



# 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 Miell Pure Town Planning
Ward and Ward Member(s)	Oakdale: Councillor Rice Councillor Miles
Report Status	Public
Meeting Date	7 <sup>th</sup> November 2024
Summary of Recommendation	<b>Grant in accordance with the details set out below in the report</b>
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. Outline planning permission is sought for the demolition of the existing buildings (one bungalow and associated outbuildings in garden including garage) and the erection of eight dwellings with associated access and parking.
2. The proposals are submitted in outline and this application seeks approval of the detailed matters of access, appearance, layout and scale at this stage. Landscaping is not for detailed consideration under this application but is reserved for later approval, should this outline application be approved.

3. The proposal is to demolish the existing bungalow and erect 4 pairs of semi-detached houses, two of which would replace the existing bungalow sited, albeit that they would be sited slightly forward of the siting of the existing bungalow, whilst the remaining dwellings would be located within the existing rear garden area with each pair of dwellings sited behind the previous pair.
4. The access onto Foxholes Road would be similar to that which currently exists and would run along the southwestern boundary of the site. To the front of the site, Houses 1 & 2 would front onto Foxholes Rd. House 2 would have a front garden area whilst two parking spaces are proposed to the front of House 1. Within the site there would be two turning/passing areas both of which would provide access to parking areas that would be sited between Houses 1 & 2 and 3 & 4, and Houses 5 & 6 and 7 & 8. There would be 18 parking spaces provided in total.
5. Each dwelling would be three storeys with the top floor of accommodation contained within the roof space (2-storey to the eaves level with the second floor accommodation provided within the roof space). The properties are shown to be 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 of single and two storey scale, that are finished in red brick or render and with red or grey roof tiles. Within Dale Valley Road there is a predominance of terraced 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, Nos. 47 and 47a Foxholes Road also sit in a backland position, to the rear of No.45 Foxholes Road. 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 elevation.
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, whilst the lawn towards the dwelling is more manicured. There are a number of outbuildings, mature trees and shrubs within the existing rear garden. 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. 2008 - Demolish the 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. **Approved** (Application Ref: 07/02368/002/F).
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. BCP 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 (November 2018).

20. BCP Highways Authority – Support subject to the imposition of conditions.
21. BCP Environment Services (Waste) - No objection.
22. BCP Environment Services (Contaminated Land) - No objection subject to the imposition of conditions.
23. Lead Local Flood Authority (LLFA) – Recommend that the finished floor levels of the proposed residential dwellings be raised a minimum of 150mm above surrounding ground levels due to the topography of the site. The submitted surface water drainage strategy utilising infiltration drainage via soakaways, permeable paving and bioretention is broadly acceptable but it is suggested that some additional information regarding a viable discharge point and infiltration testing is provided.
24. Dorset and Wiltshire Fire and Rescue Service - Standard advice regarding Building Regulations matters, access and water supply for fire fighting, and provision of domestic sprinkler protection etc.
25. BCP Biodiversity Officer – Support subject to the imposition of conditions to secure bat and protected species mitigation measures and biodiversity enhancement measures.
26. Natural England – No objection, subject to all bat mitigation measures being secured by condition and SAMMs contributions being secured to mitigate any potential recreation impacts on Dorset Heaths and Poole Harbour
27. The Society for Poole – Object. The proposed development fails to respect the character and constraints of the neighbourhood due to the scale of the proposals representing overdevelopment of the site and resulting in dangerous implications for road users.

## **Representations**

28. In addition to letters to neighbouring properties, a site notice was posted outside the site on 26/04/2024 with an expiry date for consultation of 20/05/2024. A further site notice was posted on 23/08/2024 following the submission of amended plans with an expiry date for consultation of 06/09/2024.
29. 19 representations have been received in response to the original period of consultation, raising objections. 10 further representations have been received following the further period of consultation following the submission of amended plans, which continue to raise 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 cannot 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

It is noted that a number of people have raised concern regarding the impact of the proposed development on the value of properties in the area. However, this is not a material planning consideration and cannot be taken into account in the determination of this application.

### **Key Issues**

30. The main considerations involved with this application are:

- Presumption in favour of sustainable development
- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring privacy and amenities
- Parking/ highway safety
- Impact on trees
- Drainage/flood risk
- Waste
- Contamination
- Biodiversity

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

### **Policy Context**

32. 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 (November 2018).

33. Poole Local Plan (Adopted November 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

34. Emerging BCP Local Plan

- Policy S3 Healthy communities
- Policy S4 Health and wellbeing
- Policy BE1 Design and high-quality places
- Policy BE3 Living conditions
- Policy NE3 Biodiversity
- Policy T1 Transport strategy
- Policy T3 Creation or alteration of a vehicular access onto a road
- Policy T4 Transport Infrastructure
- Policy C7 Sustainable Drainage (SuDs)
- Policy P23 Oakdale

35. The Local Planning Authority as part of Bournemouth Christchurch and Poole Council submitted the draft BCP Local Plan to the Secretary of State on 27 June 2024 for examination. The examination is expected to take around 12 months. If approved by the Local Plan Inspector, the BCP Local Plan will replace the current Local Plans around mid-2025. Given the high level of uncertainty that future revisions of the draft BCP Local Plan will echo the version submitted for examination, the emerging policies of the BCP Local Plan are given very limited weight in the consideration of this application.

36. 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)

37. National Planning Policy Framework (December 2023)

38. The policies in the Framework are material considerations which should be taken into account when dealing with applications. Of particular relevance to this current application are the following:

**Section 2 – Achieving Sustainable Development**

Paragraph 11 –

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

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

Section 5 - Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

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

39. On 30 July 2024, the Government launched a consultation, which is still ongoing, on proposed reforms to the Framework and other changes to the planning system. Given the high level of uncertainty that future revisions of the Framework will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.

## **Planning Assessment**

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

40. The NPPF (2023) paragraph 77 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the local planning authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The Draft BCP Local Plan (Regulation 19) consultation launched on 20 March 2024 and included a policies map and allocations. The land supply position is therefore set out in relation to a four year housing land supply. Paragraph 77 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%.
41. At the heart of the NPPF is the presumption in favour of sustainable development. 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 of 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.
42. 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 four-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.

43. 1<sup>st</sup> April 2024 marks the fifth anniversary of when BCP Council came into existence. As such, government planning guidance requires publication of a single BCP Council housing land supply calculation, as opposed to a separate supply for each predecessor authority. At 1<sup>st</sup> April 2024, BCP Council had a housing land supply of **1.6 years** against a 4-year housing requirement that includes a 20% buffer (a shortfall of 8,078 homes). For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a four-year supply of homes.
44. In this instance, the proposed development would provide seven additional dwellings that would contribute towards the Council's housing delivery target. For this planning application the benefits provided from the supply of 7 additional residential units is considered to carry significant weight in the planning balance.
45. 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.

### **Principle of Development**

46. 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.
47. 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).
48. 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.
49. 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.
50. 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.
51. 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**

52. 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.
53. The application site sits in an area which is predominately residential in character. The site is located on Foxholes Road which is characterised by predominantly single and two-storey, detached and semi-detached properties, reflecting its main period of development from the inter-war period to the 1950's. 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.
54. 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.
55. The proposals would result in a pair of semi-detached dwellings sitting to the front of the site, which would be sited slightly further forward than the existing bungalow that is to be demolished but would 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).
56. 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, would give them a modern twist. Whilst the dwellings would appear distinctive within the street scene, they would use materials which exist within the area and would not be harmful to the wider character of the area.
57. The proposals would introduce a second floor of accommodation within the roof form of the proposed dwellings, which is not a feature of the area. The dormers to the proposed dwellings on Plots 3-8 are fairly modest and these dwellings 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 to the front and rear elevations 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.
58. 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 in the vicinity of the application site, such as Nos.47 and 47a Foxholes Road, and given that the positioning of Houses 1 and 2 respects the street scene of Foxholes Road and the remaining development has a lesser visual impact on the street scene, it can be accommodated without harm.

59. 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 PP27 and PP28 of the Poole Local Plan (2018).

### **Impact on occupier's and neighbouring living conditions**

60. 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.
61. Houses 1 and 2 would sit in a similar location to the existing dwelling fronting Foxholes Road and would be sited between two storey dwellings to either side. The main windows would be positioned 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 public realm of Foxholes 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 a source of light rather than views and a ground floor full length window, which would face towards the existing boundary fence in the case of House 1. In the case of House 2, there is no boundary treatment to the neighbour at No. 51 Foxholes Road. Condition 5 requires boundary treatments be agreed and this can ensure there is no significant loss of privacy from these side facing openings.
62. Houses 3 - 8 sit within the rear of the site with their front elevations facing in either a south easterly or north westerly direction. As such, along the north eastern boundary of the site, which borders the rear boundary of the properties fronting onto 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 would be in excess of 20m to the rear elevations of the neighbouring properties fronting Dale Valley Road and therefore the proposal would not result in harmful overlooking or overshadowing. The windows in the side elevations of the proposed dwellings 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 the ground floor windows.
63. To the southwest of the site, the proposed dwellings would sit adjacent to the shared access which would 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.
64. Towards the Foxholes Road end of this boundary the site borders Nos.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 the side elevations, the proposals would not result in harmful overlooking. The boundary of No.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 Nos.124 – 130 Dale Valley Road. As such, the scheme is not considered to result in harmful overlooking or overshadowing to these neighbours.

65. 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 these dwellings of approximately 24.5m and from the front elevation of Houses 3 & 4 to the rear boundary of Houses 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 private amenity areas sited in between. The distance between the rear elevations of these dwellings is approximately 21m which is again considered acceptable.
66. Houses 5 & 6 would have a front to front relationship with Houses 7 & 8 with the access and parking spaces for these four units sited between them that would provide a separation distance of approximately 18 metres between the front elevations of these dwellings. Again, this is considered acceptable.
67. House 4 would sit adjacent the shared boundary with No.51 Foxholes Road and would have an oblique back to front relationship with this dwelling, however there would be a separation distance between these dwellings of approximately 20metres and at an oblique angle any overlooking would not be harmful or uncommon in an urban setting such as this.
68. 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 internal access road which will reduce the impact of noise and disturbance from vehicles, whilst the ground floor side windows facing the access road would provide surveillance over these areas. The two parking areas within the development would serve the units between which they sit and again this would reduce the impact of vehicles manoeuvring within the site.
69. Four of the units measure 106.8 m<sup>2</sup> which is marginally below the Nationally Described Space Standard (NDSS) for a 3-bed, 6-person, 3-storey dwelling of 108m<sup>2</sup>. The remaining 4 units exceed this standard at 114m<sup>2</sup>. 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.”*
70. As none of the units fall more than 20% below the NDSS, it is considered that the scheme complies with the Poole Local Plan in this regard. All properties would have usable and adequate private garden space and amenities, such as car and cycle parking, and the future occupiers would enjoy adequate living conditions.
71. 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**

72. 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 submitted plans have been amended in response to these concerns.
73. A revised vehicle access is proposed, which would 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 would 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 length of the vehicle access road is wide enough to allow for vehicles to safely pass cyclists and is sufficient width to allow access for larger service vehicles and emergency vehicles, whilst a pedestrian footway is also proposed alongside the vehicle access road. The proposed layout can achieve an adoptable standard which can be secured by condition.
74. 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 SPD (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.
75. 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". This area can be conditioned to be kept clear of any obstruction at all times to allow for these turning movements.
76. 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 can be secured by condition.
77. In summary, the amended scheme now complies with the requirements of the Council's Highways Authority and Policies PP34, PP35 and PP36 of the Poole Local Plan (2018) and the Council's adopted Parking Standards SPD (2021).

## **Impact on Trees**

78. The site is heavily screened by trees along its southwestern boundary. These trees are located along the border of the Council owned Cemetery. There is no hard boundary between the sites, but 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 portion of the site in an otherwise distinctly urban setting.
79. The applicant has submitted a tree constraints plan, tree protection plan, arboricultural impact assessment and method statement. Following concerns raised to the proposed development as it was originally submitted, the scheme has been revised reducing it by one unit and re-siting the remaining 6 units at the rear of the site. Revised documents which include daylight/sunlight calculations have also been submitted. The proposals seek to construct the access along the southwestern side of the site that would be constructed using a no dig cellular confinement system which is acceptable.

80. The proposed 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 shading 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 internal access road. 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 would receive limited sunlight throughout the year due to the trees within the adjacent Cemetery.
81. The Council's Arboricultural 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."*

82. The sunlight/daylight calculations provided by the applicant, however, demonstrate that whilst the levels of sunlight to some of the units would be limited, they would actually meet the BR209 standard as the garden areas would receive over 2 hours of sunlight on 21st March.
83. Whilst the Council's Arboricultural Officer objects to the proposals, a balance needs to be struck between the provision of adequate homes within a sustainable location and all other material planning considerations. In this instance, this one remaining issue to providing 7 additional residential dwellings within a sustainable location with the associated social benefits and economic benefits during construction, need to be weighed in the planning balance.
84. 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 prune and/or 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 a 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.
85. 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 have continued to grow potentially to how they are now. This permission has now lapsed but remains part of the history to the site.

86. 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. In the opinion of the Council's Arboricultural Officer, the scheme could not be said to comply with Policy PP27 in this regard due to the potential for future pressure for the pruning and/or removal of trees. This must be weighed in the planning balance.

### **Waste Recycling**

87. 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. The provision and retention of the bin collection area can be secured by condition.
88. The proposed development is therefore acceptable from a Waste perspective.

### **Flood Risk/Drainage**

89. 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. The applicant has also confirmed that the finished floor levels of all of the dwellings would be raised by a minimum of 150mm above surrounding ground levels to reduce any risk of surface water flooding and amended plans have been received to demonstrate this.
90. The applicant has also 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 and that on-site ground investigation and infiltration testing is carried out.
91. The applicant has stated that ground investigation/infiltration testing is currently unachievable due to the existing bungalow being occupied with existing structures that are in use blocking access for a piling rig to provide borehole samples. It has also been stated that the drainage consultant has explored the on-file strata maps and as a result are confident that the proposed design is feasible. Having regard to the above considerations, on balance, it is considered that it would be reasonable to condition that details of the surface water drainage scheme are secured prior to the commencement of development to ensure that there is adequate provision of surface water drainage infrastructure to meet the needs of the proposed development.
92. In addition, it has also been recommended that 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 can also be secured by condition.
93. Having regard to the above considerations, the proposed development would accord with the provisions of Policy PP38 of the Poole Local Plan (2018).

### **Contamination**

94. 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.
95. 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 proposed to be imposed, and it will be necessary for site investigations and potential remediation measures to be reported and dealt with prior to the commencement of any demolition and construction 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**

96. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
97. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
98. 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, biodiversity enhancements could be achieved within the proposed scheme and a condition is attached to secure this. This would include, but not be limited to, the provision of bat tubes/boxes, 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.
99. With regards to the Biodiversity Net Gain, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.
100. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. One such exemption from Biodiversity Net Gain is a planning application for development that was made prior to mandatory Biodiversity Net Gain coming into effect on 12 February 2024. In this instance, this current application was submitted prior to this date and therefore the proposed development is not subject to the requirement to deliver at least 10% biodiversity net gain.
101. In support of the proposed development, the applicant has submitted a Phase 1 Bat Survey Report which recommended that 2no dusk emergence and re-entry surveys be undertaken, as the existing bungalow, that is proposed to be demolished, is of moderate

potential for bat roosting due to the number of gaps behind hanging tiles on the property.

102. Those further surveys have been undertaken and a further Bat Survey Report (Phase 2) has been submitted which identifies that the existing bungalow is used for day roosts by common pipistrelle bats and therefore the developer would require a bat mitigation licence from Natural England. This report also sets out proposed bat mitigation measures.
103. Government guidance relating to 'How to assess a planning application when there are bats on or near a proposed development site states:  
Before granting planning permission, the Local Planning Authority must:
- make sure any mitigation or compensation conditions that are to be imposed do not conflict with the requirements of a bat mitigation licence; and
  - be confident that Natural England will issue a licence.
104. Following further consultation with the Council's Biodiversity Officer, it is considered that the proposed mitigation measures for bats and other protected species as set out in the submitted Phase 2 Bat Survey Report are acceptable and subject to their implementation there would be no adverse impact on protected species. The implementation of these measures can reasonably be secured by condition.
105. It should be noted, that if outline planning permission is granted the developer would have to apply to Natural England for a European Protected Species (EPS) licence (bat mitigation licence) that would have to be issued prior to the commencement of the development to ensure that the works are lawful. It is the responsibility of the applicant to arrange an application for the EPS licence. Whilst Natural England has advised that it would be the responsibility of its' licencing department to issue a bat mitigation licence and has referred to its standing advice relating to the impact of development on protected species, it has been advised that all mitigation measures in the Phase 2 Bat Survey Report should be secured by condition. Furthermore, following consultation with the Council's Biodiversity Officer, it is considered that there is a reasonable expectation that a bat mitigation licence would be granted.
106. It is therefore concluded that subject to conditions and the applicant obtaining a European Protected Species (EPS) mitigation licence from Natural England, that bats and other protected species would not be harmed as a result of the proposed development. As such, it is considered that the proposed development would accord with the provisions of Policy PP33 of the Poole Local Plan (2018).

## **Sustainability Issues**

107. 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. The current proposal has been supported by a statement which simply states that it is considered that 10% of the predicted energy needs of the proposed dwellings could be met from the use of photovoltaic panels. In the absence of any firm commitment to the provision of renewable energy sources to meet this requirement, it is appropriate to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy source in accordance with the requirements of Policy PP37 of the Poole Local Plan (2018).



## Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SMM	Poole Harbour Recreation SMM
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	

108. 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.

109. 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.

110. 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.

111. Contributions are secured by a Section 106 agreement.

## Planning Balance / Conclusion

112. The proposals would result in the delivery of 8 new dwellings (net gain of 7 dwellings) in a sustainable location, on existing garden land which is underutilised and which, does not reflect the existing urban grain and pattern of development 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.

113. With regard to impact on protected species, the proposed scheme is acceptable subject to condition of the mitigation and enhancements proposed and additional detail regarding these.

114. The application is in outline and as such there are a number of pre-commencement conditions which would 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.

115. 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 that the scheme is acceptable and meets the relevant policy criteria of the Poole Local Plan (2018) and the provisions of the NPPF.

### **Recommendation**

115. Grant subject to a Section 106 to secure Dorset Heaths and Poole Harbour SAMMs Contributions and Conditions

### **Conditions**

#### **1. OL010 (Submission of Reserved Matters)**

No development shall commence on site until details of the landscaping of the site (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. OL080 (Submission of Reserved Matters (3 Years))**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and the development, hereby permitted, shall be begun before the expiration of 2 years from the final approval of reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

#### **3. PL02 (Plans Listing – Outline)**

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

Location and Block Plan (Drawing No: 2315 01B) - received 14/08/2024;

Site Plan (Drawing No: 2315 02D) - received 27/09/2024;  
House 1 & 2 Floor Plans (Drawing No: 2315 03) - received 14/08/2024;  
House 1 & 2 Floor Plans (Drawing No: 2315 04) - received 14/08/2024;  
House 1 & 2 Elevations (Drawing No: 2315 05) - received 14/08/2024;  
House 1 & 2 Elevations (Drawing No: 2315 06) - received 14/08/2024;  
House 3 & 4 Floor Plans (Drawing No: 2315 07) - received 14/08/2024;  
House 3 & 4 Floor Plans (Drawing No: 2315 08) - received 14/08/2024;  
House 3 & 4 Elevations (Drawing No: 2315 09) - received 14/08/2024;  
House 3 & 4 Elevations (Drawing No: 2315 10) - received 14/08/2024;  
Street Scene (Drawing No: 2315 14) - received 14/08/2024;  
Site Section (Drawing No: 2315 15B) - received 27/09/2024;  
House 5 & 6 Floor Plans (Drawing No: 2315 17) - received 14/08/2024;  
House 5 & 6 Floor Plans (Drawing No: 2315 18A) - received 08/10/2024;  
House 5 & 6 Elevations (Drawing No: 2315 19) - received 14/08/2024;  
House 5 & 6 Elevations (Drawing No: 2315 20) - received 14/08/2024;  
House 7 & 8 Floor Plans (Drawing No: 2315 21) - received 14/08/2024;  
House 7 & 8 Floor Plans (Drawing No: 2315 22A) - received 08/10/2024;  
House 7 & 8 Elevations (Drawing No: 2315 23) - received 14/08/2024;  
House 7 & 8 Elevations (Drawing No: 2315 24) - received 14/08/2024;  
Materials (Drawing No: 2315 25) – received 08/10/2024;  
Arboricultural Method Statement (Ref: 521/AMS/2) dated 26 July 2024 and prepared by Richard Nicholson Arboricultural Planning Consultant - received 14/08/2024;  
Tree Protection Plan (Drawing No: RNapc/521/TPP/3) - received 14/08/2024; and  
Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd – received 18/10/2024.

Reason -

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

#### 4. GN030 (Sample of Materials)

The development, hereby approved, shall be carried out in accordance with the external material finishes detailed on the approved Materials Plan (Drawing No: 2315 25) and shall thereafter be retained as such.

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 treatments to be erected shall be submitted to the Local Planning Authority as part of the first submission of reserved matters pursuant to Condition No.1 above. The boundary treatments shall thereafter be erected in accordance with the approved details and prior to the first occupation of any of the dwellings hereby approved, and thereafter be maintained and retained in perpetuity.

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

(Drawing No: 2315 02D) 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 that shall have been submitted to, and approved in writing by, the Local Planning Authority. The dwellings, hereby approved, shall not be first occupied until such time that the first 4.5 metres of the access measured from the nearside edge of the carriageway has been laid out, constructed, hardened and surfaced in accordance with the approved 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).

8. HW060 (Closure of Existing Access)

A scheme to close the section of the existing access (which is to be made redundant) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerbs, and reinstate the footway to the section of the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall be completed in accordance with the approved scheme prior to first occupation of any of the residential units hereby approved.

Reason -

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

9. 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) (England) Order 2015 (as amended) or any order revoking and re-enacting that order with or without modification, the land designated as visibility splays as indicated on the approved plan (Drawing No: 2315 02D) 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).

10. Highway Construction Details

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 and thereafter retained as such.

Reason -

To ensure that the access road and car parking areas are constructed to an adoptable standard in the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

#### 11. 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 approved details for the whole contract period, unless otherwise agreed in writing by the Local Planning 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).

#### 12. HW230 Permeable Surfacing

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).

#### 13. Surface Water Drainage Strategy

Notwithstanding the submitted details, prior to the commencement of any of the dwellings, hereby approved, a revised Surface Water Drainage Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted Surface Water Drainage Strategy must 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; and
- details of a maintenance schedule and maintenance responsibilities of the on-site drainage features and infrastructure.

The Surface Water Drainage Strategy shall be fully implemented in accordance with the approved details and made operational and available for use prior to the first occupation of any of the dwellings, hereby approved, and shall thereafter be maintained in accordance with the approved details of the maintenance schedule and maintenance responsibilities and retained in full working order at all times.

Reason: To prevent the risk of flooding on site or elsewhere from surface water run-off by ensuring the provision of a satisfactory means of surface water disposal and in accordance with PP38 of the Poole Local Plan (November 2018).

#### 14. 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 (Ref: 521/AMS/2) dated 26 July 2024 and prepared by Richard Nicholson Arboricultural Planning Consultant and as shown on the approved Tree Protection Plan (Drawing No: RNapc/521/TPP/3), 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).

15. TR070 (Tree Protection – Protective Fencing)

No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to the application site of any equipment, materials and machinery for use in connection with the implementation of the development save as is necessary for the purposes of this condition, unless all barriers and ground protection for the purposes of any retained tree have first been provided in accordance with the approved details as shown on the approved Tree Protection Plan (Drawing No: RNapc/521/TPP/3) dated 28/07/2024 ("the Approved Tree Protection Measures"). The Approved Tree Protection Measures shall thereafter be retained as approved until both 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 provided for in the Approved Tree Protection Measures.

Within the areas secured by the Approved Tree Protection Measures, until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Approved Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is identified as to be retained [in the Approved Tree Protection Measures (Drawing No: RNapc/521/TPP/3) dated 28/07/2024.

Reason –

To ensure that trees to be retained on site are protected throughout the development and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

16. NP100 (Contamination)

Prior to the commencement of any ground works, demolition or construction works on site a preliminary Contamination Risk Assessment (Phase 1) shall be submitted to, and approved in writing by, the Local Planning Authority. The Phase 1 Assessment 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 the Phase 1 Assessment 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 shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any ground works, demolition or construction works on site.

The Phase II report must 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 Phase II report identifies the need for remediation, a remediation strategy/plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any ground works, demolition or construction works on site. The report shall be prepared by a suitably qualified person and the works shall thereafter be carried out in accordance with the approved remediation strategy/plan.

If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any ground works, demolition or construction works other than that required to carry out the implementation of the approved remediation scheme, 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 the implementation of the approved remediation scheme, 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 unencountered 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 of any ground works, demolition or construction works in the affected area. The development shall thereafter be carried out in accordance with the approved details.

Following completion of the implementation of the above remediation works a Verification Report demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved must be submitted to, and approved in writing by, the Local Planning Authority.

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).

#### 17. GN162 (Renewables)

Prior to first occupation of the dwellings hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall thereafter be implemented in full prior to the first occupation of any of the dwelling, hereby approved, and shall thereafter be maintained and retained.

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).

**18. Provision of Bin Collection Point**

Prior to the first occupation of any of the dwellings, hereby approved, the bin collection point, as shown on the approved plans, shall be constructed and made available for use and shall thereafter be maintained, retained and kept available for use as such at all times.

**Reason –**

In the interests of the visual amenities of the site and to ensure that the development is provided with adequate refuse and recycle provision in the interests of the amenities of the future occupants of the approved development in accordance with Policy PP27 of the Poole Local Plan (November 2018).

**19. Biodiversity Enhancement Measures**

Notwithstanding the submitted details, no part of the development, hereby permitted, shall be constructed above the ground floor slab level and no boundary treatments within the development shall be erected until such time that details of the biodiversity enhancement measures have been submitted to, and approved in writing by, the Local Planning Authority.

The biodiversity enhancement measures shall be in general accordance with the details set out in Section 5.6 and Appendix C of the Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd (received 18/10/2024) and shall include, but not be limited to, the provision of bat boxes, tubes and tiles; bird boxes; bee bricks and hedgehog doors and highways; and shall also include details of the technical specifications, number, location and siting of the proposed biodiversity enhancement features that are to be installed.

No part of the development shall be first occupied until such time that the approved biodiversity enhancement measures have been fully implemented in their entirety in accordance with the approved details and they shall thereafter be maintained in such a condition as to enable them to continue to fully function for their intended purpose(s) and be retained.

**Reason -** In order to provide the enhancement of the biodiversity interests of the site and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (December 2023).

**20. Ecological Mitigation Measures**

The development hereby approved shall be carried out in strict accordance with the mitigation measures as set out in Section 5.5 and Appendices C and D of the Bat Surveys Report v2 dated October 2024 and prepared by David Leach Ecology Ltd (received 18/10/2024) and a licence for development works affecting bats shall be obtained from the Statutory Nature Conservation Organisation (Natural England).



The avoidance, mitigation and compensation measures shall be implemented in their entirety in accordance with the approved details and in accordance with any measures detailed in the licence obtained from Natural England; and all permanent avoidance, mitigation and compensation measures shall be made available for use prior to the first occupation of any of the dwellings, hereby approved, and shall thereafter be maintained in such a condition as to enable them to continue to fully function for their intended purpose(s) and be retained.

Following the implementation/installation of the approved avoidance, mitigation and compensation measures, a verification report that demonstrates the implementation of the approved measures shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved.

Reason –

To ensure the provision of appropriate avoidance, mitigation and compensation measures in order to protect the protected species and ecological features that are present within the site and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (December 2023).

### **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; and
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.

#### **2. IN72 (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.asp>

**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.bcpccouncil.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 applicant's expense.

**Background Papers:**

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related

consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes: This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.