

# Planning Committee

Application Address	5 St Clair Road, Poole, BH13 7JP
Proposal	Demolish existing garage and side extension and erect 1 no. house with parking
Application Number	APP/24/00799/F
Applicant	Mr Adams
Agent	ARC Architects Ltd
Ward and Ward Member(s)	Canford Cliffs Cllr J Challinor Cllr G Wright
Report Status	Public
Meeting Date	6 February 2025
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report subject to conditions, signed S106 and payment for SAMMS</b>
Reason for Referral to Planning Committee	Cllr Gavin Wright  Incongruous to the general street scene. Detrimental effect on protected trees. Loss of light to neighbouring property. Much too close to the neighbouring property.
Case Officer	Frances Summers
Is the proposal EIA Development?	No

## Description of Proposal

1. Demolish existing garage and side extension and erect 1 no. house with parking.
2. Please note that several amendments have been made to the plans in response to ongoing conversations with the public as well as the council's subject matter experts. As a result the footprint of the proposal has moved slightly back into the site, the architectural elements have changed and removed such a reliance on floor to ceiling glass windows, obscure glazing has been presented and windows to the bedroom on the first floor have moved to accommodate the ability to receive daylight. As such, some of the public comments relate to previous versions of the proposals.

3. To be clear, all comments have been taken into account in the determination of the proposal.

### **Description of Site and Surroundings**

4. In the Canford Cliffs ward, the application site is currently occupied by a detached two storey dwelling on St Clair Road. The character of the area is predominantly 2 – 2.5 storey dwellings of different architectural styles but with pale colour palettes all along this street, there are also front gardens with detached dwellings on sizeable plots.

### **Relevant Planning History**

5. 3 St. Clair Road - APP/24/00777/K - Certificate of lawfulness for proposed two-storey rear extension to create sun room and ensuite bathroom. Approved 22/08/2024.

### **Constraints**

6. Area TPO TPO1/0/415
7. Outside but close to shoreline character area

### **Public Sector Equalities Duty**

8. 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**

9. 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.
10. 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”.
11. 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**

- Natural England – comments received with regards to mitigation to be secured as per Dorset Heathlands SPD and Poole Harbour Recreation SPD
- BCP Trees – objection unless 50% of the garden is outside of tree canopy shading. Conditions required for construction phase of development
- BCP Highways – no objection, subject to condition
- BCP Ecology – no objection, subject to condition
- BCP Environmental Health Contamination – no objection, subject to condition

## **Representations**

12. Site notices were posted in the vicinity of the site allowing comments from 23 August 2024 to 9 September 2024 and again between 25 September and 9 October 2024.
13. 13 comments have been received which are summarised below;
  - Modern materials and design contrast sharply with traditional houses in the immediate and wider vicinity disrupting visual harmony of the street
  - Ridge height is significantly higher breaking the established building line and diminishing the street scene
  - Excessive bulk amplified by the inclusion of large side dormers and full width juliette balconies
  - Protrudes beyond the established rear building line at first and second floor creating oppressive living and overbearing feel especially given the dark metal cladding
  - Materials out of keeping with the area
  - Lack of rear garden space as dominated by large evergreen tree
  - Will contrast too sharply with existing dwelling in close proximity
  - Bin store against the fence with No. 3 causing unpleasant smells for No. 3
  - Visual intrusion from dormers and juliette balconies
  - Floor to ceiling windows on the full width of the rear of the building offers views into gardens diminishing privacy and enjoyment of their garden
  - Privacy issues from side windows
  - Outlook from No. 3 would be dominated by proposal at rear
  - APP/24/00777/K needs to be considered
  - Daylight and sunlight would be impacted and breaches BRE guidelines
  - Concern over impacts on trees
  - Overdevelopment
  - Plans are inaccurate
  - Site is not large enough to accommodate the development
  - Rear building line impacted by protrusion of rear elevation
  - Limited garden space
  - No levels shown on drawings but are needed to assess tree implications along with utility infrastructure information
  - Narrow profile out of keeping with street scene and character of the area
  - Canford Cliffs Land Society – echoes others' comments on character of the area, tree impacts and neighbour amenity impacts
  - Plot comparison plan does not take into account trees or extent of areas available for built form
  - Construction phases including scaffolding, plant equipment etc. will reduce the space available to protect trees further.
  - Protrusion of first floor over ground floor will this be 'filled in'?

- Use of Zinc roof or walls is inappropriate
- Branksome Park and Canford Cliffs Residents Association – echoes concerns already raised above regarding trees, massing, materials.
- Height to width ratio of and fenestration are out of keeping, different to others in street scene as they have not been squeezed into a row of houses of the same original character
- Narrow frontage exacerbating height
- *Barrel Tree Consultancy*– on behalf of Mr R Shutte (3 St Clair Road). TPO ref: No. 35. T1 – maturing sweet gum clear signs of health and vitality so sustainable feature in the short term. Seen from public vantages with high visual amenity and makes a notable contribution to the character of the area and street scene. Could grow to 16m in height and 7m canopy spread. Increase in built form would significantly increase the likelihood for additional and more expansive pruning or pressure for removal. However it must be recognised that this tree is already close to the current dwelling. That could warrant pruning irrespective of development proposal. T9 – maturing cedar in rear garden glimpsed from public vantage points. Potential to advance to maturity to about 18m high with lateral canopy up to 2-3m. This tree will substantially encompass the bulk of the garden directly influencing usage options for future occupants filling the space between the existing canopy extents and the proposed built form. This will result in pressure to manage the growth via pruning or felling. Principle habitable rooms i.e. dining, sitting room and lounge may be detrimentally influenced by the proximity of the canopy of the cedar tree retained within the rear garden. Attenuation tank is proposed within the RPA's. This could have implications on the trees. T2 and T3 could require clearance of some sort for construction but the AIA and TPP does not consider this. Technical details do not provide site specific detail in respect of the physical implementation of the proposed development change. T5 yew tree to the west of the existing driveway conflicts with tree report indicating it will be removed. Need to understand this as need to be clear about full extent and nature of excavation/ground preparation that will be required.
- *Right of Light Consulting* – on behalf of Mr R Shutte (3 St Clair Road). Conclusion that the proposed development does not satisfy all of the BRE Daylight and Sunlight tests. There will be a negative and harmful impact on the light receivable to 3 St Clair Road. Areas impacted – bedroom, landing, bedroom, hallway and landing.

### **Key Issues**

14. The key issues involved with this proposal are:
- Presumption in favour of sustainable development
  - Principle of development
  - Character of the area
  - Residential amenity and neighbouring amenity
  - Highways
  - Sustainability
  - Waste
  - Trees
  - Biodiversity

- Land contamination
- Drainage
- CIL/SAMMS

15. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

16. 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 following:

17. The Poole Local Plan (Adopted November 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
- PP38 Managing Flood Risk
- PP39 Delivering Poole's Infrastructure

18. 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 Supplementary Planning Document (SPD)

19. National Planning Policy Framework ("NPPF" / "Framework")

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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 in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

## **Planning Assessment**

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

20. 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.
21. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
22. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 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 the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
23. At 1 April 2024 BCP Council had a housing land supply of **2.1** years against a 5-year housing requirement that includes a 20% buffer. 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 five-year supply of homes.
24. In this instance, the scheme would provide 1 additional dwelling that would contribute towards the Council's housing delivery target. 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.
25. For this planning application the benefits provided from the supply of 1 new home is considered to carry limited weight in the planning balance.

### **Principle of development**

26. 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.

27. Policy PP2 sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is located outside of this corridor.
28. Nevertheless, in accordance with Policy PP2 (b), there is still potential for development to come forward outside of those areas and to contribute towards meeting housing needs. In this regard, the Council encourages the redevelopment of brownfield land in these areas so long as the proposed scheme is capable of delivering sustainable patterns of development, including achieving a policy compliant level of affordable housing.
29. With regards to affordable housing provision, Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. In this instance, the proposed development would be for the delivery of one additional dwelling that would have an overall floor space of less than 1,000 square metres and therefore the thresholds that would trigger the need for the provision of affordable housing would not be met. As such, the proposal would be policy compliant in terms of affordable housing provision.
30. The acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development. This is discussed below.

#### Character of the area

31. The proposal is for a two storey dwelling. 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.
32. 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.



33. The character of the area consists of relatively large plots with detached dwellings within them and with front and rear gardens. The proposal, though it is a plot subdivision, still creates a comparable size plot with others in the area as shown on the plot comparison plan submitted with the application. For instance, on St Clair Road, No. 18a and 18b are comparable as are No. 22a and 22b as well as Amaron on Cliff Drive. Though in different areas of the street or neighbouring streets they still form the same content in which this proposal will be sited.



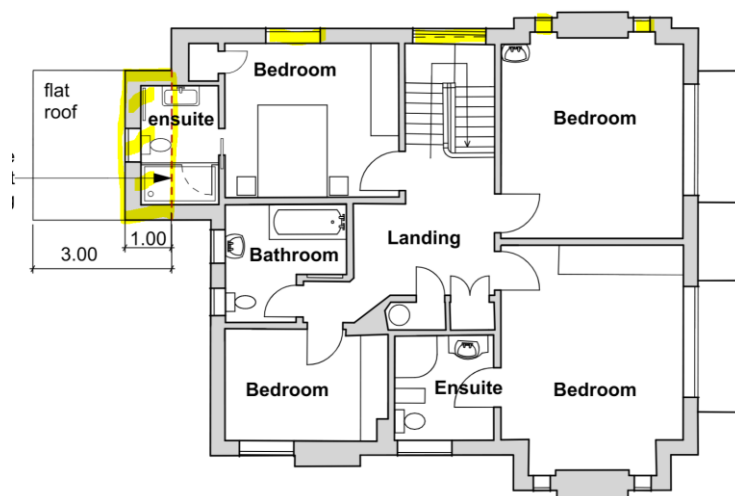
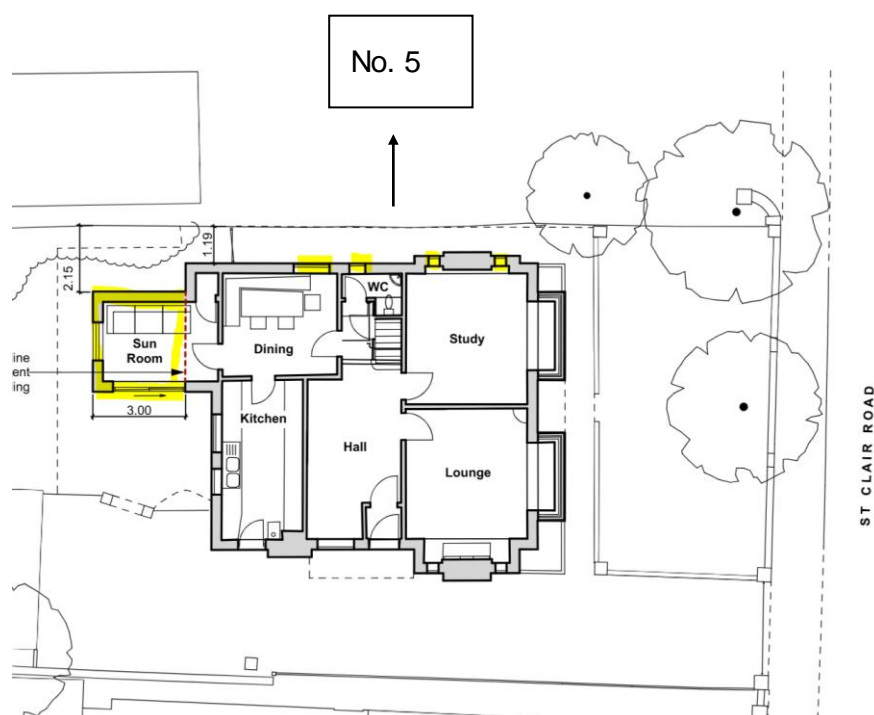
34. The architecture of the area is mixed with some very modern architecture filled with large windows and cladding and different roof forms, and more traditional architecture. Other examples of fairly modern architecture can be found at no.4, 10, 9 and 11, 18a, 22 and 26 St Clair Road. The proposal is very modern but would not look out of place considering the other modern dwellings in the street scene.
35. The roof types vary but either side of the proposal there are pitched roofs and gable end sections. The proposal includes a pitched roof and is therefore not out of keeping with the area.
36. The steepness of the pitch however is quite severe. The ridge height is approximately 11.5m whereas No. 3 is 10.8m and No7 has a maximum ridge height of 10.2m, the existing house has a ridge height of 9.7m. The eaves height of the proposal is c. 5.4m whereas No.3 is approximately 5m and No 5 is approximately 5.7m. The proposal's eaves height therefore is comparable.

37. The colour of the roof also stands out as it is proposed to be a very dark material. This would highlight the steepness of the pitch and would not be in keeping with the street scene, as such a condition would be attached to any positive decision requiring different materials and palette to be submitted for approval prior to commencement of the development. The roof must be constructed of materials found elsewhere in the street scene and must be of a light palette as shown in the street scene.
38. At first floor level there is approximately 5m between No3 and this proposal and 2.7m at ground floor level. Between this proposal and what will be No. 5 is 1.2-1.6m gap. For comparison, between No. 5 and No. 7, the existing arrangement has a gap of between 6.1 and 1.5m. The proposed gaps compared with the existing gaps do not create a visual impact as they are not out of keeping with other gaps in the area.
39. As such, though the pitch of the roof is quite severe, it is not significantly harmful as it does not present a much higher mass than what exists in the street scene currently.
40. The design as a whole is suitable and in keeping with the character of the area and pattern of development. Therefore, the proposal is in accordance with PP27 in terms of the character of the area and street scene.

#### Residential and neighbouring amenity

41. PP27 states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.
42. By virtue of orientation, depth and height of the single storey rear projection and window positioning, the proposed dwelling would not result in harm to the amenities of the neighbouring occupiers of the donor property in terms of overlooking, overshadowing or overbearing impact.
43. Separation distances between this proposal and the property opposite, No 10, is c. 38m, the distance between this proposal and the property to the rear is approximately 32m. The distance between No. 5 and No. 7 is 6.6m the distance between the proposal and No3 at first floor level is 4.8m and the distance between ground floor level and No. 3 is 3m.
44. There are no windows proposed between No. 3 and the proposal at ground floor and second floor. At first floor an obscure glazed window would serve an ensuite and another larger bedroom window would look onto No.3, this window would also be obscure glazed. The windows at No. 3 that would be affected is primarily the stairwell window. Due to this and the separation distance between two side elevations, as suggested in the National Design Code, is suitable in an urban location such as this where some level of overlooking is expected. Given the windows affected are not significantly habitable rooms, and that the windows will be obscure glazed, it is not considered that this level of potential overlooking would be harmful.
45. There are no windows between this proposal and No.5 at first floor or second floor level, and at ground floor a high level narrow window would not lead to overlooking between these two properties.
46. Windows to the rear elevation would be present at all three levels, serving habitable rooms. There are also Juliette balconies at first and second floor level to the rear. The balconies are proposed to contain obscure glazing. These windows could result in some level of oblique overlooking into the gardens of No. 5 and No. 3 but this type of overlooking is common in rural areas and will be reduced by the obscure glazing to an acceptable level.

47. Furthermore, there are large trees and hedges on the boundary between No. 3 and the proposal that would help provide a level of screening.
48. A flat roof is proposed where the first floor is inset from the ground floor. This shall be conditioned to ensure it is not used as a balcony which could cause overlooking and loss of privacy to the neighbours and future occupiers.
49. No. 3 benefits from an extant certificate of lawfulness for a two storey rear extension to create a sunroom and ensuite bathroom (APP/24/00777/K) as shown on the plans below. The yellow highlights show the extension to the rear of the dwelling and the windows through which neighbours are concerned their privacy and right to light would be impacted. This has been communicated through public comments and conversations with neighbours. The windows are on the side elevation of No. 3 and would look onto the side, (south west) elevation of the proposal.



50. With regards to access to light, a daylight and sunlight assessment commissioned by the neighbours at No.3 concludes that
- “the proposed development does not satisfy all of the BRE daylight and sunlight tests. In our opinion the proposal will therefore have a negative and harmful impact on the light receivable by 3 St Clair Road in its proposed layout.”
51. Whilst this is acknowledged, the harm identified is in relation to the following windows and an explanation is provided accompanying the harm identified and why it is not considered to warrant refusal of the proposal:
- No. 12: This door is on the opposite side of the building to the proposal and serves, along with three other windows, the kitchen. It is assumed that the impact must be a result of the window in the dining room (window No. 7) that would look directly onto the side elevation of the proposal and would not receive as much light as currently but would provide some light through from the dining room into the kitchen. However, this kitchen area also has two further windows that would not be impacted and serve the area more than the dining room window does, therefore the harm arising from this is not materially harmful. Furthermore, Window 7 that serves the dining room, and windows 9-11 that serve the kitchen are expected to receive the same amount of light as they do currently and as such no harmful impact is expected in relation to the proposal. It is also worth noting that this window already does not receive sufficient light and already fails the daylight sunlight assessment.
  - No. 13: This window serves the hallway and is again on opposite side of building to the proposal. This window currently passes the daylight sunlight assessment but would fail the appropriate daylight distribution test where the ratio reduces from 1.0 to 0.77. However this is not a habitable room and not considered to result in such material harm as to warrant refusal.
  - No. 18: serves the back bedroom on the north eastern elevation. This bedroom currently passes the daylight assessment but would not be provided with sufficient daylight distribution if this proposal was erected. Given this bedroom is not a principle bedroom and there are other bedrooms as well as a window from the ensuite that will be created, the harm arising from the impacts is not sufficient to warrant refusal.
  - No 15 and 16: These are two windows that serve a bedroom along with a larger window to the southern elevation. These windows may be impacted somewhat but the southern elevation window is the primary window to this room and would provide sufficient natural light for the room. It is worth noting these windows do not currently pass the daylight assessment.
  - No. 17: This window serves the stairwell and landing. Though this window may be impacted it does not provide natural light to a habitable area and as such the impact is lessened. Further, this area does not currently receive sufficient light which would not be further significantly reduced enough to warrant a refusal or cause significant harm.
52. Further, the study is considered to receive sufficient daylight and would not be impacted negatively. Neither would the downstairs WC in a materially harmful way.
53. With regards to loss of privacy, given the separation distances already discussed, and the obscure glazing proposed and to be conditioned, it is not considered that these rooms would be significantly negatively impacted as these types of separation distances are very common in an urban environment such as this.
54. In terms of the amenity for future occupiers, the building size and internal living space is more than acceptable. The rear garden has been amended to provide at least 50% of the

space outside of a tree canopy to ensure it is a usable space. Furthermore, all rooms have access to natural light and meet the Nationally Described Space Standards.

55. The proposed dwelling is unlikely to result in a detrimental impact on the neighbouring properties and it would present acceptable living accommodation for future occupiers and therefore complies with Policy PP27.

#### Highways

56. Local Plan Policies PP34, PP35 and PP36 of the Local Plan gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. Among other aspects, they seek to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. The BCP Parking Standards SPD provides further requirements and guidance.
57. The proposed dwelling would reutilise the existing vehicle access and would be provided with sufficient parking to meet guidelines.
58. The existing dwelling would be provided with a new access, and two perpendicular parking spaces on the property frontage, which would require formation of a new dropped kerb crossing and the alteration of road markings at the applicant's expense, as advised by the Council's Transportation Officer.
59. The proposed dwelling would be provided with sufficient cycle parking to meet guidelines.
60. EV charging provision should be sought by condition for the proposed dwelling to meet Parking Standards SPD guidelines.
61. Therefore the proposal accords with PP34 and PP35 of the Poole Local Plan and there is no objection from the Highways Authority.

#### Sustainability

62. 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 proposal has been supported by Energy and Resources Statement which commits to the provision of renewable energy sources to meet this requirement. It is therefore 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 dwelling through renewable energy sources.

#### Waste

63. Policy PP27 of the Poole Local Plan 1(g) requires convenient and practical waste arrangements in accordance with relevant standards.
64. No details of waste have been provided as part of this application, but a condition can ensure details are provided and that they are acceptable. There is an expectation that a bin store would be accommodated within the curtilage of the proposed dwelling in a manner that would not give rise to any additional conflicts with highway and/or pedestrian safety.

#### Trees

65. Policy PP27 1(b) aims to protect trees, particularly where they make a significant contribution either individually or cumulatively to the character of the area and its local climate.
66. BCP Arboricultural Officers raised concerns with the design due to the design of the frontage being close to the tree at the front of the site and having a bedroom window that

would be shaded by the tree. The main concern regarding this was that the tree would prevent light reaching the bedroom which could lead to extensive and repeated pruning or felling of the tree in the future.

67. Furthermore, the arboricultural officer was concerned about the canopy of the tree in the rear garden as it resulted in the majority of the garden being in shade, again potentially leading to pressure to prune or fell the tree to free up more external amenity space for future occupiers.
68. The rear garden shape was amended to include 50% outside of the canopy cover, relieving the pressure to prune. Also, the layout of the proposal at first and second floor was pushed back into the site, providing more space for the tree at the front, and the window arrangement was amended so that the front windows affected would primarily be an ensuite at the second floor level with the first floor level having windows to the south western elevation wrapping around to the side, thereby providing access to natural light within this room relieving the shade caused by the tree and thereby reducing the pressure to prune the tree
69. Barrel Tree Consultancy responded to the consultation on behalf of Mr R Shutte (3 St Clair Road). They echoed the concerns of the Council's Tree Officer.
70. Construction impacts need to be considered, along with the installation of utility infrastructure. As such a condition will require detailed technical information to demonstrate that the retained trees will not be impacted during this phase of development.
71. As such, the impact on trees is avoided during the use of the dwelling and they could be protected by condition during the construction phase of the development in accordance with PP27.

#### Biodiversity

72. 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.
73. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 and this is supported by PP33 of the Poole Local Plan.
74. An Biodiversity Metric has been submitted with the application. The metric demonstrates that 10% BNG cannot be achieved onsite alone.
75. This is because no creation of habitats can be counted towards the 10% within the curtilage of the private dwelling as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.
76. Therefore, proposal can be made acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan.

#### Land contamination

77. The National Planning Policy Framework (NPPF) has an objective of preventing both 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. Furthermore, the NPPF requires that potential contaminated land should be subject to adequate site investigation

undertaken by a competent person and that where appropriate sites should be subject to remediation to make suitable for the proposed use.

78. The above development site involves the demolition of a domestic garage and the building of a new property on the footprint of the demolished garage. Residential garages may have been used for storage of vehicles, machinery, fuels, oils or chemicals and where spillages and leaks of fuels, oils or chemicals may have occurred, creating the potential for contamination to be present that could affect future users of the site. 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, we would recommend that a watching brief be attached to any permission granted.
79. Therefore, a condition can be attached to an approved permission requesting the watching brief and remedial action in the event that unexpected contamination is found at any time when carrying out the approved development to ensure the proposal would comply with chapter 15 of the NPPF.

#### Drainage

80. The site is within flood zone 1 with no surface water flooding risk meaning the risk of flooding is low. Drainage works will be carried out to ensure that flood risk is not worsened as a result of this development. A condition will ensure the drainage works proposed are implemented and therefore the proposal can be made compliant with Policy PP38.

#### CIL/SAMMs

81. 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.
82. 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
83. 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.
84. The applicant has committed to pay the relevant SAMMS contributions and sign the s106 upon a positive decision by the planning committee. Once this is complete, the proposal would accord with the provisions of Poole Local Plan Policies PP32 and PP39, the Poole Harbour Recreation SPD and the Dorset Heathlands SPD.
85. This scheme is also liable for CIL contributions which will become due upon commencement of development.

Contributions Required		Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Houses	Existing = 0		
	Proposed = 1	£510	£181
	Net gain = 1	£510	£181
Flats	Existing		
	Proposed		
	Net gain		
Total Contributions		£510  (plus 5% admin fee, min £75)	£181  (plus 5% admin fee, min £25)
CIL	Zone A	@ £230	

### **Planning Balance / Conclusion**

86. Given the shortfall of number of homes delivered in the Poole area, the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. In this case, the application provides sufficient benefits when weighed against the harm and should be approved.
87. The proposed scheme would contribute to the need for new housing, delivering one additional home, with suitable amenity and living conditions for future occupiers and neighbours. All aspects of the proposal are acceptable or can be made acceptable with appropriate conditions. The whole scheme is dependent upon the payment for SAMMS contributions and the signing of a s106 which the applicant has agreed to should an approval be granted by planning committee.
88. In conclusion, the proposal would therefore achieve the economic, social and environmental objectives of sustainable development, compliant with local plan policies and the provisions of the NPPF and is recommended for approval subject to conditions, payment for SAMMS and signing of s106 agreement.

### **Recommendation**

89. Approve subject to conditions, payment of SAMMS and signing of S106 agreement.

### **Conditions**

#### 1. GN150 (Time Expiry 3 Years (Standard))

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. PL01 (Plans Listing)

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

Floor Plans and Elevations, Drawing No: 9810/101 rev D, received 22 January 2025

Plot comparison and DRA, Drawing No: 9810/105 Rev A, received 15 July 2024

Site, block and location plans, Drawing No: 9810/100, rev C, received 24 January 2025

Updated TPP and AMS, ref: DS/14624/AC, received 2 September 2024

Updated AIA and AMS, Ref: DS/14624/AC, received 2 September 2024

Drainage Plan, ref: 9810/104 rev B, received 21 November 2024

Energy Statement, by Anders Roberts Associates Ltd, received 15 July 2024

Reason -

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

## 3. AA01 (Non standard Condition)

Prior to first residential occupation of the development hereby permitted, details of the bin collection arrangements and location of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall be implemented and maintained thereafter.

Reason –

In the interests of providing waste amenity for future occupiers in accordance with Policy PP27 of the Poole Local Plan November 2018.

## 4. GN090 (Obscure Glazing of Window(s))

Both in the first instance and upon all subsequent occasions, the windows on the approved plan (drawing no. 9810/101 rev D) on the south western elevation and the balconies on the north west elevation shall be glazed with obscure glass in a form sufficient to prevent external views.

Reason -

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

## 5. GN040 (Match Materials to the Existing Building)

Notwithstanding the approved plans, details of roofing materials (including the its colour) shall be submitted to and approved in writing by the local planning authority. The details shall then be implemented thereafter.

Reason -

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

## 6. GN162 (Renewable Energy - Residential)

Prior to first occupation of the dwelling hereby permitted, details of measures to provide 10% of the predicted future energy use of the dwelling from on-site

renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter. Documents required by the Local Authority include:

The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,

The corresponding EPC (Energy Performance Certificate), and

A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

Reason -

In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

#### 7. HW100: Parking

The development hereby permitted shall not be brought into use until the access and vehicle parking shown on the approved plan (Drawing No: 9810/100, rev C) have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

Reason -

In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

#### 8. HW240 (EV Charging points)

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 highway safety and in accordance with Policy PP35 of the Poole Local Plan (November 2018).

#### 9. Reporting of unexpected contamination

In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme re commencing.

Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

#### Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with chapter 15 of the NPPF 2024.

#### 10. Non standard condition

Prior to the first occupation of the development hereby approved, the developer shall submit a scheme to be agreed in writing with the Local Planning Authority, for the formation of a new dropped kerb crossing and alteration of the road markings on the highway outside the site, corresponding with the formation of the new access to the site. The scheme shall comply with the standards adopted by the Local Highway Authority. The agreed scheme shall thereafter be fully implemented, at the developer's expense, in accordance with the agreed program of works prior to first occupation of the dwellings hereby approved.

#### Reason -

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

#### 11. Drainage

The development, hereby approved, shall not be occupied until drainage works have been carried out in accordance with the approved drainage plan drawing No. 9810/104 rev B.

#### Reason -

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

#### 12. Construction method statement

A construction method statement detailing all demolition and construction activities that will be undertaken within or adjacent to root protection areas and tree canopy spreads or have implications for trees the details of which have been approved in writing by, the Local Planning Authority prior to commencement of any ground clearance, tree works, demolition or development must be carried out in strict accordance with the approved details. In particular, the construction method statement which provides the following: -

- a) details and specifications of the full extent of all necessary excavations within root protection areas and tree canopy spreads
- b) details, construction diagrams, specification and method of installation of specialist foundations and cellular confinement systems, including proposed locations of all necessary equipment and working

space required to construct foundations and walls

c) areas for the loading and unloading of plant and materials

d) location of storage compound for materials and mixing areas

e) means of transporting materials, plant and equipment around the site

f) location of all temporary site buildings, storage containers and welfare facilities

g) location and details of cranes, piling rigs and plant required to undertake all demolition and construction activities

h) location of contractor parking facilities

Reason –

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

### 13. LEMP

No part of the development hereby permitted shall be commenced unless there has first been submitted to and approved in writing by the local planning authority a Landscape and Ecology Management Plan (“LEMP”). The LEMP shall in particular include:

(a) details of all habitat, ecological matters (incorporating all species enhancements) and landscaping associated with the development including identification of what is to be retained as well as all proposed creation and enhancement;

(b) details of all proposed related works;

(c) a timetable for the provision of all identified habitat, ecological matters and landscaping; and

(d) details and arrangements as to future on-going retention, management and maintenance

The approved LEMP shall at all times be accorded with and the identified habitat, ecological matters and landscaping at all times retained, managed and maintained in accordance with the approved LEMP.

Reason:-

To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in

accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

14. Remove use of flat roof as balcony

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason -

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

## **Informatives**

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 afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

2. IN74 (Community Infrastructure Levy - Approval)

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

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

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

permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

### 3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by a S.111 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. IN89 (Biodiversity Net Gain Approval Required)

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.

### 6. Contaminated land

The application site has been reviewed for any potential contamination issues. The proposed development is sited within 250m of a significant area of unknown filled ground which potentially could produce ground gas.

The applicant is advised to consider incorporating matching ground gas

protection measures within the foundations of the proposed extension(s), so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently there is no need to install gas protection measures within the proposed extension.

Examples of existing ground gas protection measures include, but are not limited to, a ventilated sub-floor void space, a reinforced cast in situ concrete floor slab, a barrier membrane resistant to ground gases (not damp proof course).

### **Background Documents:**

APP/24/00799/F

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

Case Officer Report Completed: 24 January 2025

Officer: F Summers

Date: 24 January 2025

Agreed by: Monika Kwiatkowska

Date: 24/01/25

Comment: report agreed and recommendation supported