the dwellings would appear distinctive within the streetscene they will use materials which exist within the area and would not be harmful to the wider character of the area.
47. The proposals would introduce a second floor of accommodation within their roof form, which is not a feature of the area. The dormers to properties 3-8 are fairly modest and these are set back into the site. Houses 1 and 2, which would front Foxholes Road, would be more prominent within the street scene, these dwellings would have gables front and rear with single windows in each of the front apex. However the overall height of the dwellings when compared to neighbouring properties is not dissimilar and as such with a modest window within each front gable the proposals although different would not be harmful. The overall scale and massing of the proposals is commensurate with the character of the area.
48. With regard to plot layout and plot sizes, the footprint of the dwellings is not dissimilar to others and would generally be reflective of the area, the plot sizes as a whole are on the smaller side, however they are reflective of other plots such as 47 and 47a Foxholes Road and given that the positioning of houses 1 and 2 respects the streetscene of Foxholes Road and the remaining development has a lesser visual impact on the streetscene, it can be accommodated without harm.

49. The proposals would therefore result in a development which provides sufficient land to accommodate a type, layout and scale of development with a design, massing, materials, landscaping and visual impact which although different, respects the varied existing character and appearance of the area and provides a sustainable form of development in accordance with Policies of the Poole Local Plan.

Impact on occupier's and neighbouring living conditions

50. Policy PP27 outlines that development should not result in a harmful impact upon amenity for local residents or future occupiers in terms of overshadowing, loss of light, loss of privacy and whether the development is overbearing or oppressive.
51. Houses 1 and 2 would sit in a similar location to the existing dwelling fronting Foxholes Road and sit between two storey dwellings. The main windows would be within the front and rear elevations resulting in a similar relationship to other properties within the area. Views to the front would be across the road and to the rear at an oblique angle across neighbouring gardens, which is an accepted relationship in an urban area such as this. Windows within the side elevations of these two units include a high level roof light in each which would provide light rather than views and a ground floor full length window, which would face the existing boundary fence in the case of house 1. In the case of house 2, there is no boundary treatment to the neighbour (no. 51). Condition 5 requires boundary treatments be agreed and this can ensure there is no significant loss of privacy from these side facing openings.
52. Houses 3 - 8 sit within the rear of the site all facing southeast towards Foxholes Road. As such along the northeastern boundary of the site, which borders the rear of properties on Dale Valley Road, the properties would sit side on to these dwellings, with their main front and rear elevations having oblique views towards these plots. The National Model Design Code advises that for side-on relationships such as these, a minimum separation of 10m should be achieved. There will be in excess of 20m to the rear elevations of neighbours fronting Dale Valley Road and therefore would not result in harmful overlooking or overshadowing. The windows in the side elevations facing these properties would be at ground floor and it would be reasonable to secure a form of boundary fencing by condition which would not only provide security but would also minimise any views from ground floor.
53. To the southwest of the site, the proposed dwellings would sit adjacent to the shared access which will provide a buffer to the neighbours to the south-west. A large portion of this boundary borders Poole Cemetery and as such there would be no impact on residential living conditions. This boundary is heavily screened by trees and as such reciprocal views from the cemetery to the site are significantly screened by this dense landscaping.
54. Towards the Foxholes Road end of this boundary the site borders 45, 47a and 37 Foxholes Road. The proposed dwellings and these neighbouring dwellings would sit side on to one another and with the intervening distances and lack of windows in side elevations, the proposals would not result in harmful overlooking. The boundary of 37 Foxholes Road is heavily screened by trees. To the rearmost boundary of the site views from the rear of houses 7 and 8 would be across a communal drying area to properties on Dale Valley Road and there would be in excess of 20m to the rear elevation of the block at 124 – 130 Dale Valley Road. As such, the scheme is not considered to result in harmful overlooking or overshadowing to these neighbours.

55. Within the development itself, houses 1 & 2 would have a back to front relationship with Houses 3 & 4 with the amenity space to houses 1 & 2 and parking to all 4 properties between. This results in a distance between dwellings of approximately 24.5m and from the front elevation of Houses 3 & 4 to the rear boundary of 1 & 2 approximately 18m which is sufficient to preserve the privacy and amenities of future occupiers. Between Houses 3 & 4 and 5 & 6 these would have a back to back relationship with their amenity areas between, the distance between the rear elevations is approximately 21m which is considered acceptable.
56. Houses 5 & 6 would have a front to front relationship with houses 7 & 8 with access and parking for these four units between and a distance between the front elevations of approximately 18 metres which again is considered acceptable.
57. House 4 would sit adjacent the shared boundary with 51 Foxholes Road and would have an oblique back to front relationship with this dwelling, however there would be a distance between the dwellings of approximately 20metres and at an oblique angle any overlooking would not be harmful or uncommon in an urban setting such as this.
58. The proposed driveway would run along the southeastern boundary of the site with a landscaped buffer along the boundary reducing its impact on neighbouring sites. Within the development itself, dwellings sit side on to the access which will reduce the impact of noise and disturbance from vehicles, and the ground floor side windows facing the access will provide surveillance over these areas. The two parking areas within the development would serve the units between which they sit and again this will reduce the impact of vehicles manoeuvring within the site.
59. Four of the units are 106.8 m² which is marginally below the Nationally Described Space Standard (NDSS) for a 3-bed, 6-person, 3-storey dwelling of 108m². The remaining 4 units exceed this standard at 114m². The Local Plan advises that;
- “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.”
60. As none of the units fall more than 20% below the NDSS, it is considered that the scheme complies with the Local Plan in this regard. All properties have usable and adequate private garden space and amenities such as car and cycle parking and occupiers will enjoy adequate living conditions.
61. The proposed development would by virtue of its layout, siting and relationship to neighbours including intervening distances between buildings, result in a development which preserves neighbouring privacy and amenities and is therefore in accordance with Policy PP27 of the Poole Local Plan 2018.

Impact on highways and parking

62. The Highways Authority initially raised concerns with regards to the proposed layout and the need to provide passing areas, pedestrian footways, adequate turning areas,

cycle stores and access to these. The plans were amended in response to these concerns.

63. A revised vehicle access is proposed, which will require an extension to the existing dropped crossing. The first section of the vehicle access road is wide enough to allow for two vehicles to pass each other, which will prevent vehicles having to wait on the highway and pedestrian visibility splays are shown on either side of the access, which are acceptable. The remaining vehicle access road is wide enough to allow for vehicles to safely pass cyclists and a pedestrian footway is proposed alongside the vehicle access road and is sufficient for larger service vehicles and emergency vehicles. The proposed layout can achieve an adoptable standard which can be secured by condition.
64. There are 18 car parking spaces proposed, which would equate to two spaces per dwelling and 2 additional spaces which would meet the relevant standard in the BCP Parking Standards Supplementary Planning Document (2021). Sufficient turning space is provided for turning within the site and the two passing zones/hatched areas can be conditioned to remain for such use as a shared area.
65. Parking spaces 1 and 2 which sit towards the front of the site have been set back to allow sufficient turning space for vehicles to exit the site in a forward gear. There is a 5m section of access road beyond the entrance to car parking spaces 11-18, which would enable vehicles such as delivery vehicles to be able to turn and this area has been hatched/shaded and annotated as a "turning area", so it can be conditioned to be kept clear to allow for these turning movements.
66. Electric Vehicle Charging Points are annotated on the plans. Provision of these is a requirement under Building Regs and are not a requirement to make the development acceptable. Secure and covered cycle parking has been shown for each property within their garden area and a dedicated path is shown to access these at the request of highways. This provision will be secured by condition.
67. In summary the amended scheme now complies with the requirements of the Council's highway department and Policies PP34, 35 and 36 of the Local Plan 2018 and the Councils adopted Parking Standards.

Trees

68. The site is heavily screened by trees along its southwestern boundary. These trees are along the border of the Council owned Cemetery. There is no hard boundary between the sites, there is an area of tree roots and bank of soil which forms the boundary. This gives the application site a pleasant, wooded feel to the rear in an otherwise distinctly urban setting.
69. The applicant has submitted a tree constraints plan, tree protection plan, arboricultural method statement and impact assessment. Following issues raised initially they have revised the scheme, reducing it by one unit and re-siting the remaining 6 units at the rear of the site. They have also submitted revised documents which include daylight/sunlight calculations. The proposals seek to construct the access along the southwestern side of the site which will be constructed using a no dig cellular confinement system which is acceptable.

70. The dwellings themselves are sited towards the northern side of the site and have been orientated side on to the wooded area, to reduce the impact of overshadowing from trees on the main front and rear elevations, this is also preferable in terms of orientating the dwellings with the least number of windows abutting the access. The new site layout is an improvement in tree terms and addresses some of the issues previously raised, however the sunlight information demonstrates that three of the proposed plots will receive limited sunlight throughout the year due to the trees within the Cemetery.

71. The Council's tree officer remains concerned regarding the limited sunlight to three of the proposed dwellings in particular their amenity areas and the likely impact this will have on pressure to prune or fell these trees.

"The trees have been pruned back to the boundary recently, which will currently limit foliage on them allowing more dappled light through the crowns. A trees reaction to pruning is to replace the lost leaf coverage by putting on new leaf growth increasing the density of the crown. The trees are also not yet fully mature and will increase in height reducing the amount of sunlight even further. The current sunlight on the site for three of the houses is limited and will not improve over time with the further growth and recovery of the trees. The trees are off site and overhanging branches have been pruned leaving no further control of the trees for the application site, this will put pressure on the tree owner to manage the trees for light by the residence of the houses. Due to the foreseen future pressure on the trees to be pruned or felled to improve sunlight this application cannot be supported from a tree point of view."

72. The sunlight/daylight calculations provided by the applicant demonstrate that whilst the levels of sunlight to some of the units will be limited they will actually meet the BR209 standard as the garden areas will receive over 2 hours of sunlight on 21st March.

73. Whilst the Council's Tree Officer objects to the proposals a balance needs to be struck between the provision of adequate homes within sustainable locations and all other material planning considerations. In this instance the one remaining issue to providing 7 additional residential dwellings within a sustainable location and the social benefits and minimal economic benefits during construction, need to be weighed in the planning balance.

74. In this instance the developer has amended the scheme to reduce the impact of trees on the dwellings themselves with the loss of a unit and the reorientation of the dwellings. The concerns therefore relate to whether the provision of amenity space with limited sunlight is acceptable both to future occupiers and the potential for future pressure to fell the trees as a result. Firstly, the scheme does meet minimum requirements, and it is also likely that the market will dictate to some extent whether people choose to own property with extensive areas of shading. There are benefits in summer months and the presence of the heavily wooded area has its environmental and visual benefits in this otherwise urban setting.

75. Furthermore, the trees are Council owned and this does offer some protection. It is also noted that a previous scheme with similar issues relating to its layout was approved at the site, this was some time ago and it is appreciated that the trees may not have been as dense, however they would've continued to grow potentially to how they are now. This permission has now lapsed but remains part of the history to the site.

76. Policy PP27 requires that development responds to natural features on the site and does 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. The scheme could not be said to comply with Policy PP27 in this regard. This will be weighed in the planning balance.

Waste Recycling

77. The proposed dwellings would each utilise a 240 litre capacity bin for recycling and a 180 litre capacity bin for refuse. Residents may also subscribe for the garden waste collection service, via a 240 litre wheeled bin. There is sufficient space for these to be retained at each individual property within their gardens. The collection vehicle would not enter the development in order to service the bins and as such a collection point has been demarcated at the access point sufficient for one bin per property on collection day. Collection days vary between the types of bin collection.
78. The plans are therefore acceptable from a Waste perspective.

Flood Risk/ Drainage

79. The application site is mapped to show varied risk from surface water flooding. The applicant has submitted a flood risk assessment which provides some reasonable justification that risk can be managed at this stage. However, the applicant has confirmed that the finished floor levels of all of the dwellings would be raised by a minimum of 150mm above surrounding ground levels and amended plans have been received to demonstrate this.
80. The applicant has submitted a surface water drainage strategy utilising infiltration drainage via soakaways, permeable paving and bio retention. Whilst the LLFRA are broadly satisfied with the proposed approach they have recommended additional information be provided regarding a viable discharge point. Given that this is an outline planning application it would be reasonable to condition this and ensure that it is a prior to commencement condition, therefore ensuring that no development takes place prior to a solution being reached.
81. Surface water is proposed to be discharged entirely via infiltration, but no on-site ground investigation or infiltration testing has been carried out. The applicant has suggested that this is currently not possible due to site access and again this can be conditioned prior to commencement.
82. Maintenance responsibility should be more clearly established. The report currently states 'the occupier' but given the number of dwellings with shared drainage features, this should be more specific. This detail could be secured by condition.

Contamination

83. The NPPF seeks to prevent new and existing development from contributing to or being put at risk from or being adversely affected by unacceptable levels of soil, air or water pollution. Where necessary, potential land contamination should be subject to adequate site investigation and remediation.

84. The application site is located in an area where there were former brick works (Kinson Pottery) and associated areas of excavation. Consequently, there is the potential for contamination to exist at the site. A full contaminated land condition is therefore attached, and it will be necessary for site investigations and potential remediation measures to be reported and dealt with prior to works at the site. The Council's Contaminated Land Officer has advised that there is no objection to the proposed development subject to the imposition of such a condition.

Biodiversity

85. The application site currently consists of a large area of garden. The top part of this is well manicured, the lower part more unkempt with areas of grass towards the centre, banks of soil along the treed boundary with the cemetery and scrubby shrubs elsewhere. Whilst there may be some potential for existing wildlife habitat, enhancements could be achieved within the proposed scheme and a condition is attached to secure this. This will include the provision of bat and bird boxes, and bee bricks. It should also be the case that any fencing should have gaps for wildlife particularly hedgehogs and keeping any wildlife corridors open. It should be noted that this application was submitted prior to the requirements for Biodiversity Net Gain coming into force and therefore it is not subject to such considerations.

Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing	1	@ £510	@ £181
	Proposed	8		
	Net increase	7	£3,570	£1,267
Total Contributions			£3,570 (plus 5% admin fee, min £75)	£1,267 (plus 5% admin fee, min £25)
CIL	Zone C		@ £137.78sq m	

86. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.
87. 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.
88. 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.
89. Contributions are secured by a Section 106 agreement.

Planning Balance / Conclusion

90. The proposals would result in 8 new dwellings in a sustainable location, on existing garden land which is underutilised and which, does not reflect the existing urban grain of this area. The proposals would result in a form of development which assembles sufficient land to accommodate a type, layout and scale of development with a design, massing materials, landscaping and visual impact which although different, respects the existing character and appearance of the area, maintains neighbouring privacy and amenities and provides sufficient access and parking.
91. The application is outline and as such there are a number of pre commencement conditions which will need to be addressed including additional details relating to drainage and contamination which it is reasonable to assume at this stage could be complied with.
92. Whilst the proposals would result in limited sunlight to the amenity areas of some of the new dwellings, given the history on the site and all other benefits of the scheme and the presumption in favour of sustainable development it is considered on balance that the scheme is acceptable and meets relevant policy criteria of the Poole Local Plan 2018 and NPPF.

Recommendation

104. Grant subject to Section 106 Contributions, CIL and Conditions

Background Documents:

Case File ref: APP/24/00394/P

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.

RECOMMENDATION

It is therefore recommended that this application be Grant Subject TO CIL Contribution

1. OL010 (Submission of Reserved Matters)

No development shall commence on site until details of the landscaping (in respect of which approval is expressly reserved and are hereinafter called 'the reserved matters') have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 3 of the Town and Country Planning (General Development Procedure) Order 2015.

2. OL020 (Timing of Reserved Matters Submission)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission and the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason -

This condition is required to be imposed by the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

3. PL01 (Plans Listing)

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

Location and Block Plan ref: 2315 01B received 14/08/2024

Site Plan ref: 2315 02C received 14/08/2024

House 1 & 2 Floor Plans ref: 2315 03 received 14/08/2024

House 1 & 2 Floor Plans ref: 2315 04 received 14/08/2024

House 1 & 2 Elevations ref: 2315 05 received 14/08/2024

House 1 & 2 Elevations ref: 2315 06 received 14/08/2024

House 3 & 4 Floor Plans ref: 2315 07 received 14/08/2024

House 3 & 4 Floor Plans ref: 2315 08 received 14/08/2024

House 3 & 4 Elevations ref: 2315 09 received 14/08/2024

House 3 & 4 Elevations ref: 2315 10 received 14/08/2024

Street scene ref: 2315 14 received 14/08/2024

Site Section ref: 2315 15A received 14/08/2024

House 5 & 6 Floor Plans ref: 2315 017 received 14/08/2024

House 5 & 6 Floor Plans ref: 2315 18 received 14/08/2024

House 5 & 6 Elevations ref: 2315 19 received 14/08/2024

House 5 & 6 Elevations ref: 2315 20 received 14/08/2024
House 7 & 8 Floor Plans ref: 2315 21 received 14/08/2024
House 7 & 8 Floor Plans ref: 2315 22 received 14/08/2024
House 7 & 8 Elevations ref: 2315 23 received 14/08/2024
House 7 & 8 Elevations ref: 2315 24 received 14/08/2024
Arboricultural Method Statement ref: 521/AMS/2 received 14/08/2024
Tree Protection Plan ref: RNapc/521/TPP/3 received 14/08/2024

Reason -

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

4. GN030 (Sample of Materials)

The development shall be carried out in accordance with the approved details of materials submitted to the Local Planning Authority on....

Reason -

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

5. GN020 (Screen Fencing/Walling)

Details/a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority as part of the reserved matters under Condition 1. The boundary treatments shall be completed before the building(s) are occupied. Development shall be carried out in accordance with the approved details, maintained for a period of five years and thereafter retained.

Reason -

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

6. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The 'Shared Turning Areas' as shown hatched in blue on the approved plan (ref: 2315 02C) shall remain available for the use as vehicle turning areas at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within these turning areas.

Reason -

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

7. HW080 (First 4.5 Metres Constructed)

Concurrently with the construction of the development hereby permitted, the first 4.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

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

8. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splay(s) as indicated on the approved plan (ref: 2315 02C) 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).

9. HW210 (Building Operatives Parking)

Prior to any demolition or ground clearance works details of building operatives parking shall be submitted to and approved in writing by the Local Planning Authority. Parking for building operatives must be provided in accordance with the agreed plans for the whole contract period, unless otherwise agreed in writing by the Local Plan Authority.

Reason -

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

10. TR030 (Implementation of Details of Arb M Stmt)

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).

11. TR070 (Tree Protection - Protective Fencing)

Protective fencing, conforming to specifications in BS5837:2012 'Trees in Relation to Construction', the details of which shall be submitted to, and approved in writing by, the Local Planning Authority.

Such fencing/ground protection shall be erected before any equipment, machinery or materials are brought on to the site and before any ground clearance, tree works, demolition or construction work, including the erection of site huts, is commenced. Such fencing/ground protection shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the depositing of spoil or the storage of materials.

The Local Planning Authority shall be advised in writing when the tree protection measures have been installed so that it can be checked on site before development commences.

[No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land].

Reason -

To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

12. NP100 (Full Contaminated Land Condition)

Prior to any ground works on site a preliminary Contamination Risk Assessment (Phase 1) shall be submitted in writing to the Local Planning Authority. The Phase 1 should be produced in accordance with 'Land Contamination Risk Management' published by the Environment Agency. The report shall develop a preliminary Conceptual Site Model (CSM) and include a comprehensive risk assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations will be required.

If a Phase 1 has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency should be undertaken. A Phase II report will be submitted and approved in writing by the Local Planning Authority prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, built environment and sensitive ecology from site condition in the context of the proposed development. The report shall be prepared by a suitably qualified person and shall include:

A detailed site investigation comprising an assessment of soil, groundwater and ground gases/vapours to establish the extent, scale and nature of contamination on the site. .

An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end users and construction workers), the built environment, controlled waters and sensitive ecology.

If the risk assessment identifies any unacceptable risks, a further remediation strategy/ plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved.

If Phase II identifies the need for remediation, a remediation strategy/plan will be submitted to and approved in writing by the Local Planning Authority prior to development works. The report shall be prepared by a suitably qualified person and the works shall thereafter be carried out in accordance with the remediation strategy/plan. No development works (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Local Planning Authority.

If required the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on site.

Following completion of remediation works, a Verification Report which demonstrates the effectiveness of the completed remediation works, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for the contingency action, shall be submitted to and approved in writing by the Local Planning Authority.

The presence of any previously encountered contamination that becomes evident during the development of the site shall be reported to the Local Planning Authority in writing within 1 week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Local Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the re-commencement works in the affected area. The approved details shall be implemented as approved.

Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason -

In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

13. AA01 (Non standard Condition)

Prior to commencement of the development hereby approved, plans and particulars showing the layout, together with details of levels, sections, drainage, and lighting of the site access road, raised footways and car parking areas, shall be submitted to, and approved in writing by the Local Planning Authority, to ensure the approved access road and car parking areas are built to an adoptable standard. The development shall subsequently be implemented in accordance with the agreed details.

Reason -

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

14. AA01 (Non standard Condition)

Prior to occupation of the development hereby approved and the erection of any fences within the development, details of a scheme for biodiversity enhancements which shall include but not be limited to Bat and Bird boxes, bee bricks, hedgehog doors and highways, shall be submitted to and agreed in writing by the Local Planning Authority, thereafter implemented in full and retained thereafter.

Reason -

In order to enhance biodiversity on site and in accordance with Policy PP33 of the Poole Local Plan 2018.

15. AA01 (Non standard Condition)

Prior to the commencement of development a revised drainage strategy should be submitted to the Local Planning Authority for approval in writing.

This should include

Details of the finished floor level of the dwellings hereby approved, which shall be no lower than 150mm above the adjacent ground level

Details of a viable discharge point

On-site ground investigation or infiltration testing, the results of which should be taken into account within the final drainage strategy

Maintenance responsibility of drainage features on site

Upon approval the development shall thereafter be implemented in accordance with the agreed details and retained as such thereafter.

Reason -

To minimise future flood risk on site from surface water and rainfall and in accordance with Policy PP38 of the Poole Local Plan 2018.

Informative Notes

1. IN72 (Working with applicants: Approval)

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

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

Also:

- in this case the applicant was advised of issues after the initial site visit

- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
- the application was considered and approved without delay

2. IN74 (Community Infrastructure Levy - Approval)

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

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

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

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

3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.106 agreement and have been received.

4. IN84 (AA passed)

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

5. IN43 (Section 106 Agreement)

The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

6. IN12 (Kerb Crossing to be Raised)

As a required adjunct of this access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge) restored. Normally this work will be undertaken at the expense of the developer by the Highway Authority although, on occasions, there might be instances where the developer, under supervision, can undertake this work.

7. IN13 (Kerb Crossing to be Lowered)

The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (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.bcpCouncil.gov.uk/Roads-and-transport/Dropped-kerbs/Apply-for-a-dropped-kerb.aspx>

Provision of the approved access arrangement will require that a telegraph pole will need to be relocated and the applicant is therefore advised to contact the telecommunication services company responsible for the telegraph pole, for further guidance on this matter. All works associated with the footway works, including relocation of the telegraph pole, will be at the applicants expense.

Case File ref: APP/24/00394/P

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.

Case Officer Report Completed
Officer: Claire Moir
Date: 20/09/2024

Agreed by:
Date:
Comment:

