



Planning Committee

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| Application Address | 5 Parkstone Heights, Poole, BH14 0QE |
| Proposal | Demolition of existing bungalow and erection of three dwellings |
| Application Number | APP/24/01066/F |
| Applicant | Primetower Properties Ltd |
| Agent | Chapman Lily Planning Ltd |
| Ward and Ward Member(s) | Millie Earl Marion Le Poidevin Sandra Mackrow Newtown & Heatherlands |
| Report Status | Public |
| Meeting Date | 16 th January 2025 |
| Summary of Recommendation | Approval for the reason(s) set out below |
| Reason for Referral to Planning Committee | <i>Call – in by Councillor</i> |
| Case Officer | Babatunde Aregbesola |
| Is the proposal EIA Development? | No |

1. Description of Proposal

- The proposal is seeking planning permission for the demolition of the existing bungalow and the erection of a terrace of three dwellings. The proposed building would give the appearance of one larger detached dwelling with a central entrance feature on the front elevation for the middle dwelling and side entrances for the end of terrace dwellings.
- The proposed dwellings would be afforded with a tandem two parking space to the front of each dwelling with cycle and refuse store within the rear gardens, except for plot which would have refuse store within its front garden area.
- To the rear, each dwelling would be afforded with a private rear garden enclosed by 1.8m close board fencing. Each property would be afforded with an outbuilding in the garden which would be of an ancillary use to the main dwelling and would incorporate a cycle store within it.

5. The proposed Gross Internal Floor Area (GIA) Is outlined below:

| Unit Number | Plot 1 | Plot 2 | Plot 3 |
|-------------|--------|----------|----------|
| Total GIA | 130sqm | 140.1sqm | 136.7sqm |

6. It is pertinent to note that the current application was submitted following the previous application which was not determined within the prescribed period and was appealed by the applicant.
7. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have advised that had they determined the application, planning permission would have been granted.
8. The appeal was dismissed, and planning permission was refused by the inspector for demolition of existing bungalow and erection of three dwellings on the following ground:
9. *“The proposed development would be contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) (LP) which, amongst other things, seek a good standard of design that reflects or enhances local patterns of development including in terms of layout and siting; height and scale and bulk and massing including the roof and that the subdivision of plots respects and enhances local character.”*
10. The current proposal has endeavoured to address the issues raised by the inspector on the previous application that was dismissed at appeal. In this instance, the current proposal would have been reduced in width. This reduction in width has provided an opportunity for increased separation distances to be provided to the site boundaries. Furthermore, the design approach for this proposal, when compared with previous submission, has been altered to reflect that of a 1930's Edwardian Townhouse.
11. This includes the use of a pitched roof and gable feature – the eaves, being a visual reference point, align with that of the neighbouring property, 7 Parkstone Heights, which in turn allows the proposal to fully assimilate itself into the street scene. The front elevation benefits from a ground level bay window feature on the left-hand side (when viewed from the road) which then transitions into a step forward and two storey bay window – collectively this feature positively address the Inspector's comments and provides a well-proportioned and articulated building which does not compete with or dominate the street scene.
12. The plot sizes are now increased from that which the Inspector considered and would not be visible from the street scene within Parkstone Heights, as such it cannot be considered that the arrangement of plot widths has an impact on the character of the area.
13. Based on the current proposed design and layout, it is considered that the development proposed within the current application would not appear out of keeping with the established pattern of development within its immediate vicinity.
14. Further explanation (not forming part of the formal description of development set out above)

15. Description of Site and Surroundings

16. The application site comprises of a 1930s style detached bungalow dwelling with a hipped pitched roof following a broadly L shape footprint on the southern side of Parkstone Heights in the Newtown and Heatherlands ward of Poole.
 17. The surrounding area is predominantly residential in character. The street scene is varied comprising of a range of architectural styles and detached and semi-detached style dwellings. Architectural styles are varied comprising of 1930s style and mid-century style dwellings and some more modern recent/newly built dwellings and white render dwellings.
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18. To the west is a detached two storey dwelling with front bay projections and a tile hipped pitched roof. To the east is a detached bungalow No.1 set approximately 10m away. The plot has a large rear garden area. Within the garden are no trees. There is a street tree at the front.

19. Relevant Planning History:

20. APP/18/00222/F - Demolition of existing properties and erection of two detached bungalows and a block of eight apartments together with associated parking, cycle parking and refuse storage. Refused.
21. APP/18/00844/F - Demolition of existing properties and erection of a pair of semi-detached properties and a block of eight apartments together with associated parking, cycle parking and refuse storage. Refused and dismissed at appeal for the following reasons:
22. The development for the proposed flats, including building, parking provision and access road, fails to reflect the established pattern of development and neighbouring buildings in terms of design, layout, siting, height, scale, bulk and resultant plot coverage. The proposed development would appear visually harmful and discordant and represents an overdevelopment of the site, failing to preserve or enhance the immediate area's residential character and would therefore be contrary to Policies PP27 and PP28 of the Poole Local Plan (adopted November 2018).
23. Due to the size and positioning of the proposed block of flats, the development would appear unduly overbearing and visually intrusive when viewed from the two existing windows in the south-west elevation of No. 3 Constitution Hill Road, resulting in overshadowing and a significant loss of light. Furthermore, the proposed vehicular access serving the flats would harm the quiet enjoyment of the occupiers of this neighbouring property when utilising their rear garden and home office. The proposed development would be demonstrably harmful to the amenity of the occupiers of No. 3 Constitution Hill Road and would therefore be contrary to Policies PP27 and PP28 of the Poole Local Plan (adopted November 2018).
24. APP/19/01356/F - Demolition of two existing dwellings and construction of 6 no. 4 bed dwellings together with associated parking and landscaping. Refused and appeal was turned away because it was submitted after the time limit.
25. APP/21/01655/F | Demolition of existing bungalow and erection of three dwellings. Refused.
26. APP/22/00374/PA - Construct an additional storey to the existing bungalow subject to the conditions and limits of permitted development. Grant of Prior Approval.
27. APP/22/01073/F | Demolition of existing bungalow and erection of three dwellings. Non-Determination and Dismissed at appeal.
28. The original decision was made on 6 October 2022 granting planning permission for the development subject of this appeal. The decision was quashed following a Judicial Review on the grounds that Council officers did not have delegated authority to make a decision at that time. The original decision was quashed on a procedural matter. That is, the application that was subject to Judicial Review was recommended for approval by the previous planning officer.
29. It is considered important to state that the planning officer involved in the Judicial Review application is no longer with the Council and that the current case officer has considered the position afresh but with full regard to the history and relevant issues arising from that.
30. Following the submission of appeal against non-determination, the inspector dismissed the appeal on the following ground:
31. The proposed development would be contrary to Policies PP27 and PP28 of the Poole Local Plan (2018) (LP) which, amongst other things, seek a good standard of design that reflects or enhances
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local patterns of development including in terms of layout and siting; height and scale and bulk and massing including the roof and that the subdivision of plots respects and enhances local character.

32. PREA/24/00049 - Demolition of existing bungalow and erection of three dwellings. Advice Given.

33. Constraints

34. Tree Preservation Order to rear of the site.

35. Public Sector Equalities Duty

36. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —

37. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

38. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

39. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

40. Other relevant duties

41. 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.

42. 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.

43. 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".

44. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

45. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

46. 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.

47. Consultations

48. BCP Highway Authority comments

49. The proposals are similar in highway terms to the previous planning application APP/22/01073/F, which was supported by the Highway Authority, subject to conditions and our comments are similar.
50. The existing access will be utilised for Plot 3, with new vehicle accesses proposed for Plots 1 & 2, which will require the kerbs, footway and grass verge area to be lowered across the extent of the accesses. The footway work will also require the repositioning of a streetlight.
51. All works associated with the footway crossing work will be at the applicant's expense, including the relocating of the streetlight and we would suggest the applicant contacts the Council's Street Lighting team for further details on the process for repositioning a streetlight.
52. Pedestrian Visibility Splays are shown on either side of the vehicle accesses and are acceptable. Parking for two vehicles for each dwelling is proposed, which accords with the requirements within the BCP Parking Standards. Vehicles will reverse onto or off the site, although as Parkstone Heights is not a classified road, this is acceptable.
53. An active Electric Vehicle Charging Point is annotated for each dwelling and the specific details to meet the requirements within the BCP Parking Standards can be secured by condition. Secure and covered cycle parking for four bikes is proposed for each dwelling, which would meet the relevant standards.
54. However, the position and access to the cycle stores is different in the "Site Layout Plan" and "Landscape Plan". Therefore, ideally the "Site Layout Plan" should match the details and layout within the "Landscape Plan", as this shows pathways leading up to the cycle stores, which would improve access and further encourage the use of bikes. Therefore, the Highway Authority defer for amended plans showing the "Site Layout Plan" matching the "Landscape Plan" with regard to the cycle store position and provision of pathways.
55. However, if you are minded to approve the application, we would recommend the following conditions and informative:-
56. HW100 – Parking: The development hereby permitted shall not be brought into use until the access, turning space, garaging/vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

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

57. Non-Standard Condition – Notwithstanding the approved "Site Layout Plan", the position of the cycle stores and provision of pathways leading to the cycle stores, as shown on the approved "Landscape Plan", must be constructed and available for use prior to occupation of any new dwelling hereby approved and shall thereafter be retained and kept available for those purposes at all times.
58. HW200 – 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) / the land hatched in ...colour...] as indicated on the approved plan(s) 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).

59. HW240 – EVC points “residential unit” - Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

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

60. IN130 – Kerb crossing to be lowered add words “Provision of the approved access will require a streetlight to be relocated, and the applicant is therefore advised to contact the Council’s Street lighting section responsible for the streetlight and the Council’s Street scene section responsible for dropped crossings, for further guidance on this matter. All works associated with the dropped crossing work, including relocating the streetlight, will be at the applicant’s expense.”

61. Arboricultural Officer’s Statement:

62. TPO 36/1965 protects the rear end of the site and all neighbouring properties with an area designation. There are no trees remaining on the site, but off-site trees will constrain the lower part of the rear garden.

63. The proposed development remains clear of trees to the rear with the new development being mostly on the same footprint as the existing house. To avoid accidental damage during development tree protection would be required – this could be conditioned or provided as part of the application. An area of concern is the loss of a street tree to accommodate access to the properties.

64. The parks department (arboricultural section) should be consulted to comment on the loss of the tree and the proposed new planting position. It would be more appropriate to design the accesses to be able to retain the street tree.

65. Recommendations: No objection STC, if minded granting consent please attach the condition below. If new information is submitted further comment can be made.

66. Protective Fencing and Ground Protection During Construction 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.

67. 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.

68. 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.

69. 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).

70. Waste Management Comment

71. *The proposed dwellings would each utilise a 240-litre capacity bin for recycling, 180 litre capacity bin for refuse and a 23 litre capacity bin for food waste (collected weekly once this service is introduced).*
72. *Residents may also subscribe for the garden waste collection service, via a 240-litre wheeled bin.*
73. *The collection vehicle would not enter the development to service the bins. Residents should present their bins at the kerbside and return them to their property boundaries once they have been emptied.*
74. *These plans are suitable from a Waste Collection perspective.*

75. Biodiversity Officer

76. *No comment was received from BCP Biodiversity Officer.*

77. Greenspace & Conservation

78. A preferable design would be to retain the existing and established tree in its current location and accommodate vehicle access to the side.
79. In either scenario the rooting volume of the tree will be impacted because of the removal of grass verge and hard surfacing, that could lead to a loss of viable lifespan. The hard surfacing of a wider vehicle entrance to the proposed properties will limit the amount of air and water that is accessible for either the current, or new, tree rooting system. This should be accounted for in the design with suitable proprietary crate system with air ventilation under porous tarmac.
80. It is noted that a replacement tree is included to compensate for the mature tree proposed to be removed. If this is strictly necessary, then the replacement should be:
Fastigate Oak
a minimum 18-20cm girth at 1m dbh
planted in the grass verge with appropriate water tube irrigation system
wood mulch circle surround to a min 1m diameter.
Below ground root anchor fixing system.
Watering bag supplied and fitted.
Planted in winter dormant season.

81. Representations

82. Site notice was posted outside the site on 4th October 2024 with an expiry date for 28th October 2024.
83. 15 Representations were received by the council during the course of the planning application following the publication of a site notice and neighbouring letters sent out. Objections were raised on the following grounds:
- Does not overcome previous reasons for refusal
Increased traffic generation
Parking issues caused by 3 dwellings
Disturbances/Traffic during construction
Design fails to accord with the local area
Overlooking towards neighbouring properties
Overdevelopment within a suburban environment
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Inadequate infrastructure to support the development.

The proposal would be harmful to the character and appearance of the area.

The development also does not comply with Policy PP28 "Flats and plot severance" as, it does not provide sufficient land of an appropriate size and shape and relationship to neighbouring development that would preserve or enhance the area's residential character.

There is concern about the construction process.

Object to the size and scale of this proposed development.

Impact on the safe and efficient operation of the local highway

Ecological impact on the site.

Loss of tree

Cramped and overdevelopment of the site.

84. **Officer's comment:** Each application is determined on their own merits submitted at the time of the planning application. The representations have been considered and the material planning issues raised are discussed in this report.

85. Key Issue(s)

The main considerations involved with this application are:

Presumption in favour of sustainable development

The principle of development

Impact on the character and appearance of the area

Impact on residential amenity

Highway safety and parking

Impact on biodiversity

Impact on trees

Impact on sustainability

S106/Contributions

86. Policy context

87. 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...

88. Poole Local Plan (Adopted 2018)

PP01 Presumption in favour of sustainable development

PP02 Amount and Broad Location of Development

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

PP39 Delivering Poole's Infrastructure

89. Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)

The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)

Nitrogen Reduction in Poole Harbour SPD Poole

Harbour Recreation 2019-2024 SPD

90. Draft Local Plan

Policy NE3: Biodiversity

Policy BE1: Design and high-quality places

Policy BE3: Living conditions

Policy H1: Housing delivery

Policy H3: Housing Mix

Policy H4: Internal and external space standards

Policy T1: Transport strategy
Policy T2: Transport and development

91. National Planning Policy Framework (“NPPF” / “Framework”) December 2024

Section 2 – Achieving Sustainable Development
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 15 - Conserving and enhancing the natural environment

92. Planning Assessment

93. Presumption in favour of sustainable development and Principle of development

94. A revised National Planning Policy Framework – December 2024 (the Framework) has been published since this submission of this application. Provisions of this revised Framework that are relevant to this decision are largely the same as relevant provisions of the previous version. On this basis, I am content that taking account of the latest version of the Framework in this application would not be unfair on the applicant.

95. The Local Authority as part of BCP (Bournemouth Christchurch and Poole) Council submitted the draft BCP Local Plan to the Secretary of State on 27 June 2024 for examination. The Local Plan process is expected to take around 12 months. If approved by the Inspectors, 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 consultation version, the potential changes are given very limited weight in the consideration of this application.

96. “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%.

97. 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. 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.

98. The 1 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 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.

99. For this planning application the benefits provided from the supply of an additional residential units is considered to carry significant weight in the planning balance.”
100. 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. Policy PP2 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. A sustainable transport corridor is defined by the Poole Local Plan as being 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.
101. 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 must be applied to the provision of additional residential accommodation which meets these policy objectives given the current council housing land supply of 1.6 years against a 4-year housing requirement that includes a 20% buffer.
102. In this instance, the application site is located within the sustainable transport corridor as identified by Policy PP2 and indicated on the Proposals Map, being located in a sustainable location in proximity to the local services and facilities and with access to the public transport service stops (bus stations), where the majority of housing and higher density development should be directed. As such, the principle of the proposed development to construct 3 houses is therefore acceptable in this sustainable location in accordance with the provisions of Policies PP2, PP34 and PP35.
103. Impact on the character and appearance of the area
104. Policy PP28 states that residential proposals involving plot severances or plot sub-divisions will only be permitted where there is sufficient land to enable a type, scale and layout of development, including usable amenity space to be accommodated in a manner which would preserve or enhance the area’s residential character. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole’s character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
105. Paragraph 135 (a-c) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area over their lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are welcoming and distinctive places to live and visit; and create places that are safe, inclusive and accessible.
106. The application site comprises a detached bungalow located within a residential cul de sac. The property is set back into the plot and occupies its full width. It has a hipped roof, forward gable projection and garage. Many properties in Parkstone Heights have been extended and altered visible from the street. There is variation in the configuration of the built form, formed of bungalows and two storey dwellings, although most properties have deep frontages and distinguishable gaps between them giving the area a sense of spaciousness.
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107. The proposal is for the demolition of the existing house and replace with a larger building comprises 3 2 storey terraced houses with parking and outdoor garden space. The design approach has sought to evoke the appearance of one larger single building.
108. There is a single access point within the principal elevation of the site with two access points located along the flank elevations of the building. The siting of a dwellings on the plot would reflect the local pattern of development, where the dwellings follow the line of the road, and are set back behind small front gardens. The dwelling would be readily visible from the street scene and neighbouring properties.
109. It is acknowledged that the proposal would result in smaller plot sizes when compared to others along this section of Parkstone Road, they would nevertheless be proportionate and appropriate for the size of the proposed dwellings. In addition, the plot sizes are now increased from the previous application that was dismissed at appeal. Therefore, the plot size of each dwelling is considered proportional to the size of the dwelling proposed and would preserve the spacious character of the local area. The current proposal has endeavoured to address the issues raised by the inspector on the previous application that was dismissed at appeal. In this instance, the current proposal would have been reduced in width. This reduction in width has provided an opportunity for increased separation distances to be provided to the site boundaries. Furthermore, the design approach for this proposal, when compared with previous submission, has been altered to reflect that of a 1930's Edwardian Townhouse. This includes the use of a pitched roof and gable feature – the eaves, being a visual reference point, align with that of the neighbouring property, 7 Parkstone Heights, which in turn allows the proposal to fully assimilate itself into the street scene. The front elevation benefits from a ground level bay window feature on the left-hand side (when viewed from the road) which then transitions into a step forward and two storey bay window – collectively this feature positively address the Inspector's comments and provides a well-proportioned and articulated building which does not compete with or dominate the street scene.
110. Given the nature of this land and the spacing between buildings, the proposed layout, modest bulk and linear form of the proposed dwelling is such that the development would not appear a prominent or an incongruous addition within this area. Accordingly, the development would have a limited influence on the visual appearance within this area when viewed from the street scene. Consequently, the site can accommodate the development proposed such that the resulting built form would not cause significant harm to the character and appearance of the area.
111. Paragraph 125 (d) of the NPPF promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. The development plan encourages utilising land to its full potential with the aim of creating development that will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and would respect local character. Whilst the proposed development would be readily visible from within the street and neighbouring properties, it would be reasonably localised and would not significantly harm the character and appearance of the surrounding area.
112. Evidently the proposals would increase the density of development in the locality but, even so, they would not harm the appearance of the surrounding area nor undermine its character in a way that would be objectionable in planning terms. Overall, it is considered that the proposed dwellings would have only a limited impact on the surrounding area and satisfied that its character would not be materially affected.
113. The current proposal has endeavoured to address the issues raised by the inspector on the previous application that was dismissed at appeal. In this instance, the current proposal by reason of its current design, layout, scale and bulk would continue to fit neatly within its plot and would not meaningfully extend beyond the predominant building line on its side of Parkstone. Its resulting well-
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proportioned contemporary design would add to local distinctiveness by reflecting the evolving street scene of which it forms a part.

114. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. It would comply with Policy PP27 of the Poole Local Plan (adopted 2018) (Local Plan) which provides that, amongst other things, development will be permitted provided that, where relevant, it reflects or enhances local patterns of development and neighbouring buildings. Based on the current proposed design and layout, it is considered that the development proposed within the current application would not appear out of keeping with the established pattern of development within its immediate vicinity.
115. Amenity Impact
116. Based on the plan submitted, the proposed development would be taller and would project deeper into the site. Taking into account the length of surrounding gardens and the position of dwellings there would be adequate separation between nearby properties and the proposed development. To the rear, the development would have a deeper overall footprint in comparison to No.7. However, both the development and the main dwelling of No.7 are set off the boundary and there is some 4m between the two flank walls.
117. Residents have commented that the scheme could harm the amenity of neighbouring property in terms of loss of light. The proposed development would not result in a loss of light and outlook for the first floor windows of neighbouring properties. The proposed rear building line would not intercept a 45-degree line of sight taken from the mid-point of the window at the neighbouring property. As there would be no interception of this line, the proposed development would not result in a loss of light to this neighbours' windows.
118. With regards to No.1 Parkstone Heights, the neighbour to the east of the property, the proposed development would be set some 25m to the west. Given this significant separation distance, the proposed development would not result in a loss of light/privacy to habitable rooms of this property. With regards to potential overlooking of the garden the proposed development would provide first floor and windows within the roof which may have the potential to provide opportunities for views within neighbouring rear gardens.
119. However, there is a degree of existing mutual overlooking to the rear of the application bungalow and nearby properties. LPA acknowledge that the proposal would be closer to the rear boundary, however, there would not be any direct overlooking between the proposed dwellings and the areas closest to houses, which tend to be used more frequently. Taking these factors into account the LPA is satisfied that the height and position of windows would not unacceptably affect the living conditions of the neighbouring occupiers in terms of overlooking or privacy.
120. Notwithstanding its height and bulk, the development proposed would not result in a sense of enclosure or diminish the outlook experienced to a degree that it would be overbearing for neighbouring occupiers. The proposed development would not unacceptably affect the living conditions of neighbouring occupiers.
121. Whilst the proposed development includes windows in the ground floor side elevations, it is not considered to give rise to overlooking issue because of its height and boundary relationship with neighbouring properties.
122. The proposed dwellings would be spread out over three floors and the nationally described space standard document 2015 states that 4-bedroom 8 person dwellings over three stories should have 130 CM Gross internal floor area and 3 SQM internal storage. The proposed dwellings would meet this standard in accordance with the policy requirements within Policy PP27 of the Poole Local Plan. As such, the proposed dwelling would provide sufficient internal floor space with habitable room benefiting from sufficient windows and adequate outlook. The internal layout of the development provides an acceptable living environment.
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123. Paragraph 9.5 of Policy PP27 of Poole Local Plan states that it will be important to ensure that the right balance is struck between delivering urban intensification, whilst maintaining high standards of amenity for existing and future occupants. For housing development, the Council encourages applicants to comply with the national prescribed space standards when preparing and submitting planning applications. Schemes that are significantly below these standards e.g. more than 20% of floor space will need to demonstrate how the development will achieve an acceptable standard of living for future occupants.
124. The proposed dwellings would be spread out over three floors. The nationally described space standard document 2015 states that 4-bedroom 8 person dwellings over three floors should have 130 CM Gross internal floor area and 3 SQM internal storage.
125. The proposed dwellings would meet this standard in accordance with the policy requirements within Policy PP27 of the Poole Local Plan. As such, the proposed dwelling would provide sufficient internal floor space with habitable room benefiting from sufficient windows and adequate outlook. The internal layout of the development provides an acceptable living environment.
126. In addition, the proposed dwellings would be afforded with large private rear gardens which are of a suitable size and layout to facilitate a high-quality garden environment per dwelling.
127. Furthermore, bin storage will be available within the front garden of plot 2, while plot 1 and 3 would have their bin store to the rear and have to wheel their bins to the front garden for collection via the side access. This arrangement is considered acceptable and similar to what is obtainable within the vicinity of the application site.
128. The proposed development would not unacceptably affect the living conditions of neighbouring occupiers. In this regard it would accord with LP Policy PP27 which, amongst other things, seeks to protect the amenity of residents including in terms of sunlight, daylight, privacy and outlook.
129. Highway and Parking
130. In terms of parking each dwelling would be served by two spaces in the form of a tandem layout. The existing access will be utilised for Plot 3, with new vehicle accesses proposed for Plots 1 & 2, which will require the kerbs, footway and grass verge area to be lowered across the extent of the accesses. The footway work will also require the repositioning of a streetlight. All works associated with the footway crossing work will be at the applicant's expense, including the relocating of the streetlight and we would suggest the applicant contacts the Council's Street Lighting team for further details on the process for repositioning a streetlight.
131. Pedestrian Visibility Splays are shown on either side of the vehicle accesses and are acceptable. Parking for two vehicles for each dwelling is proposed, which accords with the requirements within the BCP Parking Standards.
132. Vehicles will reverse onto or off the site, although as Parkstone Heights is not a classified road, this is acceptable. An active Electric Vehicle Charging Point is annotated for each dwelling and the specific details to meet the requirements within the BCP Parking Standards can be secured by condition.
133. Secure and covered cycle parking for four bikes is proposed for each dwelling, which would meet the relevant standards.
134. Local residents have raised concerns about parking and highway matters, including the loss of off-street parking and the safe access through the streets resulting from on-street parking pressures. Be this as it may, while this development would result in a division of the plot, there would be off-street parking provision for occupants of the new dwellings, and the evidence advanced shows this provision would accord with local guidance on this matter. The number of
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vehicles associated with this would be very limited and would not significantly alter the existing parking conditions near the application site. Also, there is off-street parking space in the front and to the side of other dwellings in this area, and some on-street parking along the road.

135. Moreover, the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the above factors, no compelling evidence has been advanced that this development would harm the existing levels of highway safety near the application site. It is unlikely that two additional houses would materially increase vehicle movements along the road or result in congestion locally. Any displacement of a small number of resident's vehicles or visitors onto the road is unlikely to lead to parking stress or unduly affect highway safety.
136. The proposed development would not adversely affect the safe and efficient operation of the local highway network. It would accord with LP Policy PP35 of Poole Local Plan which, amongst other things, require developments to maximise sustainable forms of transport; safe access to the highway and contribute to the retention and creation of attractive, safe and accessible places.
137. Impact on biodiversity
138. The proposed development involves the demolition of existing dwelling on site. In support of the proposal, the application is accompanied by Preliminary Ecological Appraisal & BNG Assessment.
139. The report concluded that the residential building on site was assessed as having negligible potential to support roosting bats, primarily due to the good condition of the building and the roof structure leading to a lack of suitable external crevice roosts and there being no observable entry point into the loft void.
140. The trees and shrubs on site provide foraging and nesting opportunities for common bird species. It is recommended that any necessary vegetation clearance should avoid the bird nesting season (1st Marh – 31st august) unless inspection by an ecologist concludes there are no nesting birds present immediately prior to the commencement of works. If the presence of nesting birds is confirmed, any works which may disturb them will be delayed until the young birds have fledged the nest of their own accord.
141. Having been consulted, BCP Biodiversity officer offer no comment on the scheme. Given the information submitted with the application, officer is of the opinion that the development can be delivered without any significant harm to protected species. It is advised that the biodiversity recommendations as given in section 5 of Preliminary Ecological Appraisal & BNG Assessment by Pro Vision to be secured by condition and must be implemented in full.
142. In addition, an informative would be applied should bats are found during demolition that all work to cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist employed to address situation and Natural England contacted. The proposal, therefore, would accord with the aims of Policy PP33 of the Local Plan.
143. On BNG matters, mandatory biodiversity net gain set out in the Environment Act 2021 came into force on 2nd April for small sites. This requires a minimum of 10% Biodiversity Net Gain using the Statutory Biodiversity Metric. Due to the number of units proposed and the size of the site the site qualifies for the small sites' metric.
144. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021. BNG Metric has been submitted with the application. The metric demonstrates that 16.21% BNG can be achieved within the site.
145. The habitats of low and medium distinctiveness in moderate to good condition are being retained on site. The development would introduce shrubs, and a vegetated garden will be created. As further gain that can be counted towards the 10% can be provided within the curtilage of the residential dwelling, it is considered that the applicant in this case has retained as many habitats,
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particularly those on low and moderate distinctiveness, as is possible and as such, more than 10% BNG required would be achieved on site. Therefore, a condition will be imposed on planning consent to show how the required 10% BNG will be achieved prior to commencement of development on site.

146. Therefore, the development is acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan.

147. Impact on Trees

148. In assessing the proposal, it is considered appropriate to take into consideration the following: - Planning policy PP27 of the adopted Poole Local Plan (Nov 2018) states that "Development will be permitted provided that, where relevant, it 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."

149. There are no trees remaining on the site, but off-site trees will constrain the lower part of the rear garden. The proposed development remains clear of trees to the rear with the new development being mostly on the same footprint as the existing house. To avoid accidental damage during development tree protection would be required – this would be conditioned.

150. Furthermore, the proposed development would see the removal of existing tree located along the street pavement to accommodate access to the properties and a replacement tree would be planted adjacent to the new access point.

151. Nonetheless, the loss of an existing tree is not appropriate, however, the development would provide a replacement tree to mitigate the loss. As such, this is considered acceptable, and a suitably worded condition would be imposed to ensure the satisfactory relocation and replacement of the tree.

152. Sustainability

153. 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. An energy and resource statement were submitted with the application that set out how 10% of energy can be achieved by renewables and design.

154. The scheme incorporates passive design to enable benefit of daylight to living rooms to be optimised, southerly facing windows to maximise solar gain, using specification of thermally efficient materials and combinations of, improvement to the detailing and air tightness of the building, to achieve energy reduction.

155. A condition will be imposed to ensure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwelling through renewable energy sources are submitted, agreed and implemented in accordance with the requirements of Policy PP37 of the Poole Local Plan.

156. Waste collection considerations

157. The site would not be accessed by the Council's waste collection lorries and the residents of the proposed dwellings would have to present their bins close to the front of the site on collection days. The proposed scheme does provide details of the location of the individual bins for the new dwellings on site and collection point. There is an expectation that these could be accommodated within the curtilage of the dwellings in a manner that would not give rise to any additional conflicts with highway and/or pedestrian safety.

158. **Section 106 Agreement/CIL compliance**

| Contributions Required | | | Dorset Heathland SAMM | Poole Harbour Recreation SAMM |
|------------------------|--------------|---|---------------------------------------|--------------------------------------|
| Flats | Existing | 0 | @ £292 | @ £104 |
| | Proposed | 0 | | |
| | Net increase | | £0 | £0 |
| Houses | Existing | 1 | @ £510 | @ £181 |
| | Proposed | 3 | | |
| | Net increase | 2 | £1020 | £362 |
| Total Contributions | | | £1020 (plus 5% admin fee, min £75) | £362 (plus 5% admin fee, min £25) |
| CIL | Zone A | | @ £240.85sq m | |

159. 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.
160. 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.
161. 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.

162. The applicant has agreed enter into Section 106 legal agreement and pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM.
163. Other matter
164. Concern has also been raised regarding the loss of habitat. Most of the site comprises lawn. The garden is also mainly enclosed by fence panels with some sections of brambles and hedging. Part of this existing outdoor space would remain relatively undeveloped, and the submitted plans shows indicative planting which would enhance the site. Also, ecological enhancements are proposed, and this could be secured by condition. In addition, the development would be substantially set away from the adjacent open field such that no harm will be cause to any protected species within it.
165. It is asserted that the development would not comply with local plan policies as it relates to character and appearance of the area. The proposal would be a well-designed development. As a windfall, the development could be delivered quickly and would result in delivery of small dwellings in a built-up area, well related to services and public transport. Moreover, the evidence advanced in this case shows that the latest housing land supply position is less than two years in this district. This is a critical undersupply. The proposal would contribute towards the Government's objective to significantly boost the supply of homes. It would be a small contribution to the mix and supply of much needed housing in the area, but nonetheless the contribution, would be significant given the district's critically low housing land supply position.
166. Environmental Health does not hold any current records in relation to previous contaminative uses of the above development site itself, therefore a standard contaminated land condition is not necessary. However, the LPA deemed it fit to recommend that a watching brief be attached to any permission granted to protect the future users of the above development site from any unexpected contamination.
167. A revised National Planning Policy Framework – December 2024 (the Framework) has been published since this submission of this application. Provisions of this revised Framework that are relevant to this decision are largely the same as relevant provisions of the previous version. On this basis, I am content that taking account of the latest version of the Framework in this application would not be unfair on the applicant.
- 168. Planning Balance / Conclusion**
169. The 1 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. On 1 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.
170. In these circumstances, Paragraph 11 of the Framework states that the presumption in favour of sustainable development should apply, and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
171. The provision of three dwellings would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be modest due to the quantum of development proposed. In addition, there would be some limited benefits arising out of the proposal, most notably, in terms of the construction industry and from the spend of the future occupiers.
172. The site is close to a local centre within a short distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and
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not an over-reliance on a car. The proposal would help maintain services and facilities in Poole. These are all factors weighing in the scheme's favour.

173. The proposed development is considered to have an acceptable impact and respects the established character and appearance of the surrounding area. The proposed development would have an acceptable impact on neighbouring amenity and provides an acceptable standard of accommodation for future occupants. The development provides an uplift of 2 dwellings on this under-developed site. Given this, the proposed development is considered to provide 2 additional much needed family sized dwellings which comply with national housing standards contributing to Poole's housing stock and contributing to BCP's housing targets.
174. The LPA concluded that the proposal would not cause significant harm to the character of the area and the proposed replacement tree to mitigate against the loss of one tree would make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
175. Consequently, the presumption in favour of sustainable development does apply and LPA have no reason to take a decision other than in accordance with the development plan. Overall, the development benefits would significantly and demonstrably outweigh any harm identified when assessed against the policies in the Framework taken as a whole.

Recommendation

GRANT permission for the reasons as set out in this report subject to the following conditions:

Conditions

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

Reason -

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
BED 4 INDICATIVE SECTION; dwg no: PT-009-PA10-005 received on 23 Sep 2024
CYCLE P2 BIN STORE; dwg no: PT-009-PA10-004 received on 23 Sep 2024
STREET SCENE AND COMPARATIVE ELEVATION; dwg no: PT-009-PA10-003 received on 23 Sep 2024.
PLANS AND ELEVATION; dwg no: PT-009-PA10-002 received on 23 Sep 2024
SITE LAYOUT AND LOCATION PLAN; dwg no: PT-009-PA10-001 REV B received on 23 Sep 2024
ENERGY AND RESOURCES STATEMENT received on 23 Sep 2024
PRELIMINARY ECOLOGICAL APPRAISAL received on 23 Sep 2024
BIODIVERSITY HABITATS PLAN; dwg no: 541-2-R1 received on 23 Sep 2024
LANDSCAPE PLAN; dwg no: 541-1-R1 received on 23 Sep 2024
BNG METRIC received on 30 Sep 2024

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

3. Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works other than site clearance is commenced. The development shall thereafter be carried out in accordance with the approved materials details.
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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).

4. No part of the development hereby permitted shall be constructed above damp proof course level unless details as to the position(s), design, material(s) and type(s) of boundary treatment including those for sub-dividing the site to be provided as part of the development together with a timescale for its delivery has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied unless the boundary treatment has been fully provided in accordance with the approved details and the approved boundary treatment shall at all times thereafter be retained and maintained in a manner that ensures that the boundary treatment continues to provide suitable screening.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification no further windows, dormer window or doors other than those hereby expressly authorised by this permission shall be constructed on the development hereby approved.

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

6. No part of the development hereby permitted shall be commenced unless measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, have first been submitted to and approved in writing by the local planning authority. Such details shall include identification of arrangements for the future maintenance of such measures. No part of the development hereby permitted shall be occupied unless all the approved measures relating to the development have been fully carried out and therefore such measures shall at all times be retained and maintained in accordance with the details approved.

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).

7. Prior to commencement of the development, the applicant shall submit to the local planning authority written confirmation that the works involving the removal and relocation of the tree identified and shown on site layout and location plan (Dwg no: PG-009-PA10-001) approved plan have been agreed with the Council's street tree department. The works to remove and relocate the tree shall be completed prior to first occupation of any part of the development hereby approved.

Reason: In the interests of the streetscape and biodiversity gain in accordance with policies PP27 and PP33.

8. Protective Fencing and Ground Protection During Construction 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.

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, unless details of:

- (a) the location, size and materials of all barriers and ground protection measures that will be provided for trees that are to be retained on site together with the location of all such retained trees; and
 - (b) a timetable for the provision of the specified measures,
- all in accordance with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" (or an equivalent British Standard if replaced) have first been submitted to and approved in writing by the local planning authority ("the Approved Tree Protection Measures").
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The development shall only carry out in accordance with the Approved Tree Protection Measures and all the approved barriers and measures shall be retained until both the development has been completed and all equipment, machinery and surplus materials relating to the construction of the development has been removed from the site, unless an alternative time is provided for in the approved details.

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 Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.”

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.

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)

9. 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).

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

Reason -

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

11. 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(s) 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).

12. Notwithstanding the approved “Site Layout Plan (PG-009-PA10-001 B)”, the position of the cycle stores and provision of pathways leading to the cycle stores, as shown on the approved “Landscape Plan (541-R1)”, must be constructed and available for use prior to occupation of any new dwelling hereby approved and shall thereafter be always retained and kept available for those purposes.

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).

13. No part of the development hereby permitted shall be constructed above damp proof course level unless details of the provision of Electric Vehicle Charging Points and associated infrastructure have first been submitted to and approved in writing by the Local Planning Authority. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). No part of the development shall be occupied unless the approved charging points have been installed and thereafter the charging points shall at all times be retained, kept available for use at all times and maintained in full working order.
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Reason: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan (November 2018)

14. No part of the development hereby permitted shall be commenced unless a Landscape and Ecology Management Plan ("LEMP") that includes details of all habitat, ecology and landscaping associated with the development, all habitat to be retained as well as proposed habitat enhancement and habitat creation, together with all proposed related works, a timetable for provision and arrangements as to future on-going retention and maintenance has first been submitted to and approved in writing by the local planning authority.

The development shall only be carried out in accordance with the approved LEMP, and the habitat, ecology and landscaping identified in the approved LEMP shall always be retained and maintained in accordance with the approved LEMP.

Reason: To ensure the development will deliver a minimum 10% Biodiversity Net Gain for the purposes of the Environment Act 2021 and Schedule 7A of the Town and Country Planning Act 1990."

15. No part of the development hereby permitted, including any site clearance, groundwork and the bringing on to site of any equipment, materials and machinery for use in connection with the implementation of the development, shall be commenced unless a Demolition and Construction Method Statement has first been submitted to and approved in writing by the local planning authority which in particular includes details relating to the following:
- [(a) the parking of any vehicles of site operatives and visitors;*
 - (b) the loading and unloading of any plant and material;*
 - (c) the storage of all plant and material to be used for the purposes of any site clearance, ground work and construction;*
 - (d) the erection and maintenance of any security hoarding including any decorative displays and any facilities for public viewing;*
 - (e) any wheel washing facilities;*
 - (f) measures to control the emission of dust and dirt during any site clearance, ground work and construction; and*
 - (g) a scheme for recycling and disposing of waste resulting from any site clearance, ground work and construction.]*

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

16. No part of the development hereby permitted shall be occupied unless all the biodiversity measures identified in approved document [section 5 of Preliminary Ecological report by Pro Vision] have first been fully provided as approved and thereafter those measures shall at all times be retained and also managed and maintained in accordance with the details in the approved document."

Reason: In the interests of the of biodiversity gain in accordance with policy PP33 of Poole Local Plan

Informatives

1. Provision of the approved access will require a streetlight to be relocated, and the applicant is therefore advised to contact the Council's Street lighting section responsible for the street light and the Council's Street scene section responsible for dropped crossings, for further guidance on this matter. All works associated with the dropped crossing work, including relocating the streetlight, will be at the applicant's expense.
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2. 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. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

3. The necessary contributions towards SAMM arising from the proposed development have been secured by a S106 legal agreement and have been received.

4 Tree work consents on land not owned by the applicant – Council owned land:

Permission must be sought from the owner of the trees prior to approved work being carried out.

This consent does not in any way imply that this Council's Planning Department has sought such permission or will condone the use of consents to force any landowner to grant such a permission.

If the trees are located on Council owned land, permission is required from The Environment Arboricultural Team, BCP Council (BCPArbOfficerGroup@bcpcouncil.onmicrosoft.com). Any works subsequently approved must be undertaken by BCP Council's incumbent Tree Contractor, at the cost of the applicant

Background Documents:

Case Officer Report Completed
Officer: Babatunde Aregbesola
Date: 26/11/2024

Agreed by:
Date:
Comment: