



# Planning Committee

Application Address	8 Scarf Road, Poole, BH17 8QQ
Proposal	Demolish conservatory and erect an attached 3 bedroom dwelling with private garden with pedestrian access off Tait Close
Application Number	APP/24/00820/F
Applicant	Mr Stevenson
Agent	Mr Howell
Ward and Ward Member(s)	Canford Heath Cllr C Matthews Cllr S Moore Cllr C Weight
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</b>
Reason for Referral to Planning Committee	<p>Sandra Moore, Canford Heath Ward</p> <p>This is the fourth planning application to build at this site. 3 refused and 2 appeals made, 1 is still outstanding and 1 has been decided (decision to refuse upheld).</p> <p>Proposed plot in close proximity to 10 Scarf Road, concerns re overbearing, overlooking and overshadowing – adversely effecting living conditions of existing and future owners. Would also be accessed from and overlook 3 Tait Close. Contrary to PP27 and PP28 Poole Local Plan.</p> <p>Application is a cause of concern for Canford Heath residents and is clearly contentious as demonstrated by the three previously refused applications and 2 subsequent appeals.</p>
Case Officer	Frances Summers
Is the proposal EIA Development?	No

## **Description of Proposal**

1. The demolition of the side conservatory and the erection of an attached 3 bedroom dwelling with private garden with pedestrian access off Tait Close.

## **Description of Site and Surroundings**

2. The application site is currently occupied by a semi-detached two storey dwelling on Scarf Road slot in between Adastral Road to the north and the end of the cul-de-sac at Tait Close to the south. The site benefits from pedestrian access via a pathway leading from Scarf Road to the east and

vehicular access from Tait Close with parking in a row of garages to the southwest of the site. The immediate vicinity features a range of plot shapes and sizes and varies in materials. The dwellings are mixed in terms of roof forms, design and materials.

### **Relevant Planning History**

3. APP/22/01657/F - Demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking. Refused. The application was refused on the grounds of overlooking from the first floor windows into No.10, lack of daylight into the proposed dwelling and overdevelopment of the site. An appeal was dismissed on the grounds of overlooking and overdevelopment of the site.
4. APP/23/00718/F – Demolish conservatory and erect an attached 3 bedroom dwelling with private garden and off-street car parking (revised scheme) – Refused. The application was refused on the grounds of overlooking from the first floor windows into No.10, lack of daylight into the proposed dwelling and overdevelopment of the site. This decision is being appealed but is not yet decided.
5. APP/2400100/F - Demolish conservatory and erect an attached 3 bedroom dwelling with private garden. Refused.

### **Constraints**

6. None

### **Public Sector Equalities Duty**

7. 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**

8. 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.
9. 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”.
10. 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**

11. BCP Highways – No objection subject to condition
12. BCP Environmental Health Contamination – no objection subject to condition

### **Representations**

13. Site notices were posted in the vicinity of the site allowing comments from 23 August 2024 to 17 November 2024.
14. 8 comments have been received which are summarised below;
  - Upstairs windows of the new house will be overlooking No. 3 Tait Close, particularly the front door.
  - Drainage impacts due to pressure on the sewerage system that is close to capacity and has issues from blockages.
  - Built over drain

- Insufficient unrestricted parking resulting in existing residents having to park further away and walk to their home and damage to borders due to cars going in and out of garages
- No pedestrian access is needed across gardens of No. 6 and 8 Scarf Road
- Not necessary to remove established plants and trees between No. 10 and No 6 and 8 scarf road.
- Rendering is not in keeping with surrounding properties
- Light restricted into No. 10 and upstairs landing window at No.8
- Land registry titles states no further building can be added to the two semi detached houses 6 and 8 Scarf Road
- Construction causing disturbance and parking issues
- Parking is not possible in Adastral Road as this is main highway
- No. 6 owns front garden.
- Impact on mental health due to giving up hobbies due to lack of parking
- Noise impacts from building works
- Plans cut across front garden of No. 6
- Windows blocked by proposal are south facing and get extremely hot in summer
- Proximity of the boundary to the proposal is noted
- People would walk past window who don't reside in the area
- Kitchen overlooks No. 10
- Not visually coherent
- Aging residents in the area concerned with parking arrangements
- Value of house diminished due to becoming terrace
- Substation in corner of car park where parking is not allowed
- Side window on landing is a means of escape in the event of a fire, removal of this also results in loss of air and light
- Removal of 40 year old Acer tree prior to applying to the council
- Setting inappropriate for another property
- Impacts on privacy for future occupants due to back door of No. 10
- 5 guinea pigs are sensitive to noise and would be sensitive to building work
- Loss of trees

#### **Key Issue(s)**

15. The key issue(s) involved with this proposal are:
  - Presumption in favour of sustainable development
  - Principle of development
  - Character of the area
  - Residential amenity
  - Highways
  - Sustainability
  - Waste
  - CIL/SAMMS
16. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

17. 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:
18. 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
19. 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)
20. 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**

21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. For this planning application the benefits provided from the supply of new homes are considered to carry limited weight in the planning balance

#### Principle of development

27. 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.
28. 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 within such a corridor and therefore the principle of additional residential development on the application site is acceptable and complies with PP2 subject to the proposals being tested against other relevant Local Plan policies.

#### Character of the area

29. The proposal is for a two storey end terraced 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.
30. 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.
31. The existing plot is notably wider than those within the vicinity and its subdivision will result in two plots with widths similar to those forming this row of dwellings.
32. Previous applications for a very similar footprint have concluded that though the proposed new dwelling would be attached to the southern side of the semi-detached dwelling forming a row of three terraced dwellings, given the presence of terraced dwellings in the area and mix of housing types, the change from semi-detached to terraced dwellings would not appear out of character.
33. The officers concluded that the proposed scheme would fail to assemble sufficient land in order to deliver a development of a type, scale and layout that would preserve the residential character of the area and therefore it is contrary to the provisions of Policies PP27 and PP28 of Poole Local Plan (November 2018). An inspectors decision (APP/V1260/W/23/3325076) upheld this view.

34. The agent has provided several examples of similar development within the vicinity, APP/20/01169/F (26 Adastral Road, Poole) and APP/19/01187/F (3 Kelly Close) however, it should be noted that these developments are substantially different from that of the proposed given that the proposal continues the form of development with no neighbouring issues.
35. This proposal has moved the front elevation to the western elevation so it is read as an extension rather than a new building in this row of terraces. Though it is clear that the arrangement of this proposal disrupts the visual separation between the properties, the harm resulting from this, given the building would now be read as an extension rather than a separate dwelling, and would have a front garden would be minimal.
36. This proposal is slightly lower in height than No.8 which is acceptable, furthermore the house is set back 0.8m from the front of No.8 which causes this proposal to look subservient to No.8 and the other homes but lessens its impact on the street scene.
37. The rear garden would be 11.16mx7.7m which is more than sufficient. This garden would remain larger than others in the area for instance the property opposite has a garden size of 6.84m x 9.19m and next door is 9.38x7.04m. The current garden being 12.6mx12.76m relative to the character of the area. In this respect it is considered that the plot size is comparable to the surrounding properties and would not be out of character.
38. 1.8m close boarded fence are proposed between this site and no.8 and around the rear of the site. This provides suitable boundary treatment in an area such as this. However the front garden is free of this which again is in keeping with the boundary treatments to the front of the other properties in the area.
39. A single storey to the rear extends approximately 2.34m into the south western boundary. There are a number of other examples of this type of extension in the area and is satisfactory.
40. A benefit to the current scheme is that having the main/front elevation on the side this will introduce additional passive surveillance of the parking court. At present there is limited visibility of the parking area and the design of the current proposal is an improvement in this regard as it will increase surveillance of the car parking area in accordance with established urban design principles.
41. Overall it is considered that the design and appearance of the proposed development is acceptable and the plot size would reflect the immediate context and the wider character and appearance of the area. As such the proposal is in accordance with Policy PP27 in relating to the character of the area and street scene.

#### Residential amenity

42. 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.
43. 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 (No 8 Scarf Road) in terms of overlooking, overshadowing or overbearing impact.
44. The proposed dwelling would not result in harm to the neighbouring occupiers to the south or west due to sufficient separation distances.
45. Previous proposals were considered to result in harmful levels of overshadowing and therefore a overbearing impact on No. 10 Scarf Road, but shadow illustrations submitted and considered at appeal indicated that this would be limited to a small part of the rear garden during late summer afternoons which would not lead to an unacceptable loss of sunlight and therefore would not be detrimental to the living conditions of the neighbouring occupiers of No. 10.
46. Furthermore, previous applications were refused due to overlooking from the front bedroom windows into the rear garden of No 10. An inspector dismissed this as significant harm claiming it was limited and not unreasonable in a residential environment. Nevertheless, this proposal only includes a small window serving a WC on the ground floor north eastern elevation, and a window serving a bathroom to the first floor north eastern elevation. The first floor bathroom is labelled on the plan as obscure glazed and a condition can ensure the ground floor bathroom window is also obscurely glazed. Therefore the issue of overlooking is avoided in this application.

47. Separation distances between this proposal and the property to the rear is 24.2m, there is 32.2m between the front elevation and the side elevation of No.3, and there is 33.5m between No.2 Tait Close and this proposal. The upstairs windows of the new house would be close to No. 3 Tait Close by c. 3.3m retaining a separation distance of 29m which is more than sufficient. As such there is no other instances of potential overlooking as a result of this proposal.
48. The south west elevation proposes bifold doors to the garden serving a living/dining area and there are two windows to first floor serving beds 2 and 3. None of these windows would present overlooking or privacy issues due to the separation distances between this elevation and the property opposite or No.2 Tait Close.
49. The south eastern elevation shows the frontage, this has a window at ground flood serving the kitchen, then the front door, followed by two long windows serving the dining room, there are two further large windows to first floor. None of these would present overlooking or privacy issues due to the separation distances between this elevation and the side elevation of No. 3.
50. The proposed dwelling is unlikely to result in a detrimental impact on the neighbouring properties and therefore complies with Policy PP27.

#### Living conditions of future occupiers

51. In previous applications, concerns were raised regarding the levels of sunlight/daylight provision for the north east facing habitable rooms which included the kitchen at ground floor and two bedrooms at first floor. The northeast facing windows were proposed to face directly onto the side elevation wall of the two-storey dwelling at No 10 Scarf Road at a distance of only 6m restricting levels of sunlight and daylight resulting in poor levels of natural light and a poor outlook. The inspector upheld the concern relating to outlook but not restricted light (reference APP/V1260/W/23/3325076), "the outlook possible for future occupiers of the proposed development would be significantly restricted, creating an unacceptable sense of confinement".
52. This proposal avoids this possibility as only two bathrooms look out onto the side elevation of No.10. The outlook from all other windows is more than acceptable and provides sufficient daylight for future residents.

#### Highways

53. 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.
54. The current proposals would not provide any off street parking, and would therefore be two spaces short of the Parking Standards SPD (2021) guidelines. Taking account of the previously submitted parking survey (22/01657/F), it can also be concluded in this case, that given the significant on street parking capacity available, that the current proposal would be unlikely to cause demonstrable harm to highway safety in this location as a result of a two space parking shortfall.
55. It is understood that neighbours are concerned about car parking spaces being taken by potential residents, and it is understood that the substation cannot be parked in front of, it is also acknowledged that there are those with limited mobility in the area but it is clear there is sufficient space for everyone. The site has nearby access to high frequency public transport on Adastral Road and to shops, services, and community facilities nearby in Adastral Square.
56. The SPD requires that new dwellings are provided with cycle parking. As such the proposed dwelling should be provided with secure and sheltered cycle parking with capacity for three cycles (one per bedroom) to meet guidelines. This should be in a convenient and accessible location. This can be sought and secured by condition.
57. Therefore the proposal accords with PP34 and PP35 of the Poole Local Plan.

#### Sustainability

58. 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

- 59. Policy PP27 of the Poole Local Plan 1(g) requires convenient and practical waste arrangements in accordance with relevant standards.
- 60. 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 sufficient space for a bin store so there is no reason why this cannot be provided.

#### Biodiversity

- 61. 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.
- 62. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021.
- 63. An Biodiversity Metric has been submitted with the application. The metric demonstrates that 10% BNG can not be achieved.
- 64. A member of the public made reference to the removal of 40 year old Acer tree prior to applying to the council. From aerial photographs it is not clear where the tree was positioned as it looks like it may have been in the rear garden of No. 8 not within the red line boundary of this site.
- 65. As no creation of habitats within the curtilage of the residential dwelling can be counted towards the 10% 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.
- 66. Therefore proposal can be made acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan.

#### Other considerations

- 67. Construction will be controlled by condition to ensure parking is provided for construction traffic in an appropriate location and to ensure the impacts from noise, dust and vibrations are controlled and do not impact on the amenity of neighbours.
- 68. No trees will be removed to accommodate the proposal
- 69. Drainage and blocking of drain covers must be accommodated by the local sewerage provider, this is not a matter for planning consideration. The applicant is advised to discuss the proposal with the sewerage providers as a matter of course.
- 70. It is claimed that the proposed red line boundary covers the front garden of No. 6 Scarf Road which is owned by someone else. Looking at the boundaries I do not see a conflict but also the applicant has signed Certificate A declaring they own the area and the application should be determined on this basis.
- 71. The value of a house and new people residing in the area are not material planning considerations.
- 72. The blocking of the side window to No.8 as a concern relating to loss of means of escape in a fire is not a planning consideration and would be dealt with by building control.

#### CIL/SAMMs

- 73. 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.



74. 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
75. 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.
76. The applicant has paid the SAMMS contributions. The proposal therefore accords with the provisions of Poole Local Plan Policies PP32 and PP39, the Poole Harbour Recreation SPD and the Dorset Heathlands SPD.
77. 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 C	@ £115 m	

### **Planning Balance / Conclusion**

78. 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.
79. 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 which is afforded positive weight in the planning balance.
80. In conclusion, and with the tilted balance applied, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits provided through the provision of new housing. The proposal will 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.

### **Recommendation**

81. Approve subject to conditions

## **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:

Proposed Plans, Drawing No. PL302 rev A, received 20 January 2025  
Location Plan, Drawing No. PL301, received 19 July 2024

Reason -

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

### 3. AA01 (Non standard Condition)

Prior to occupation 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 window(s) on the approved plan (drawing no. PL302 Rev A) 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 submitted plans, the materials and finishes to be employed on the external faces of the development hereby permitted shall match in every respect those of the existing building at No.8.

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 building 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. HW110 (Cycle Provision)

Prior first occupation, secure cycle parking will be provided in accordance with the scheme which has been submitted to and approved by the local planning authority, and thereafter retained.

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. HW010 (No Other Access Except That Shown)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order, no access, vehicular or pedestrian, other than that shown on the approved plan, shall be formed to the site.

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.

## 10. Construction methodology

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the implementation of best practicable means to reduce the impacts of noise, and parking. The plan shall include details of the following relevant measures, but not limited to;

- (i) measures the construction will take to minimise the impact on noise in relation to neighbour amenity; and
- (ii) a construction logistics plan that identifies the steps which will be taken to minimise the impacts of all vehicles (including construction, delivery and waste transport) entering or leaving the site and parking on or off the site;

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 08.00 to 18.00hrs Monday to Friday, 08.00 to 13.00hrs Saturday and no working on Sundays and Bank Holidays.

Reason: to ensure sufficient control measures are implemented to prevent disturbance to local residents during demolition and construction works on site in accordance with PP27 of the Poole Local Plan November 2018.

## 11. 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 [including any proposed hard landscaping and all boundary treatments];
- (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.

## **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.106 agreement and have been received.

## 4. IN84 (AA passed)

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

effect on the identified designated sites of Nature Conservation Interest.

#### 5. 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/24/00820/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: 24/01/2025

Officer: F Summers

Date: 24/01/2025

Agreed by: Jon Bishop

Date: 24/01/2025

Comment: