



Planning Committee

Application Address	48 Pearce Avenue, Poole, BH14 8EH
Proposal	Demolition of existing dwelling and erection of 3 no. detached dwellings and associated parking and landscaping.
Application Number	APP/24/00779/P
Applicant	Fortitudo (124) Limited
Agent	Mr Simon Ible
Ward and Ward Members	Parkstone Councillor Crispin Goodall Councillor Emily Harman
Report Status	Public
Meeting Date	6 March 2025
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Cllr Harman call-in due to gross over development that presents an overbearing and negative visual aesthetic when viewed from the harbourside and impact on neighbouring residential amenity. Over 20 neighbour objections
Case Officer	Darren Henry
Is the proposal EIA Development?	No

Description of Development

1. This is an Outline Planning Application with landscaping reserved. Matters relating to access, appearance, layout and scale are to be considered under this application. Consent is sought for the Demolition of the existing house and subdivision of the site into three plots, with two plots accommodating a detached three-storey dwelling and the third plot accommodating a four-storey dwelling, thereby creating a net increase of two dwellings. The dwellings will each have underground basement car parking facilities, along with bicycle storage and refuse bins.

2. The applicant has provided the following information:

- Application Form;
- Site, Block and Location Plan;
- Existing and Proposed Elevations;
- Existing and Proposed Floor Plans;
- Indicative Sea Scene;
- GIS Map;
- Tree Protection Plan;
- Arboricultural Impact Assessment;
- Arboricultural Method Statement;
- Pre-liminary Ecological Appraisal;
- Flood Risk Assessment;
- Design and Access Statement;

Description of Site and Surroundings

3. The application site is on the south side of Pearce Avenue and backs on to Poole Harbour. The site is occupied by a five-bedroom detached house set well back from the highway on an expansive plot. The property sits on top of a plateau with steps leading down to the rear garden which slightly slopes down towards the edge of the harbour.
4. The character of the area is residential, dominated by detached houses. When viewing the row of houses from the harbour, it is apparent that Pearce Avenue has begun a process of change, with most houses to the east of the application site being newer and appearing more modern and larger than those to the west of the application site.
5. Along the harbourside, the rear gardens have been landscaped with terraces and patios with various outbuildings, summer houses and boat stores, some with slipways and pontoons to take advantage of their harbourside location.

Relevant Planning Applications and Appeals:

6. APP/07/03165/F. Demolish existing and erect three detached houses with integral garages accessed from Pearce Avenue. Conditional approval on the 28/04/2008.

Constraints

7. TPO.76/2001 protects trees on the site with group and individual designations. All the trees are located to the front of the property with most of them being close to the front boundary.

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. Relevant to this application is the Planning (Listed Buildings and Conservation Areas) Act 1990, particularly clauses 66 (general duty as respects listed buildings in exercise of planning functions) and 72 (general duty as respects conservation areas in exercise of planning functions).
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

12. Biodiversity Officer—No objection subject to conditions.
13. Environment Agency—No comments submitted this time, although their previous comments relation to stated “*No comments to make as this consultation did not fall within a category to which we required a consultation on*”.
14. Environmental Health Officer—No objection, subject to conditions.
15. Local Highway Authority Officer—Defer for amended plans to include relocating the proposed cycle parking to within secure and covered stores at surface level. The cycle parking is now shown to be secure and covered in a suitable location at surface level. The LHA also recommended several conditions relating to Parking, Visibility Splays, Electric Vehicle Charging Points and Access Crossing.
16. FCERM / LLFA Officer—no objection subject to a management and maintenance drainage conditions.
17. Tree Officer—No objection subject to conditions relating to adhering to the Arboricultural Method Statement and Tree Protection Plan and that the development shall be constructed to a no-dig specification under supervision of a competent Arboriculturist.
18. Urban Design Officer—Object due to scale, overdevelopment of the site and impact on residential amenity.

19. Waste & Recycling—No objection.

Representations

20. Site notices were posted in the vicinity of the site on 12/08/2024 with an expiry date for consultation of the 02/09/2024.

21. 41 representations have been received, all objections, including objections Parkstone Yacht Club, Society for Poole and a Planning Agent representing the residents of local residents and the Elms Estate. The issues are summarised below:

- The proposal will impact the character and residential amenity of the area;
- The properties will dominate the sea view and street scene;
- The proposal will impact on privacy and cause loss of light;
- It will be incongruous with its surroundings, as they are designed very similarly unlike other houses in the area which are varied;
- Bulk and height will be detrimental to the character of area;
- Overdevelopment of the site;
- Houses are identical and would detract from the uniqueness of the area, with houses all having varying designs; Out of character with the area;
- Concerns about the environmental impact of these 3 huge houses;
- The development will result in the loss of established trees and shrubs;
- The existing house is 7,410 sqft, whereas the floor space of each of the dwellings is between 10,000 – 12,000 sqft;
- Will the development provide an appropriate mix of housing for the area, as stated?;
- The balconies will overlook neighbouring properties;
- We often see pipistrelle bats in the area whereas the ecological report states that bats are absent in the area;
- Only one drive serving the three houses;
- The proposal would have a detrimental impact on the highway safety and volume of traffic in the area, particularly due to the Drs Surgery and Parkstone Yacht Club. The houses will have 21 car parking spaces, 4 underground and 3 surface parking with only one access for the three houses. This will compound these issues.
- Excessive amount of car parking
- Concerned this is a stepped approach to developing flats.
- The very narrow gapping between the structures does nothing to reduce the unrelieved massing effect;
- The whole design is out of context with its neighbours and the general vernacular of the Elms Estate;
- The proposed balconies will directly overlook our front bedrooms and overlook other neighbours, where currently due to sympathetic siting and shielding we are not overlooked.

Key Issues

22. The main considerations involved with this application are:

- Impact on character and appearance of the area;
- Impact on Neighbouring Amenity;
- Space Standards and Housing Mix;
- Affordable Housing;
- Trees and Landscaping;
- Biodiversity Net Gain;
- Impact on parking and highway safety;
- Flood & Drainage;
- Sustainability & Climate Change
- Impact on protected Heathlands;
- Poole Harbour Mitigation.

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

Planning Policy Context

24. Poole Local Plan (Adopted 2018)

- PP01: Presumption in favour of sustainable development
- PP02: Amount and broad location of development
- PP07: Facilitating a step change in housing delivery
- PP08: Type and mix of housing
- PP09: Urban allocations outside the town centre
- PP11: Affordable housing
- PP27: Design
- PP28: Flats and plot severance
- PP33: Biodiversity and geodiversity
- PP35: A safe, connected and accessible transport network
- PP37: Building sustainable homes and businesses
- PP38: Managing flood risk
- PP39: Delivering Poole's infrastructure
- PP40 Viability

25. Supplementary Planning Documents:

- SPD1 BCP Parking Standards 2021
- SPD3 Dorset Heathlands Planning Framework (2020-2025)
- SPD4 Affordable Housing SPD (Adopted November 2011)
- SPD6 Nitrogen Reduction in Poole Harbour (Adopted 2017)

26. The National Planning Policy Framework (December 2024)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

“For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

27. The following chapters of the NPPF are also relevant to this proposal:

- Chapter 2 – Achieving sustainable development,
- Chapter 5 – Delivering a sufficient supply of homes,
- Chapter 8 – Promoting healthy and safe communities,
- Chapter 9 – Promoting sustainable transport,
- Chapter 11 – Making effective use of land,
- Chapter 12 – Achieving well-designed places,

Planning Assessment

Presumption in favour of sustainable development

28. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Policy PP01.
29. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. 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.

31. The latest housing supply data shows as of 1 April 2024, BCP Council has 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 policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. As such the tilted balance is engaged
32. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

Principle of the Proposal

33. The principle of housing development has in many ways already been established as the site is located in a traditional housing estate and therefore it would be considered a suitable location, subject to meeting the requirements of Policy PP28.

Impact on character and appearance of the area

34. The scheme proposes to demolish the existing detached house and subdivide the plot into three, replacing the existing dwelling with 1 three bedroom-detached house (Units 1) and 2 four-bedroom detached house (Unit 2 & 3).
35. Units 1 and 2 will be three storeys in height and will also include a basement level. Unit 1 is the smallest of the three, with 995sqm of floor space, followed by Unit 2, which has 1,035sqm of floor space.
36. Unit 3 will be built over four storeys, also with a basement, and will have a floor area of 1,142sqm.
37. The total amount of floor area is 3,172sqm, which compares to the existing floor area of 694sqm. Objections have been received on significant uplift of built development within the site that has been considered as overdevelopment. However, whilst most of the objections relate to the amount of floor space compared to the existing house, the application is for three houses, not one, and they will each have their own substantial plot, without appearing shoe-horned into position. The existing plot is approximately 4490sqm, which will be severed into 3 plots averaging around 1500sqm each. For comparison, the plot sizes of Nos 54 and 56 are approximately 1600sqm and this is similar to most of the other plots along this side of Pearce Avenue. In fact, the existing site is the anomaly, as it is significantly larger than all the other plots along the road. Similar objections were also raised with regards to the bulk and mass of the proposed dwellings. The dwellings to the west of the application site are also of a similar scale and mass to the proposed dwellings, for example Nos 54, 60, 62, 64, 66, 68 and 70.

38. As indicated in paragraph 38, over recent years there has been a process of renewal occurring in the area, resulting in a variety of architectural styles. The proposed dwellings fit into this evolving architecture, as the scale, modern design and form of architecture would be consistent with changing pattern and layout of the area and would in-keeping with the evolving character and appearance of the harbourside and street scene.
39. From the harbour the size and scale of the house would sit comfortably on the coastline and would not become a dominant feature, any more than many of the existing dwellings, particularly those to the east of the application site, where there recently larger houses have been built.
40. Other consistent attributes with many of the neighbouring properties is the siting of the houses on the plot and the general separation distances from the road and harbourside, which will be set within a well-maintained landscape of trees and boundary hedges to screen the houses from the street scene.
41. The Urban Design Officer (UDO) has been consulted and whilst the UDO has objected to the proposal on inappropriate design grounds, the case officer considers the proposal to be consistent with Local Plan Policy PP27, which states that a good standard of design is required for all new developments and fits in with and enhances an area's character within its context and reflects or enhances local patterns of development and neighbouring buildings in terms of layout and siting including building line and site coverage; height and scale; bulk and massing; materials and detailing; landscaping and visual impact. In addition, the Policy also requires that development responds to natural features, such as maintaining the existing trees so as to continue to make a significant contribution to the character of the area.
42. As with many of the more recent developments, the proposed dwellings will have a sufficient gap between neighbouring properties and the proposed dwellings themselves. Between Plot 1 and No.46 the separation distance is approximately 3m, compared to the existing distance of 3.7m. The gap between the existing property and No.54 is currently 2.3m, whereas the distance between Plot 3 and No.54 is 4.6m. This is due to Plot 3 being set away from the shared boundary whereas the current property is built-up right onto the boundary. The gap between the proposed dwellings is approximately 2.3m. As such, the Case Officer considers this is acceptable and creates a spacious environment rather than feeling cramped and enclosed and consistent with other plots in the area.
43. As shown in the Proposed Cycle Store Plans, Street Scene and DRA, Drawing No. 9755 / 508 Rev the gaps between the plots and the neighbouring properties on either side are some of the largest gaps in the run of houses.
44. Whilst landscaping is a reserved matter, Arboricultural and biodiversity information has been submitted, which propose that the existing trees are proposed to be retained with further trees and landscaping to be created, resulting in a Biodiversity Net Gain (BNG) of 10.34% (see the Statutory Biodiversity Net Gain section below).

45. The applicant has also submitted a Habitat Management & Monitoring Plan. This sets out a strategy detailing how the landscape will be managed over a minimum period of 30-years:
- create and enhance habitats for biodiversity net gain (BNG)
 - manage and monitor the BNG.
46. With regards to the proposed development, the proposed architectural design is considered compatible with many of the nearby and recently approved larger suburban dwellings. When viewed from the Harbourside, scene is varied, comprising a multitude of architectural styles and design. The Bulk and mass of the proposed houses is consistent with many of the newer houses along this stretch of the harbour. As such, the proposed development and architectural design are considered compatible within this suburban residential location.
47. Whilst it is noted that the proposal would change the visual appearance of the existing site from a more traditional building to a more contemporary appearance, it does not preclude that the visual impact will therefore be negative. Indeed, given the surrounding area has evolved, it is arguable that the proposed development is more in-keeping with the varying scales and designs associated with newer development and therefore the three new houses would not appear dominant or harm the visual the residential character and visual appearance of the Pearce Avenue or the harbourside and would be in accordance with Policy PP27 of the adopted Poole Local Plan (2018).

Impact on Residential Amenity

No.46 Pearce Avenue

48. No.55 will be adjacent to the west elevation of Plot 1. The east elevation of No.55 directly faces the west elevation of the existing house and will also directly face the west elevation of Plot 1. From the site visit, it appeared that there are no habitable room windows to the first floor of this neighbour's east elevation. Furthermore, there are no habitable room windows that face the neighbour's east elevation. However, whilst there is a bedroom window that faces to the east it does not directly overlook any habitable room windows to No.55. Furthermore, whilst the balconies may provide opportunities to overlook the rear garden to No.55, Planning Officers consider that privacy screens can be conditioned so as to restrict any views to the neighbour's garden area.
49. It is therefore considered that Plot 1 will have a similar relationship to that shared with the existing dwelling, as there will be no overlooking between primary habitable room windows.
50. Additionally, whilst the development goes beyond the front of the main house to No.55, there would be a gap of 2.2m between the proposed building and the boundary and a further 0.8m to the main dwelling. Furthermore, there is an

existing garage building at No.55 that sits between the proposal and the main house. As such it is not considered there would be any loss of light to the front or rear of the neighbouring property, beyond that which already exists.

No.54 Pearce Avenue

51. In this instance, Plot 3 will be closer to No.54 than the existing house. However, there will be a gap of 2m from the proposed dwelling to the boundary and a further gap of 2.6m to the dwelling at No.54. With regards to the separation gap at second floor this increases a further 1.4m and a further 2m at third floor, a total separation distance of 6m.
52. With regards to the relationship with No.54, Plot 3 does not breach a 45-degree sightline to any habitable room windows to No.54. furthermore, whilst there are habitable room windows to the southeast bedrooms on the second and third floor facing eastwards, they would not be overlooking any habitable room windows to No.54. Additionally, a condition will be imposed requiring a privacy screen is erected to ensure there will be no overlooking into the rear garden of No.55.

Between Plots 1, 2 and 3

53. There is a potential issue with regards to overlooking living room areas to plots 1 and 2, as there is a small habitable room window to the east elevation of Plot 1 that faces the living room window to the west elevation of Plot 2. However, these are not the primary windows, as there are other larger sources of light to these rooms and therefore these can be conditioned to be obscure glazed, to prevent any direct overlooking.
54. With regards to overlooking from the balconies into the front and rear gardens, Planning Officers consider that a condition can be imposed requiring privacy screening will ensure that the development is acceptable for future occupants.

Overall

55. Given the fact that there will not be any direct overlooking between any primary habitable room windows and that a condition will be imposed to ensure that the habitable room windows directly overlooking the living rooms to Plots 1 and 2 will be obscure glazed and a further condition imposed requiring the balcony areas to all plots shall be adequately screened to prevent overlooking into the front and rear gardens, Planning Officers consider the proposal will have no impact on neighbouring residential amenity or to the amenity of future occupants, in accordance with Policy PP27.

Space Standards & Housing Mix

Space Standards

56. The Government's Nationally Described Space Standards (NDSS) "*sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy*" and is a useful benchmark in respect of the size of accommodation.
57. Policy PP27 states that "*Development will be permitted provided . . . it: (d) provides satisfactory external and internal amenity space for both new and any existing occupiers*".
58. The existing house is to be demolished has five bedrooms, all on the first floor, with a total floor space area of 694sqm. The existing plot of land will be divided into three separate plots, Unit 1, Unit 2 and Unit 3. Unit 1 has 995sqm of floor space, with 270sqm at basement level, 260sqm at ground level, 256sqm at first floor level and 252sqm at second floor level, with three en-suite bedrooms located on the second floor.
59. Unit 2 has 1035sqm of floor space, with 307sqm at basement level, 272sqm at ground level, 256sqm at first floor level and 193sqm at second floor level, with three ensuite bedrooms located on the second floor.
60. Unit 3 has 1142sqm of floor space, with 263sqm at basement level, 267sqm at ground level, 259sqm at first floor level and 202sqm at second floor level, and 144sqm at third floor level, with three en-suite bedrooms located on the second floor and one en-suite bedroom on the third floor.
61. Each site has plentiful external amenity space to the front and rear.
62. Overall, then, the proposal would provide an acceptable level of internal and external space for all the occupants, in accordance with Policy PP27 and the NDSS.

Housing Mix

63. Policy PP8 states that "the Council does not prescribe a particular housing mix development should follow. The mix will be considered on a case-by-case basis and will be dependent upon the context of the site and any other issues such as viability".
64. The Dorset and BCP Local Housing Needs Assessment 2021 (Housing Needs Assessment) divides Bournemouth, Christchurch and Poole into sub-areas, with Parkstone Ward located in the Sandbanks Sub-area, as shown in Table 2.8 of the Housing Needs Assessment. The Housing Needs Assessment identifies the greatest need for market housing in the Sandbanks Sub-area are for three-bedroom houses (39%), followed by two-bedroom houses (32%), then by four+ bedroom houses, with the least need for one-bedroom houses (5%). As such the proposal will contribute a mix of housing, with two much needed three-bedroom dwellings and one four bedroom dwelling.

Table 1: Modelled size requirement by sub-area – market housing – BCP (taken from the Dorset and BCP Local Housing Needs Assessment 2021, Table 9.22)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Inner Central	13%	44%	30%	13%
Inner East	5%	33%	43%	20%
Inner Suburbs	6%	32%	44%	18%
Inner West	6%	32%	45%	17%
Outer Central	11%	34%	36%	19%
Outer Suburbs	4%	29%	40%	28%
Sandbanks	5%	32%	39%	24%
TW and QP	5%	31%	37%	27%
BCP—Total	6%	33%	42%	20%

65. Overall, then, Planning Officers consider the proposal provides sufficient internal and external space with adequate landscaping for occupants to enjoy a good standard of living and the proposed dwellings will contribute to achieving a good balance of housing that will go some way to providing a range of households suitable for larger families where there is a need for such dwellings, in accordance with Policies PP8 and PP27.

Affordable Housing

66. Housing affordability presents challenges in meeting the Council's housing needs. A key priority of the Housing Strategy 2021 – 2026 is to Improve housing options, including meeting housing needs.
67. The estimate of the total current affordable housing need Set out in the Dorset and BCP Local Housing Needs Assessment is around 5,600 households (or 55.8%) in the Council area, as shown in the Table on the slide. This equates to around a need of 332 affordable dwellings per year for the period (5,600 divided by 17).
68. Table 2 also shows there is significantly less need for larger houses i.e. three and four bedroom housing in the Sandbanks Sub-area, with greatest need for one and two-bedroom (smaller) Affordable Housing units.

Table 2: Modelled size requirement by sub-area – social/affordable rented – BCP (taken from the Dorset and BCP Local Housing Needs Assessment 2021 Table 9.26)

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Inner Central	50%	33%	14%	3%
Inner East	44%	30%	23%	2%
Inner Suburbs	35%	35%	26%	4%
Inner West	38%	34%	25%	3%
Outer Central	39%	36%	21%	4%
Outer Suburbs	48%	28%	22%	2%
Sandbanks	48%	30%	19%	3%
TW and QP	43%	32%	22%	3%
BCP – TOTAL	39%	33%	24%	3%

69. All planning applications in Poole proposing major residential development will be subject to the Poole Local Plan adopted affordable housing policy, PP11, which states that “(a) To meet housing needs, the Council will seek to maximise the amount of affordable housing from all housing schemes (Use Class C3) of 11 or more homes or over 1,000 sq. m in floor space. Due to different land values across Poole, the Council will seek two different affordable housing targets:
- Within Poole Town Centre Boundary - 10% affordable housing; and
 - Rest of Poole - 40% affordable housing.
70. In this instance, the application is applicable due to the amount of floorspace, totaling 3,172 sqm (or 2,332sqm excluding basement). As such, since there are only three houses (two net) in total, the Council would consider it more practical for the applicant to provide an off-site commuted sum, in line with part c of the policy, which states that “(c) *On sites of 11-20 units, the Council will accept a commuted sum payment in lieu of the provision of affordable housing on-site where Registered Providers are unwilling to take on the required level of affordable housing on-site. The financial contribution will be equivalent to that provided on-site (land, build and servicing)*”.
71. The Housing Enabling Officer has calculated an off-site commuted sum of £270,000.00. The calculation has been provided to the applicant who has agreed to pay the full commuted sum.
72. With regards to affordable housing provision, Planning Officers consider the off-site contribution complies policy PP11.

Sustainability

73. In 2019, BCP Council made its emergency declaration to both climate change and ecology with its aim “*to keep climate warming below 1.5 degrees C to avoid further environmental damage, population displacement, biodiversity loss and risk to life*”.

74. Consequently, national government and local government has put planning at the forefront of tackling change with regards to new developments. The relevant policy, Policy PP37 Building sustainable homes and businesses, for instance, aims to reduce the impact of climate change by setting out measures to mitigate the impact as well as how new development can adapt to climate change and ensure climate warming stays below 1.5 degrees C. In relation to renewable energy, the policy states, in part, that (a) *“where appropriate, new development should incorporate a proportion of future energy use from renewable energy sources with: (i) a minimum of 10% for proposals of 1-10 homes (net).”*
75. No details have been provided as to the type of renewable energy to be utilised or where it will be located. As such, Planning Officers consider it is reasonable to impose a condition requiring the details of the type of renewable energy, and where it will be located, to be submitted to the Council prior to development above slab level, along with the submission of SAP calculations to demonstrate that each house will achieve a minimum of 10% of its energy use from a renewable energy source.

Impact on Parking and Highway Safety

76. Policy PP35 relates to new development contributing to ensuring safe, connected and accessible transport network that:
 “(a) maximises the use of sustainable forms of travel;
 (b) provides safe access to the highway.”
77. The proposal is located in Parking Zone D and therefore car parking provision is required. As such, the proposal has included two external, street level car parking spaces for each house and four basement car parking spaces for each house (along with identified locations for electric vehicle charging points), totalling six spaces per house. The proposal also includes external storage areas for each house, conveniently located to the front of the properties, suitable for four bicycles, with a storage area in each basement for a further two bicycles, totalling adequate storage space for six bicycles per dwelling.
78. Within Parking Zone D, BCP’s Car Parking Supplementary Planning Document (SPD), as set out in Table 10, requires two car parking spaces for three- and four-bedroom dwellings. With regards to cycle parking paragraph 3.3.3 of the SPD states that *“cycle parking should be in the most accessible location near the main entrance to any development and not be located in remote or inaccessible areas. Access to cycle parking should be easier than access to car parking with the exception of disabled car parking.”*
79. The Council has received a significant number of objections, many of which had concerns regarding the singular access point, the number of car parking spaces being excessive and highways safety.
80. Highways Officers have been consulted and have assessed the proposal, stating *“The proposed houses would utilise the existing access, which would be provided*

with pedestrian visibility plays. This would be suitable as a shared access in this location. The proposed dwellings would be provided with sufficient parking to meet SPD guidelines for houses in this location (Zone D), and I therefore do not anticipate there being significant impacts upon existing on street parking capacity. I also note that there are no significant restrictions to on street parking locally, and many properties do benefit from having off street parking in the vicinity of the site. The Parking Standards SPD (Jan 2021) requires all new development to include Electric Vehicle charging points, and as such the proposed houses should be provided with at least one EV charger each. Whilst I note the plans show locations of several EV chargers per dwelling, full details of the EV charging units should be sought and secured by condition to ensure they meet SPD guidelines. All of the proposed dwellings would be provided with sufficient cycle parking. The proposal would be unlikely to give rise to significant highway safety concerns”.

Overall

81. As the Highways Office is satisfied with the access, parking provision etc and has no objections, Planning Officers consider that with the imposition of conditions recommended by the Highways Officer the proposal will accord with Policy PP35 and the Car Parking SPD.

Statutory Biodiversity Net Gain

82. In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), it is now a statutory requirement that minor applications received since 2nd April 2024 provide an uplift in biodiversity of 10%, unless it can be demonstrated that an exemption applies.
83. The biodiversity gain hierarchy, as set out within articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a list of priority actions that must be followed in relation to biodiversity at the design stage of a proposed development.
 - first, in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), the avoidance of adverse effects from the development and, if they cannot be avoided, the mitigation of those effects; and
 - then, in relation to all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.
84. The first part of the Biodiversity Gain Hierarchy relates to any ‘medium’ or higher distinctiveness habitats (with a biodiversity score of 4 or higher according to the biodiversity metric) within the site, and states that priority must be given to avoiding harm, or mitigating harm to those habitats. Where it can be demonstrated and justified that it would not be possible to avoid or mitigate harm

to these medium or higher distinctiveness habitats, consideration of these habitats will then move to the second part of the Biodiversity Gain Hierarchy.

85. For all lower distinctiveness habitats (with a score above zero but less than 4), only the second part of the hierarchy will apply. In this case, the existing developed land/sealed surface has a very low distinctiveness value with a score of 0, whereas the introduced shrub and vegetated garden have a low distinctiveness with a score of 2, of which a total of 0.13 Ha (0.2 BU) will be lost. Therefore, biodiversity gain hierarchy requires developers to firstly prioritise compensation for any loss through the enhancement of existing or creation of new habitat onsite as far as possible. Where not possible, any shortfall can be made up through the purchase of off-site units or where these are not available, statutory credits.
86. With regards to the urban trees, these have a medium distinctiveness and a score of 4; however, these are proposed to be retained with further trees to be created.
87. The applicant has submitted a Statutory Biodiversity Metric and a Habitat Management & Monitoring Report. The Biodiversity metric confirms the existing on-site habitat of 0.58 Ha (2.59 Biodiversity Units), comprised 0.1348 Ha of developed land/sealed surface (with 0 Biodiversity Value), 0.0207 Ha of introduced shrub (0.04 BU), 0.1482 Ha of vegetated garden (0.29 BU) and 0.2809 Ha of urban trees (2.25 BU).
88. The post development habitat would create an additional 0.1961 Ha of habitat, comprising of 0.076 Ha of grassland (0.26 BU), 0.0351 Ha of developed land/sealed surface (0 BU created), 0.025 Ha of vegetated garden (0.05 BU) and 0.6 Ha of urban trees (0.17 BU), equating to a biodiversity net gain of 10.34%.
89. Although the exact details of any BNG contribution would not be required until after determination of the application, when discharging the biodiversity gain condition, Paragraph 019, Reference ID: 74-019-20240214, of the BNG Planning Practice Guidance, advises that consideration should be given at determination of an application of whether the biodiversity gain condition is capable of being successfully discharged. This includes consideration of whether the appropriate balance expected between onsite and offsite gains has been achieved in accordance with the Biodiversity Gain Hierarchy.
90. The applicant has submitted Habitat Management & Monitoring Plan and this has been reviewed by Planning Policy and Biodiversity Officers and is considered appropriate and achievable. As the proposal includes a number of trees which are medium distinctiveness, the proposed on-site habitat gains are considered to be 'significant'. Therefore, the legislation requires the LPA to ensure that the habitats are secured and maintained throughout the statutory 30-year period. Therefore, a s106 Agreement will be required to manage and monitor the habitats, and also to secure a fee to cover the costs to the LPA of the monitoring requirements for the proposed habitats over the 30-year period.

91. In this case, the monitoring cost to cover the 30-year period has been calculated at £2,889.00 and covers the costs to BCP Council to review the reports submitted by the applicant at each of the agreed intervals (years 2, 5, 10, 15, 20, 25, 30).
92. Whilst the development provides a BNG above the minimum 10% required, no significant habitats have been created and the amount of net gain is not considered to be significant. Therefore, there is no requirement for the applicant to enter into a s106 legal agreement.

Overall

93. In light of the above, Planning Officers are satisfied that the statutory biodiversity gain condition is capable of being and therefore being discharged, in accordance with the Biodiversity Gain Hierarchy.

Ecology & Trees

94. The applicant has submitted an Ecological Assessment (EcIA), undertaken by Pro Vision Ecology, dated the 24th of July 2024, to confirm the presence/absence of any protected/ notable plant or animal species, suitable habitats for protected species, such as bats, barn owls and other nesting birds on the site, badgers, reptiles and amphibians. Paragraph 192 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment”*. Paragraph 193 (a), furthermore, states that *“When determining planning applications . . . , if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
95. Planning Policy PP38 Biodiversity and Geodiversity states, in part, that *“Proposals for development that affects biodiversity, and any sites containing species and habitats of local importance, including Sites of Nature Conservation Interest (SNCI), Local Nature Reserves (LNR), ancient woodland, veteran trees and species and habitats of principal importance must:*
 - (a) demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact;*
 - (b) incorporate measures to avoid, reduce or mitigate disturbance of sensitive wildlife habitats throughout the lifetime of the development; and*
 - (c) seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks”*.
96. Section 5 and Appendix F of the Ecological Assessment provides a number of measures to mitigate against potential impacts to Dorset Heathlands and Poole Harbour, which are also covered by way of s106 contributions, as set out below. Mitigation measures are also set out with respects to bats, birds and reptiles, as well as enhancements for bats.

97. With regards to trees the applicant has submitted an Arboricultural Impact Assessment and Method Statement. This report identifies several trees to be removed, stating that *“Implementation of the proposed development will result in the removal of the cypress hedge, T1g and the bay laurel, T2, as shown in the Tree Protection Plan & Arboricultural Method Statement Plan, Drawing No DS/81523/AC. These trees do not have any particular amenity value on account of their location and T1g is growing too close to the building in the neighbouring property so is a potential nuisance. Removal of these will not have any significant impact on amenity”*.
98. The Tree Officer has reviewed the submitted information and has no objections, stating that *“All the trees are located to the front of the property with most of them being close to the front boundary. The application has been supported by an arboricultural impact assessment and method statement which identifies the trees on the site, their constraint, the impact from the proposed development and provides information to mitigate impact. A line of conifers in the rear garden on the southwest boundary are shown to be removed as part of the application these are low category trees which are not protected by the TPO, they are very close to the neighbouring property no objection is raised to their loss. No protected trees are proposed to be felled for the development. Possible damage to trees could arise from the increase of hardstanding within the RPAs of T3 and T4, this is to be limited using a cellular confinement system – details of which can be secured by condition. The low crown of T6 over the driveway could be damaged from construction traffic, it is proposed to be crown lifted over the driveway to allow 4m clearance, no objection is raised to this work, which is deemed to be appropriate and not detrimental to the tree’s visual amenity or long-term health”*.

Overall

99. Given the comments from the Biodiversity Officer and Tree Officer and subject to recommended conditions, Planning Officers consider the proposal will accord with Policy PP38 and paragraph 180 of the NPPF.

Waste and Recycling

100. The calculation used to estimate the refuse and recycling capacity is set out in the Council’s Standards for Waste Container Storage Guidance Note. In this instance each dwelling should have, as a minimum, a 180 litre container for refuse and a 240 litre container for recycling. The point of collection should be placed on the kerbside at the boundary of curtilage of the property adjacent to the public road (adopted highway), unless otherwise agreed by the council. Wheeled bins and containers must be clearly visible with no restrictions to access.
101. The Proposed Site Location, Block and Site Plan, Drawing reference 9755 /500Rev A, shows the collection point will be next to the boundary access point adjacent to the public road (adopted highway) with each property benefitting from

a storage shed within the basement and that the collection point is located near to the boundary of the site access, all of which accords with the Guidance Note.

102. The Waste Collection Authority have provided comments, raising no objections, stating that These plans are suitable from a Waste Collection perspective. As such, Planning Officers consider the proposal is in accordance with policy PP27 and the Standards for Waste Container Storage Guidance Note.

Drainage

103. The site within the redline is entirely located in Flood Zone 1, an assessed as having low risk of flooding from fluvial and tidal sources (i.e. less than 1 in 1,000 annual probability of flooding). However, the area immediately south-west of the site is in Flood Zone 2 (medium risk) and Flood Zone 3 (high risk).
104. Policy PP38 Managing Flood Risk, point 3, states that “*Sustainable Drainage Systems will be required for all major developments, unless the relevant Surface Water Management Plan (SWMP) indicates otherwise or they are demonstrated to be impractical. Proposals should be appropriate to the location and designed to manage surface water run-off in accordance with the appropriate technical standards*”.
105. The applicant has submitted a Flood Risk Assessment (FRA), undertaken by SLR Consulting Ltd, dated the 23rd of November 2023. The FRA states that “*According to the Risk of Flooding from Surface Water map, the site is mostly unaffected by surface water flooding (see Figure 3), which is classified as very low risk (i.e. annual chance of flooding is less than 1 in 1000). However, there is an isolated region of surface water flooding identified within the site, which is classified as low risk, i.e. annual chance of flooding occurring is between 1 in 1,000 and 1 in 100, and medium risk, i.e. annual chance of flooding occurring is between 1 in 100 and 1 in 30. This minor surface water flooding is likely to be identified as a result of some pooling in a minor topographic depression*” (4.4).
106. The FRA concludes that “*All potential sources of flood risk are considered to be low but some flood mitigation measures have been recommended, including information on finished floor levels. An attenuation-led surface water drainage strategy has been proposed to manage surface water using Sustainable Drainage Systems (SuDS). Foul water will be discharged from the site to the adjacent public foul sewer beneath Pearce Avenue*” (7.0).
107. The LLFA have been consulted and have no objection to the proposal, stating that “*We do not have any specific comments to make regarding flood risk. The applicant has provided a proposed surface water drainage strategy and provided evidence of its viability. However, we note that one large attenuation tank is proposed to serve three separate properties which may lead to maintenance and responsibility complications once the properties are individual owned. The applicant may want to consider options for attenuation features in communally*

accessible areas or at individual property level. Should you be minded to grant permission, we recommend a drainage condition be attached which includes a requirement to ensure the management and maintenance responsibility for drainage features is clearly defined to ensure the system functions for its lifetime”.

108. In light of the above, Planning Officers consider that with a suitably worded condition, the development will accord with Policy PP38.

Heathland Mitigation

109. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
110. Therefore, as of 17th January 2007 all applications received for additional residential accommodation within the Bournemouth, Christchurch and Poole area are subject to a financial contribution towards mitigation measures towards the Heathlands. A capital contribution is therefore required. There is a net gain of two houses; therefore the financial contribution is £1020 (2 x £510), plus an administration fee 5% or a minimum of £75.
111. A legal agreement has been drafted, signed and sealed to ensure the contribution is provided.

Poole Harbour Mitigation

112. The application site is within the Poole Harbour Recreational Zone and is therefore subject to Policy PP32, which aims “*to mitigate the adverse effects of recreation related pressures within Poole Harbour in accordance with the adopted SPD*”. The SPD states that “*Poole Harbour was classified as a Special Protection Area (SPA) in 1999 due to the important bird species that inhabit the area. The special site was designated under the EU Birds Directive to protect rare, vulnerable and migratory birds. In particular for the internationally important populations of regularly occurring species and migratory species*”.
113. The Poole Harbour mitigation strategy is comprised of two parts:
- The Strategic Access, Management and Monitoring (SAMM); and
 - The Poole Harbour Infrastructure Projects (PHIPs).
114. Development proposals for any net increase in housing or tourist accommodation will provide a SAMM contribution via a s106.

115. Where applicable, PHIPs will be delivered from contributions collected through CIL payments.

116. A capital contribution is therefore required. In this instance the mitigation contribution is £362 (2 x £181) plus an admin fee of 5% or a minimum of £25. An agreed signed legal agreement has been drafted to provide this contribution.

Poole Harbour Nitrate Mitigation

117. In the Poole area, planning applications for residential development will have to avoid adverse effects on the integrity of Poole Harbour caused by the build-up of nitrates from waste water treatment works. If the proposed development is not going to pay Community Infrastructure Levy, then a Section 106 contribution towards nitrate mitigation will be required in accordance with the Nitrogen Reduction in Poole Harbour SPD (2015) at a rate of:

- £1,793 per house
- £1,224 per flat

118. The application is, however, liable to contribute to the Community Infrastructure Levy; therefore, no contributions are required towards the Poole Harbour Nitrate Mitigation.

Community Infrastructure Levy

119. The development proposal is liable to a community infrastructure levy charge. In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice (LN) in respect of the chargeable development. The LN will confirm the chargeable amount 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.

Summary

120. It is considered that:

- The principle of infill development within this area is established;
- The proposed development, as revised, has an acceptable impact on the character and appearance of the area;
- The impact on neighbouring residential amenity is acceptable;
- The level of car parking provision and cycle storage is acceptable;
- The proposal will contribute £270,000 towards off-site affordable housing;
- The proposal will provide a minimum of 10% increase in biodiversity
- Provision for suitable biodiversity enhancement is conditioned and the impact on trees has been assessed as acceptable, subject to conditions;
- The impact on the Dorset Heathlands and Poole Harbour has been suitably mitigated and contributions will be made towards local infrastructure requirements.

Planning Balance

121. The proposed development represents an acceptable form of infill development and will increase the supply of large family housing in the Borough, albeit by a net increase of two. The impact on residential amenity, highway safety, trees, landscaping, ecology and drainage have been assessed to be appropriate, and the proposal will deliver a minimum of 10% biodiversity net gain and provide a significant contribution towards off-site affordable housing.
122. Furthermore, the Council also has a significant shortfall in its provision of affordable housing in the area. With regards to this application, the applicant has agreed to pay £270,000 towards the off-site delivery of affordable housing (AH), which also carries significant weight in favour of the proposal.
123. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to a s106 agreement, CIL contributions and compliance with the attached conditions, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

1. **GRANT** permission for the reasons as set out in this report subject to:
- the following conditions with power delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
 - a deed pursuant to **section 106** Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified in this report.

Section 106 terms

Affordable Housing Contribution: £270,000.

Habitat Monitoring Fees: £2889.

Heathland Mitigation (SAMM) Contribution: £1,020 plus an administration cost.

Poole Harbour Mitigation Contribution: £362.

Conditions

Time

1. **OLO80 Submission of Reserved Matters (3 Years)**

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

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

2. **PL01 (Plans Listing)**

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

Site Location, Block and Site Plan 9755/500 Rev A; Proposed Unit 1 - Floor Plans 9755/501 Rev A; Proposed Unit 1 - Elevations 9755/502 Rev C; Proposed Unit 2 - Floor Plans 9755/503 Rev A; Proposed Unit 2 - Elevations 9755/504 Rev C; Proposed Unit 3 - Floor Plans 9755/505 Rev A; Proposed Unit 3 - Elevations 9755/506 Rev C; Proposed Cycle Store Plans, Street Scene & DRA 9755/508, all published on the Council's website on the 23rd of July 2024.

Existing Elevations and Floor Plans Dwg No16 Rev B; Existing Garage, Car Port and Garden Room 112 06; Existing Garage, Car Port and Garden Room 112 07; Tree Protection Plan and Arboricultural Method Statement DS/81523/AC, all published on the Council's website on the 8th of July 2024.

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

Pre-commencement

3. **Demolition and Construction Environment Management Plan**

Prior to any works commencing, including site clearance and demolition, a Demolition and Construction Environmental Management Plan (D&CEMP) shall be submitted to and agreed in writing by the local planning authority. The approved D&CEMP shall then be implemented in full. Details shall include, but not limited to, pollution prevention and response and reporting to EA and PHC, and mitigation for impacts on Poole Harbour SSSI, SPA and Ramsar, especially wintering birds.

It shall also be noted that no demolition shall take place in January and February.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and in accordance with policies PP33 & PP33.

4. Dust Management

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site during demolition and construction has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance. No activity hereby permitted shall cause dust to be emitted so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. Should such an emission occur, the LPA shall be notified, and activity shall be immediately suspended and not recommenced until suitable mitigation is implemented.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

5. Landscape & Ecological Management Plan

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 [accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and all biodiversity related plans and documents required to be approved in the other conditions forming part of this permission, in particular:

- (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, including provision for the replacement of any plant or tree associated with the habitat provision found damaged, removed, dead or dying.

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 PP27 and PP33 of the Poole Local Plan November 2018 and to ensure a minimum of 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.

6. Bat Mitigation License

Prior to any works commencing, including demolition, a copy of a bat European Protected Species (EPS) mitigation licence shall be submitted to the local planning authority. The LPA will confirm in writing that works can proceed, subject to other pre-commencement conditions being met. from Natural England will be required to have been issued prior to any works commencing. An EPS licence is required to ensure the works are lawful. It is the responsibility of the applicant to arrange for application of the EPS licence

Reason: An EPS licence is required to ensure the works are lawful, as well as to ensure the protection of species protected under the Wildlife and Countryside Act 1981 and in accordance with Policies PP32 and PP33 of the Poole Local Plan (November 2018).

7. Habitat Management & Monitoring Plan

Prior to the development commencing, including demolition, details of who will be responsible for managing and monitoring the habitat shall be submitted to the Local Planning Authority with the finalised version of the Habitat Management & Monitoring Plan (HMMP). In all other respects, the development hereby permitted shall fully accord with the approved Draft Habitat & Management & Monitoring Plan, undertaken by Pro Vision (Jake Purchase), dated the 15th of January 2025, particularly in relation to Section 2 (Planned Management Activities) and Section 3 (Monitoring Schedule).

Reason: To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP27 and PP33 of the Poole Local Plan November 2018 and to ensure a minimum of 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.

8. Details of the Arboriculturally Sensitive Operations Required

Prior to the commencement of any works, including ground clearance, tree works, demolition or development, details of the arboriculturally sensitive operations requiring arboricultural supervision shall be submitted to, and approved in writing by, the Local Planning Authority. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures and agree that all tree protection

measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

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).

9. Submission of details of maintenance and management of the surface water sustainable drainage scheme (pre-commencement)

No development shall take place until finalised details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding in accordance with Policy PP38 of the Poole Local Plan (November 2018).

Pre-occupation

10. Parking/Turning

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the Site Location, Block and Site Plan, Drawing 9755/500 Rev A, have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

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

11. Cycle Storage

Prior to first occupation, the approved cycle storage sheds, as shown on Drawing 9755/508 Rev C, shall be built-out and ready for use, and there after shall be maintained and 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).

12. Visibility Splays

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as the access, as indicated on the Site Location, Block and Site Plan, Drawing 9755/500 Rev A, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

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

13. Samples of Materials

Prior to development above slab level, details and samples of all external facing and roofing materials and fenestration to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.

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

14. Waste Receptacles & Collection Point

Before the occupation of any dwelling hereby approved, the refuse bin stores shall be erected and located as shown on the approved plans, as referenced below, and thereafter retained, maintained and kept available for the occupants of the development at all times.

The proposed dwellings shall each be supplied with a minimum of a 240 litre capacity receptacle for recycling and a minimum 180 litre capacity receptacle for refuse.

As the collection vehicle will not enter the properties, residents should present their bins at the collection point as shown on the Site Location, Block and Site Plan, Drawing 9755/500 Rev A, and return them to their storage areas once they have been emptied, as shown on the basement floor plans, Drawings 9755/501 Rev A, 9755/503 Rev A and 9755/505 Rev A.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities in accordance with policy PP27 of the Poole Local Plan (November 2018).

15. Renewable Energy - Residential

Prior to first occupation of the development hereby permitted, details of measures to provide 20% of the predicted future energy use of the approved flats 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).

Compliance

16. Permeable surfacing condition

All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason: In the interests of delivering development which does not result in unacceptable levels of run-off and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

17. EVC points “residential unit”

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

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

18. 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 further development ceased. An investigation and risk assessment must be undertaken in accordance with 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 recommencing. 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.

19. No Burning of Materials

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

Reason: To protect the local sensitive receptors from smoke, ash, odours and fumes.

20. On-site working hours (inc demolition) restricted when implementing permission

All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policy PP27 of the Poole Local Plan (2018).

21. Biodiversity Enhancements

The Development hereby approved, shall adhere to the biodiversity recommendations, as given in section 5 and appendix F of 'Pearce Avenue, Poole Ecological Assessment' by Pro Vision Ecology, dated July 2024, and these shall be implemented in full.

Reason: To ensure the development contributes to biodiversity net gain in accordance with policy PP33 of the Poole Local Plan (2018) and paragraph 192 of the National Planning Policy Framework (2023).

22. Tree Works to be Carried Out in Accordance with the Arboricultural Method Statement

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the submitted Arboricultural Method Statement, undertaken by Treecall Consulting Ltd, dated the 4th of June 2024 and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason -To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

23. Hardstanding Constructed to No-dig Specification

The proposed increase in hardstanding as shown on the submitted arboricultural impact assessment and arboricultural method statement by Treecall consultants ltd, ref DS/81523/AC dated 4 June 2024 and arboricultural method statement with tree protection plan ref DS/81523/AC dated 4 June 2023 shall be constructed to a no-dig specification above existing ground levels, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority, prior to any pre commencement meeting and commencement of its construction. The construction of these areas shall be carried out in accordance with the agreed details and thereafter retained.

Reason: In order to protect trees on site which are to be retained and which are protected by a Tree Preservation Order and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

1. First 4.5m Access Crossing

The applicant is informed that the "first" part of the 4.5 metres of the access crossing in any case falls within the highway and is subject to the direct jurisdiction of the local highway authority. The remaining proportion of the 4.5 metres is also required to be surfaced to ensure free and easy access to and from the highway and to ensure stones, mud, gravel and the like do not result in a hazard on or near the highway.

2. Working With Applicants: Approval

In accordance with the provisions of paragraphs 39 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 provided with pre-application advice and this was reflected in the proposals
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
- once the accepted amendments were received, the application was considered and approved without delay

3. 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.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

4. SAMM Approval

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

5. 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.

6. 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.

7. Legal Agreement

This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated [TBC], the obligations in which relate to this development.

Background Documents:

APP/24/00779/P

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

Officer: DHE

Date:

Agreed by: Katie Herrington

Date: 18/02/2025

Comment: