

# Planning Committee

Application Address	34 Buccleuch Road, Poole, BH13 6LF
Proposal	Demolish existing property and erect a block of 13 flats with associated parking, access and landscaping
Application Number	P/25/02147/FUL
Applicant	MSA Developments (Buccleuch) Ltd
Agent	Miss Clare Bolton, Chapman Lily Panning Ltd
Ward and Ward Member(s)	Canford Cliffs Cllr John Challinor Cllr Gavin Wright
Report Status	Public
Meeting Date	15 January 2026
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	In excess of 20 letters received contrary to the recommendation to approve
Case Officer	Caroline Palmer
Is the proposal EIA Development?	No

## Description of Proposal

1. Planning permission is sought to demolish the existing detached house on the application site and to erect a block of 13 flats with associated parking, access and landscaping.

## Description of Site and Surroundings

2. The site is located on the southern side of Buccleuch Road, at its junction with The Avenue and is occupied by a large, detached house with an attached garage, that is orientated to front Buccleuch Road. The area is wholly residential in character and comprises large, detached houses set within spacious plots along Buccleuch Road and large detached houses and purpose-built blocks of flats that are also set in large plots along the Avenue, resulting in a spacious appearance and low density of development.

3. There are large, mature, preserved trees on and around the site and the dominance of landscaping over built form is a strong characteristic of the area. There are a variety of trees and large shrubs around the boundaries of the site, including hedges along the highway verge to The Avenue.
4. There are two vehicular accesses to the site, both from Buccleuch Road, providing an 'in-and-out' access arrangement, as well as a pedestrian access in the southeast corner of the garden to the boundary with The Avenue.
5. Whilst the site is located in close proximity to Branksome Chine and the beach, due to the topography of the land it is significantly raised above the shore and is located outside of any tidal flood zones. Ground levels continue to rise to the north along The Avenue, and gradually along Buccleuch Road to the west. The application site is located within the Coastal Zone and Shoreline character area.

### **Relevant Planning History**

6. There are two previous applications on the application site that are pertinent to the current proposal:
  - **APP/23/00343/P:** Outline planning permission to demolish existing dwelling and erect a single block of 10 flats with basement parking and access from The Avenue with matters of access, appearance, layout and scale to be agreed. Same design scheme as approved under planning application ref: APP/20/00052/F albeit with additional cycle parking. **Permission granted 21/08/2023.**

**This consent has not been implemented but remains extant.**

- **APP/20/00052/F:** Demolish existing dwelling and erect a single block of 10 flats with basement parking. **Permission granted 10/07/2020.**

### **Constraints**

7. The application site is covered by Tree Preservation Orders (TPOs).
8. The site is located within the Coastal Zone and Shoreline Character Area.
9. The site is also located within the Poole Harbour Nutrient Catchment Zone.

### **Public Sector Equalities Duty**

10. 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**

11. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
12. 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.
13. 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".
14. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
15. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
16. 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**

17. The following consultation responses have been received in relation to the latest set of amended plans submitted:
18. **BCP Highway Authority** - No objection subject to conditions and informatives (see highways section below for further detail).
19. **BCP Tree Team** – No objection to the scheme subject to the imposition of conditions.
20. **BCP Ecology** – No objection to the scheme, subject to conditions requiring the implementation of the measures within the Ecology Survey.
21. **BCP Lead Local Flood Risk Authority**- No objection to the scheme, subject to conditions (see drainage section below for further details).
22. **BCP BNG Officer** – No objection to the scheme subject to conditions and a section106 securing the BNG monitoring fee.

23. **BCP Urban Design Officer** – Objects to the scheme due to the height, massing, design and lack of disabled access.
24. **BCP Waste and Recycling** – No objection to the scheme.
25. **BCP Environmental Health** – No objection subject to a condition requiring the submission of an Air Quality Assessment.
26. **Dorset Police** – No objection, provides advice regarding security standards and measures.
27. **Dorset and Wiltshire Fire and Rescue Service** – No objection subject to the proposals being built in line with the relevant building regulations legislation.
28. **Natural England** – Statutory response given. No objection subject to Appropriate Assessment.
29. **The Society for Poole** – Objection due to the impact on the character of the area, the failure to demonstrate the required BNG, the impact on infrastructure and services, the lack of sustainability, the impact on highway safety, and the overdevelopment of the site.

### **Representations**

30. Site notices were erected around the site on 7<sup>th</sup> July 2025 with an expiry date of 28<sup>th</sup> July 2025.
31. 35 letters of objection have been received raising concerns including:
  - The impact on the character of the area
  - The impact on highway safety and car parking
  - The relocation of the access to the site to Buccleuch Road (previously approved scheme fronted The Avenue)
  - The height, scale, design and density of the proposal
  - The overdevelopment of the site
  - The impact on local infrastructure and services
  - The setting of a precedent
  - The loss of privacy and outlook to neighbours
  - Noise, air and light pollution
  - The impact on house prices in the area
  - Inaccuracies in the Planning Statement in relation to vegetation, description of the site etc
  - The potential for the use of flats as Air B n Bs or similar
  - Drainage issues
  - The impact on wildlife
  - The impact on trees
  - The impact on the nearby Conservation Area and Listed Buildings
  - The fact that there are covenants on properties in Buccleuch Road
  - The behaviour of the applicant in terms of the submission of a number of applications on sites with incremental increases in the quantum and scale of developments
  - Inappropriate comparisons by the applicant

### **Key Issues**

32. The key issues involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development
- Impact on the character of the area
- Impact on the amenities of neighbouring homes
- Impact on highway safety and car parking
- Impact on trees
- Sustainability issues
- Waste management issues
- Drainage issues
- Ecology issues
- Biodiversity issues
- Affordable housing
- Section 106/contributions
- Miscellaneous issues

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

### **Policy Context**

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (Adopted 2018). The relevant policies are as follows:

35. 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
- PP11: Affordable housing
- PP27: Design
- PP28: Flats and plot severance
- PP32: Poole's important sites
- PP33: Biodiversity and geodiversity
- PP34: Transport strategy
- PP35: A safe, connected and accessible transport network
- PP37: Building sustainable homes and businesses

36. Supplementary Planning Documents

- Dorset Heathlands Planning Framework (2020-2025)
- Poole Harbour Recreation SPD (2019-2024)
- Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)
- Parking Standards SPD (adopted January 2021)
- Affordable Housing SPD (2011)

37. 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.”

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

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

## **Planning Assessment**

### Presumption in favour of sustainable development

39. 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.
40. 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.
41. 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.

42. 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. As such, the tilted balance is engaged.
43. In this instance, the scheme would provide 12 additional dwellings 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.
44. For this planning application the benefits provided from the supply of 12 new homes is considered to carry significant weight in the planning balance.

#### Principle of development

45. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP1, the Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the NPPF.
46. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations. Policy PP2 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. A sustainable transport corridor is defined by the Poole Local Plan as being 400 metres either side of a road capable of extending service provision by the end of the plan period to four buses per hour (each way) or within 500 metres radius of a railway station. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car.
47. This approach is reinforced by Policy PP34 which also states that new development will be directed to the most accessible locations which are capable of meeting a range of local needs and will help to reduce the need for travel, reduce emissions and benefit air quality, whilst PP35 also states that proposals for new development will be required to maximise the use of sustainable forms of travel. Significant weight therefore has to be applied to the provision of additional residential accommodation which meets these policy objectives.
48. The proposed development site is located outside the sustainable transport corridor as identified by Policy PP2 of the Poole Local Plan and as indicated on the Proposals Map. As such, the principle of the residential development on site would only be acceptable on balance, if it complies with all other adopted policies.

#### Impact on the character of the area

49. The application site is a corner plot, located at the junction of Buccleuch Road and The Avenue. The area is residential in character, with Buccleuch Road being characterised by detached dwellings set within generous plots, many dominated by vegetation and soft

landscaping. The Avenue is characterised by larger buildings, with flats forming part of the character.

50. It is noted that BCP's Urban Design Officer has some objections to the proposed scheme in relation to the height, massing, design and lack of disabled access. However, whilst these issues are noted, consideration must be given to the planning history on the site, and what the fall-back position is. This will be discussed below. The issue of disabled access will be considered further through the building regulations legislation.
51. There is an extant planning consent for 10 flats on the application site (APP/23/00343/P), with the access for that scheme being taken from The Avenue. This scheme forms part of the material planning considerations in this case as it represents a material fall-back position.
52. The plot rhythm along Buccleuch Road changes at the west boundary with No.32, to a finer grain and regular rhythm, which is not apparent from The Avenue. The proposals would not sever the plot or break up the frontage lengths on either road frontage, thereby preserving the contribution of the plot size to the character of both Buccleuch Road and The Avenue.
53. The current application is for 13 flats within a building of a different scale and design to that previously approved – adding a further three units, thus intensifying the use of the site. The extant scheme was a four-storey building, with the entirety of the basement floor below ground. The building therefore read as a three-storey building in the street scene. The design of the block also had a horizontal emphasis that is largely derived from fenestration arrangement and horizontal banding of the external walls between the floor levels.
54. The currently proposed building is also four-storeys high, but with all four of these storeys visible above ground. There is some soft landscaping proposed to the Buccleuch Road elevation, although this would take some time to become established and would also be unlikely to screen the bottom floor of the proposed building entirely. The design of the proposed building also has more vertical emphasis. It is therefore acknowledged that the proposed building would be overtly four storeys in height within a street scene which is predominantly characterised by two and three storey houses.
55. However, the proposed height would be very similar to that of the previously approved block and would not be significantly higher than the houses leading down Buccleuch Road. Given the fact that the application site is a corner plot and also read within The Avenue, the visible fourth floor would not be so significant as to warrant the refusal of the scheme and the overall scale and massing of the proposed block of flats could be absorbed within the site.
56. Revised plans submitted during the application process have amended the design of the proposed building to incorporate curved terraces on the north-east corner. This has the effect of softening the impact of the larger building when viewed on entering Buccleuch Road. The proposed fourth floor would also be slightly recessed, which also assists with the integration of the impact of the proposed block on the street scene of Buccleuch Road.
57. The proposed relocation of the vehicular access to Buccleuch Road (since the previously approved scheme) is a positive change, as it reduces disruption to the established boundary treatment along The Avenue. However, this does necessitate the removal of a portion of the front boundary wall in Buccleuch Road. The existing wall and vegetation are attractive, well-established features that contribute to the character of the frontage. The proposed landscape scheme submitted as part of the application shows the planting of soft landscaping along this boundary, which would assist in preserving the character of the street scene. The



implementation of the landscaping scheme can be secured by the imposition of a condition. This would again assist the integration of the proposed flats into the street scene.

58. The scheme also proposes a pedestrian access into the site from The Avenue, which is supported.
59. The balance between built form and soft landscape, which is a key characteristic of the area, would clearly be altered by the proposed scheme. However, the retained trees and landscaping, as well as the replacement trees and proposed soft landscaping, would ensure that the impact of the development would be softened and that landscape would form part of the character of the site with an acceptable balance between the built form and soft landscape being retained.
60. In conclusion, the scale, height, design and site coverage of the proposed building, subject to conditions, would preserve the character of this corner plot and the block would serve as a transition site from the larger blocks that are characteristic of The Avenue, to the more domestic scale houses that are evident along Buccleuch Road. As such, the proposed scheme would comply with the relevant provisions of Policies PP27 and PP28 of the Poole Local Plan (2018).
61. Given the location of the site and the scale of the proposed building, the proposed scheme would not have a significant impact upon the Coastal Zone and Shoreline Character Area.

#### Impact on the amenities of neighbouring homes

62. Due to the corner location, design, layout and separation distance to No.32 Buccleuch Road and No.21 Buccleuch Road, the amenity; outlook; daylight; and privacy of the neighbours would be preserved.
63. The separation distance between the proposed building and the neighbouring building at No.32 Buccleuch Road, would be in excess of approximately 19 metres, which is considered to be a sufficient distance within an urban context so as not to give rise to a material loss of privacy to the occupiers of that dwelling. It is also similar to the separation distance approved by the previous scheme, albeit with the building being of a different design.
64. The distance between the proposed block of flats and the neighbouring home at No.32 Buccleuch Road would also be sufficient so as not to result in any material loss of sunlight/daylight or outlook from that property, especially given that the proposed flats would share a boundary with the side of that neighbouring property.
65. The separation distance between the flats at No.56 The Avenue and the proposed block of flats would be significantly less than the distance from the neighbouring plot at No.32 Buccleuch Road. The side to side distance between the proposed development and the existing block of flats at No.56 The Avenue would be only approximately 7 metres. The proposed scheme includes a number of windows on the south elevation, as well as terraced areas at the front of the building at first, second and third floor levels. However, the side (north) elevation of the building at No.56 The Avenue has been designed with minimal windows, which would limit any loss of privacy caused to the flats in that building by the proposed windows on the south elevation.
66. Nevertheless, the proposed terraces/balconies to the front of the proposed development would be sited in a position which could give rise to some degree of oblique overlooking towards the neighbouring flats. As such, a condition requiring the erection of 1.8

metre obscure glazed screen to the southern side of those terraces/balconies should be imposed, thereby overcoming any issues of loss of privacy to the neighbouring flats and between the proposed flats themselves. Such a condition can be reasonably imposed.

67. Given its design and siting, as well as the siting of the neighbouring properties and the retained landscaping, when viewed from the public realm and nearby private gardens, the proposed building would not appear to be overbearing or highly prominent.
68. Due to the space around the site and the orientation of the site, the proposal would not give rise to significant levels of overshadowing to the neighbouring properties.
69. All of the proposed flats would be of a size in excess of the national space standards; have access to the shared garden and/or to private terraces or balconies.
70. Adequate amenity and privacy would therefore be achieved for all residents.
71. The proposal is therefore considered to comply with the amenity and privacy requirements as set out in Policies PP27 and PP28 of the Poole Local Plan (2018).

#### Impact on highway safety and car parking

72. The application site currently benefits two vehicular accesses, both from Buccleuch Road, providing an 'in-and-out' access arrangement. One of these existing vehicular accesses would be utilised and widened to provide access to the site, whilst the other would be closed up which will require the reinstatement of the kerbs and footway across the closed access. The new access arrangements to the site would require the repositioning of a streetlight that would need to be approved by the Council's Street Lighting team as a separate process to this planning application. All works associated with the footway works, including the repositioning of the streetlight, would have to be undertaken at the applicant's expense.
73. The proposed vehicular access to the site would be wide enough at the entrance to allow for vehicle passing that would prevent the need for vehicles having to wait on the highway when entering the site whilst a vehicle is exiting the site. Pedestrian visibility splays are also provided on either side of the access, which are acceptable and would ensure pedestrian safety.
74. The gradient of the vehicle access is shown on the plans and although there is a relatively steep section at 1:6, this is within the acceptance levels set out within the 'Design Recommendations for Multi-Storey and Underground Car Parks' (June 2002), for a straight ramp where the fall is less than 1.5m and with provision of transition slopes at the top and bottom of the ramp.
75. A scheme of lighting along the access road and within the car parking area and along the pedestrian route to the cycle store to further enhance pedestrian safety would be required and this can be secured by condition.
76. There are sufficient car parking spaces proposed for the residential units, based on the size of the proposed units, that would accord with the Council's adopted parking standards as set out in the BCP Parking Standards SPD (January 2021).
77. There is also an adequate turning aisle between the sets of car parking spaces that would enable vehicles to turn within the site and exit the site in a forward gear.

78. A secure and covered cycle store is proposed for the provision of 32 bikes using Sheffield stands, which is considered acceptable. An internal door to the cycle store has been included in the amended plans. This would enable residents to access the cycle store without the need to navigate the exterior pathway to the main building entrance and would likely further encourage the use of cycles. The gradient of the pathway leading to the cycle store is shown as 1:14 on the site plan, which would be acceptable.
79. Electric gates are proposed at the vehicular access to the site, and these are set back into the site, so that vehicles can wait off the highway whilst they are operated. However, the operation of the gates would need to allow for visitors to access the visitor car parking within the site, whether this was through automatic gates that open for any vehicle approaching, an entrance system that would allow for visitors to contact residents within the flats to open the gates or a keypad system where the entrance code could be given to visitors. These details should be secured by condition.
80. The Local Highway Authority therefore supports the scheme, subject to the imposition of the relevant conditions and informatives.

#### Impact on Trees

81. BCP's Arboricultural Officer has been consulted on the application and has worked with the applicant's arboriculturalist throughout the application process in order to address any issues relating to the impact of the proposed development on those trees that are to be retained.
82. The amended arboricultural information submitted during the course of the application is considered to be acceptable. That information shows that level changes, retaining wall construction and the driveway/parking construction method within the root protection area (RPA) of trees has been adjusted and demonstrates that the proposal can be undertaken in a manner that would not be materially harmful to those trees that are to be retained within, and adjacent to, the application site, subject to adherence to the implementation of the tree protection measures set out in the Arboricultural Method Statement (AMS) and as shown on the Tree Protection Plan (TPP).
83. The amended Landscape Plan (revision F) has been submitted and shows the details of the species, size and location of replacement tree and landscape planting. The submitted landscape scheme is considered to be acceptable.
84. As such, the Council's Arboricultural Officer has no objection to the proposal subject to the imposition of conditions requiring the implementation of the tree protection details set out in the Arboricultural Method Statement and Tree Protection Plan; the provision of arboricultural supervision; the submission of details relating to the final and temporary services, Cellular Confinement System and soil retention system adjacent to and within the RPA of trees for approval by the LPA, and the implementation of the landscape scheme.

#### Sustainability Issues

85. Being a new build, it would be readily possible to deliver an energy efficient and sustainable development in accordance with the Building Regulations. In accordance with the provisions of Policy PP37, a condition should be imposed to ensure that 20% of the scheme's energy needs are secured from on-site sources of renewable energy

## Waste Management Issues

86. The BCP Waste and Recycling Officer has been consulted on the proposed development.
87. For a development of 13no flats, as proposed by this current application, provision should be made for 3 x 1100L recycling bins and 2 x 1100L and refuse bins collected fortnightly on alternate weeks, and 2 x 140L food waste bins (collected weekly once this service is introduced).
88. The proposed bin store is of a suitable size to accommodate the number of containers required. The bin store would be positioned within a suitable distance of the public highway to facilitate collections. The most recent Site Plan shows a suitably sized bin store door, pathway and access to the highway.
89. The plans are therefore suitable from a Waste Collection Authority perspective.

## Drainage Issues

90. The Council's Inland Flood Risk Management (iFRM) team, as relevant Lead Local Flood Authority (LLFA) has assessed the submitted Flood Risk Assessment and Drainage Strategy and has advised that ideally another catchpit would be provided for pollution mitigation, and finished floor levels as well as cover and invert levels for inspection chambers should also have been shown on the submitted plan.
91. Notwithstanding these comments, the LLFA has no in-principle objection to the proposed conceptual scheme on flood risk or surface water management grounds, subject to the imposition of conditions relating to the requirement for the submission and approval of detailed proposals for the management of surface water (including provision of final and substantiated drainage designs), to strictly accord with the approved flood risk assessment and drainage strategy, and a scheme for the maintenance and management of the approved Surface Water Management scheme.
92. These conditions can reasonably be secured.

## Ecology Issues

93. The submitted 'Ecological Impact Assessment 34 Buccleuch Road, Poole' by Abbas Ecology has included the provision of two bird boxes as biodiversity enhancement. However, the installation of bat box/tubes would be more appropriate in this location.
94. Should the application be granted permission, a condition requiring the implementation of the biodiversity recommendations as given in section 6 of 'Ecological Impact Assessment 34 Buccleuch Road, Poole' by Abbas Ecology should be imposed.
95. In addition, a condition requiring the installation of at least two bat bricks/tubes should also be imposed.
96. Furthermore, a further condition prohibiting the clearance of vegetation to be undertaken outside of the bird breeding season (1st March to 31st August inclusive). The above conditions can be reasonably imposed.

## Biodiversity Issues

97. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – Biodiversity and Geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
98. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ensures that approved permissions 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.
99. A Biodiversity Metric has been submitted with the application. The metric demonstrates that 10% BNG cannot be achieved on site.
100. As no further gain that can be counted towards the 10% can be provided within the curtilage of the development 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.
101. A condition should be imposed to require the submission of a Habitat Management and Monitoring Plan (HMMP) and the S106 relating to this application should secure BNG monitoring fees of £3,679.00 to cover statutory 30-year period.
102. Therefore, the proposal can be made acceptable and in accordance with the relevant legislation and Policy PP33 of the Poole Local Plan by way of a mixture of retention and enhancement and purchasing units or credits.
103. In terms of species enhancements, Paragraph 193 of the NPPF requires significant harm to biodiversity as a result of development to be avoided. Where it cannot be avoided it should be adequately mitigated or as a last resort, compensated for. In addition, improvements to biodiversity in and around the site should be integrated into the design to secure measurable net gains for biodiversity.

## Affordable Housing

104. Given that the proposal is for 13 units, the proposed scheme qualifies for assessment of its ability to deliver a contribution towards affordable housing. An independent review of the scheme's viability (carried out by the District Valuer) has concluded that given that actual specifications are unknown and build costs may significantly affect viability, the Council could agree to a surplus contribution of £87,467 at this stage, subject to a late-stage review mechanism. This review would take place once actual build costs are confirmed, allowing the viability of the proposed development to be reassessed at that point.
105. This requirement will be secured through a Section 106 Agreement.

## Section 106/Contributions

106. 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.
107. 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.
108. 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.
109. The applicant will be entering into a Section 106 Agreement in order to secure the required SAMMS contributions and affordable housing contribution. The proposal will accord with the provisions of Policies PP32 and PP39 of the Poole Local Plan and the Dorset Heathlands SPD once the s106 has been signed and sealed.
110. 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	1	@ £527	@ £187
	Proposed	0		
	Net increase	0	- £527	- £187
Flats	Existing	01	@ £357.45	@ £129
	Proposed	12		

	Net increase	13	£4,680	£1,677
Total Contributions			£4,320 (plus admin fee)	£1,490 (plus admin fee)
CIL	Zone A		@ £282.80sq m	

### Miscellaneous Issues

111. The other issues raised by the letters of representation will now be addressed:

- Impact on local infrastructure:** this is addressed through the CIL contributions required in the event that planning consent is granted.
- The setting of a precedent:** each planning application is considered on its own merits and in relation to the context of the site and surroundings.
- The impact on house prices:** this is not a material planning consideration and cannot therefore constitute a reason for refusal.
- The use of the flats as Air BnBs:** the planning application can only be assessed based on the plans submitted and in line with the relevant policies and legislation.
- Covenants:** the existence of covenants is not a material planning consideration, but a legal matter.
- Pattern of planning behaviour (incremental increase in number of flats through the submission of numerous application);** there is no limit on the number of applications that an applicant can submit. Each application is considered on its own merits.

### Planning Balance / Conclusion

- Given the shortfall of the number of homes delivered, the balance is tilted in favour of sustainable development and granting 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.
- It is recognised that as the site is not designated and does not engage any of the policies relating to protected areas and assets as set out in footnote 7 of paragraph 11 of the NPPF that provide a clear reason for the refusal of this application, the presumption in favour of sustainable development is engaged and the 'tilted balance' needs to be applied.
- The tilted balance approach therefore forms a material consideration in this case. In this instance, the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the National Planning Policy Framework (NPPF). As such, relevant policies for the supply of housing would not be considered up-to-date and paragraph 11d(ii) should therefore be applied.
- The provision of new housing in an accessible and existing residential area, would make a positive and significant contribution towards boosting housing supply in line with the framework. The provision of 13no flats (net gain of 12 units) would also contribute towards the housing choice in the local area.

116. This would, in turn, provide employment during construction, albeit this would be time limited. There would also be other social and economic benefits to the wider area, as well as potential environmental benefits, which also would be limited by the scale of the development. In view of limited scale of the proposed development, the Council will attribute this significant weight.
117. The proposal would preserve the character and appearance of the area and the amenities of neighbouring homes. Subject to the imposition of relevant conditions and for the reasons given in the above report, the proposal is acceptable in relation to highways, trees, ecology, waste and drainage. The proposal would therefore comply with the relevant policies of the Poole Local Plan.

### **Recommendation**

118. 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:**

- a. The required Heathland (£4,320 + admin) and Harbour (£1,490 + admin) SAMMs contributions
- b. A contribution of £87,467 towards off-site affordable housing, with a late-stage review mechanism.
- c. BNG monitoring fees of £3,679.00 to cover the statutory 30 year period.

### **Conditions and Informatives**

1. The development hereby permitted shall begin not later than the expiration of three years beginning with the date this permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall only be carried out in accordance with the following approved plans and documents:

Drawing number 9881/100 revision F (site plan) received 13.11.2025

Drawing number 9881/101 revision D (floor plans 1 of 2) received 25.09.2025

Drawing number 9881/102 revision D (floor plans 2 of 2) received 25.09.2025

Drawing number 9881/103 revision C (elevations 1 of 2) received 25.09.2025

Drawing number 9881/104 revision E (elevations 2 of 2) received 10.12.2025

Drawing number 9881/105 revision C (street scene & 3d view 1 of 2) received 25.09.2025



Drawing number 9881/106 revision C (street scene & 3d view 2 of 2) received 25.09.2025  
 Drawing number 9881/107 revision E (indicative drainage plan) received 13.11.2025  
 Drawing number 9881/110 revision F (landscape plan) received 09.12.2025  
 Drawing number DS/35325/AC Tree Protection Plan and AMS received 28.11.2025  
 Environmental Impact Assessment by Abbas Ecology dated 05.12.2025 (Reference Number: AE 6117 WM) received 09.12.2025  
 BNG Post Intervention Plan by Abbas Ecology received 09.12.2025.

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

3. The development hereby permitted shall only be constructed of materials the details of which are set out on the application form and on the approved plans.

Reason: To safeguard the visual amenities of the locality.

4. a) No part of the development hereby permitted shall be commenced, including any demolition and site clearance for the purposes of the development, unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority.
- b) The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted all landscaping and biodiversity related plans and documents required to be implemented or approved in the other conditions forming part of this permission
- c) The HMMP shall in particular include:
  - a) a background section; including:
    - i. a high level summary of all relevant matters identified in the HMMP;
    - ii. details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
    - iii. the metric used for the purposes of the HMMP; and
  - b) a section setting out all planned habitat activities, including:
    - i. overarching aims and objectives;
    - ii. design principles informed by all relevant baseline information;
    - iii. full details of the Habitat Provision;
    - iv. a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
    - v. details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
    - vi. details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
- d) a monitoring schedule section including:
  - a) a monitoring strategy;
  - b) details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
  - c) details of how Adaptive Management will be incorporated into meeting every Condition Target; and
  - d) plans and details reasonably necessary for each section.
  - e) No [part of the development shall be occupied or otherwise brought into use] unless the local planning authority has approved in writing the Completion of Initial Habitat Report.
  - f) The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer

being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.

- g) Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:
- i. a progress summary;
  - ii. details of the person(s) responsible for compiling the information in the monitoring report;
  - iii. details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
  - iv. progress toward every Condition Target including any identified barrier(s) to such progress;
  - v. any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
  - vi. a register of activity; and
  - vii. any identified need to vary the approved HMMP together with relevant explanation.

#### Definitions within HMMP

"Adaptive Management" means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained [including any procedure(s) that the local planning authority may at any time specify in writing for such a purpose [in the event of any procedure not proving successful]];

"Condition Target" mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

"Completion of Initial Habitats" means the date on which the local planning authority issue an approval of the Completion of Development Report;

"Completion of Initial Habitats Report" means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

"Habitat Provision" means all habitat situated on the application site to which this permission relates to be retained, created and enhanced

"Monitoring Report" means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason: to ensure there is adequate protection for the existing habitats 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.

5. No part of the development hereby permitted shall be commenced, including any demolition/ and site clearance for the purposes of the development, unless a Landscape and Ecology Management Plan ("LEMP") has first been submitted to and approved in writing by the local planning authority. The LEMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development [and] the approved HMMP required in accordance with the conditions forming part of this permission ("the agreed HMMP") together with all biodiversity

related plans and documents required to be approved in the other conditions forming part of this permission. The LEMP shall in particular include:

1. details of all ecological matters (including species enhancements) and landscaping associated with the development not otherwise identified in the agreed HMMP including identification of what is to be retained as well as all proposed creation and enhancement;
2. details of all proposed works relating to such ecological matters and landscaping together with any relating to on-site habitat not otherwise identified in the agreed HMMP [including any proposed hard landscaping and all boundary treatments];
3. a timetable for the provision of all such ecological matters, landscaping and works; and
4. details and arrangements as to future on-going retention, management and maintenance of all such ecological matters, landscaping and works [including provision for the replacement of any plant or tree found damaged, removed, dead or dying].

The approved LEMP shall at all times be accorded with and the identified ecological matters, landscaping and works 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 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.

6. No part of the development hereby permitted shall be occupied until obscure glazed screens of no less than 1.8 metres in height and conforming with or exceeding Pilkington Texture Glass Level 3 (or an equivalent level in any replacement standard) have been erected along the south elevations of the proposed terraces/balconies on the east elevation of flats 9, 10, 12 and 13 at second and third floor. These shall thereafter be retained.

Reason: To protect the amenity and privacy of adjoining residential properties.

7. No part of the development hereby permitted shall be occupied unless all of the biodiversity measures identified in approved document by Abbas Ecology (Reference Number: AE 6117 WM) dated 05.12.2025 have first been fully provided as approved and thereafter those measures shall at all times be retained [and also managed and maintained in accordance with the details in the approved document].

Reason: In order to ensure the required biodiversity measures are provided.

8. No development (including demolition) shall take place until detailed proposals for the management of surface water (including provision of final and substantiated drainage designs), which strictly accord with the approved flood risk assessment and drainage strategy (25507-GAP-ZZ-XX-RP-C-9000-B), has been submitted to and approved in writing by the local planning authority. The surface water scheme must be completed in accordance with the approved details and fully functional, prior to occupation of the development.

Reason: To prevent the increased risk of flooding and to protect available receiving systems.

9. Prior to occupation, maintenance and management of the Surface Water Management scheme required via condition 7 must be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be 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.

10. At least two bat bricks/tubes must be installed prior to the occupation of any of the dwellings hereby approved in compliance with [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html)). -

Reason: In compliance with National Planning Policy Framework (2024) paragraph 187 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity" and the provisions of Poole Local Plan Policy PP33 "Enhance Biodiversity".

11. Vegetation clearance on this site should be carried out outside the bird breeding season of 1st March to 31st August inclusive. Unless it can be sufficiently checked by an ecologist to show that nesting birds are not present.

Reason: Prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981 (as amended).

12. Unless otherwise agreed in writing, prior to the commencement of development, the developer must provide an Air Quality Assessment (AQA). The AQA must be undertaken by a suitably qualified professional(s) in accordance with relevant legislation and appropriate methodology and comply with any BCP Council recommendations regarding the scope of the AQA.

The AQA must consider the impact of the development (demolition, construction and operational phases, as applicable) on local air quality and all relevant sensitive receptors (human health/ecological), the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation.

Additionally, the cumulative impact of all locally committed developments (small scale and large scale major sites i.e. >10 properties) on existing local air quality must be considered to assess if further mitigation measures, other than those recommended as part of the above, are required.

The details of all required mitigation measures identified as part of the above must be agreed with the Local Planning Authority.

All required mitigation measures must be carried out in accordance with the details agreed by the Local Planning Authority prior to the operation/occupation of the development.

Reason: To assess the potential health risks to relevant sensitive receptors from local air quality and identify required mitigation measures.

The following paragraphs from the National Planning Policy Framework are relevant for air quality:

NPPF Paragraph 199 states: "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas."

NPPF Paragraphs 187e states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

13. The development hereby permitted shall only be carried out in accordance with the supervision schedule contained in the approved arboricultural method statement by Treecall dated 14 November 2025. A written site note that details the name and contact details of the person undertaking the site supervision visit and includes the outcomes of each such visit and any identified remedial works including a timetable for their implementation shall be produced following each such visit and arrangements made to ensure that a copy is received by the local planning authority no later than 48 hours after the supervision visit has been undertaken. In the event of the local planning authority giving notice to the person who undertook a site supervision visit or to any person on the application site (whichever is the sooner) as to any issue relating to any written site note that has been produced then all work on the application site shall immediately cease upon receipt of such a notice (unless an alternative time is specified in the notice) and no further work shall be recommenced without the prior agreement of the local planning authority (or as otherwise may be specified by the local planning authority).

Reason: To ensure that the trees retained on site will not be damaged during the construction works and to ensure that work is carried out as approved and in accordance with current best practice.

14. The development hereby permitted shall only be carried out in accordance with the supervision schedule contained in the approved arboricultural method statement by Treecall dated 14 November 2025. A written site note that details the name and contact details of the person undertaking the site supervision visit and includes the outcomes of each such visit and any identified remedial works including a timetable for their implementation shall be produced following each such visit and arrangements made to ensure that a copy is received by the local planning authority no later than 48 hours after the supervision visit has been undertaken. In the event of the local planning authority giving notice to the person who undertook a site supervision visit or to any person on the application site (whichever is the sooner) as to any issue relating to any written site note that has been produced then all work on the application site shall immediately cease upon receipt of such a notice (unless an alternative time is specified in the notice) and no further work shall be recommenced without the prior agreement of the local planning authority (or as otherwise may be specified by the local planning authority).

Reason: To ensure that the trees retained on site will not be damaged during the construction works and to ensure that work is carried out as approved and in accordance with current best practice.

15. No part of the development hereby permitted shall be commenced unless the details relating to the final and temporary services, Cellular Confinement System, and soil retention system adjacent within the RPA of trees, have first been submitted to and approved in writing by the local planning authority. These must include accurate locations of installation, including cross sections, detailing levels of existing/proposed finished levels and Construction Method Statements for each specific operation and be undertaken by a person with relevant experience.

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.

16. The details shown in the approved landscaping plan (drawing number 9881/110 revision F received 09.12.2025) shall be implemented and carried out in the first planting season following substantial completion of the development or the first occupation of any part of it, whichever is the sooner. Any tree or plants found damaged, removed, dead or dying in the first 5 years following its planting shall be replaced with a tree/plant of the same species and similar size or such other species and size as has otherwise been submitted to and approved in writing by the local planning authority.

Reason: In the interests of securing the amenity and the appearance of the development and the locality.

17. No part of the development hereby permitted shall be constructed above base course level unless a scheme of hard landscaping, including:

- (a) All earthworks;
- (b) Means of enclosure and retaining structures;
- (c) Boundary treatments;
- (d) Vehicle parking layouts;
- (e) Accesses and circulation areas;
- (f) Hard surfacing materials; and
- (g) Lighting; has first been submitted to and approved in writing by the local planning authority.

No part of the development hereby permitted shall be occupied unless the approved hard landscaping scheme has been fully carried out and thereafter the hard landscaping shall at all times be retained.

Reason: In the interests of securing the amenity and the appearance of the development and locality.

18. Prior to first occupation of the building hereby permitted, details of measures to provide 20% of the predicted future energy use of each new 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' Standard Assessment Procedure (SAP) calculations documents. These should be the same documents issued to Building Control to address the Building Regulations Part L, and
- The corresponding Energy Performance Certificate (EPC), and
- A statement, summary or covering letter outlining how the data specified in the above documents demonstrates that a minimum of 20% of energy use is provided by the renewable energy technology.

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply.

19. No part of the development hereby permitted shall be occupied unless the initial 5 (five) metres of the vehicle access, measured from the edge of the adjacent highway, excluding the highway crossing, have first been constructed and laid out in accordance with details that shall be first submitted to and approved in writing by the local planning authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided in the interests of highway safety.

20. No part of the development hereby permitted shall be occupied unless the access, turning and parking areas shown on approved plans have first been fully constructed and laid out in accordance with the specification as set out in the approved plans. Vehicle parking shall only be permitted within the car parking spaces marked out on the approved site plan and the areas that are not indicated for parking shall not be used for vehicle parking at any time and shall be kept clear to allow for vehicle turning, vehicle passing and access at all times.

Reason: In the interests of highway safety

21. No part of the development hereby permitted shall be occupied unless the bicycle parking facilities shown on approved plans have first been fully constructed and laid out in accordance with the specification as set out in the approved plan. Thereafter, the approved bicycle parking facilities shall at all times be retained, kept available for use as bicycle parking and maintained in a manner such that the facilities shall at all times remain so available.

Reason: In the interests of promoting alternative sustainable modes of transport.

22. No part of the development hereby permitted shall be occupied unless the visibility splay areas as shown on approved plans have first been cleared to a level not exceeding 0.6 metres above the relative level of the adjacent highway. The visibility splay areas shall at all times thereafter be retained at that level, kept free from all obstructions and maintained in a way that ensures that they provide clear visibility to and from the highway and any access associated with the visibility splays.

Reason: In the interests of highway safety.

23. Prior to first occupation of any new residential unit hereby approved, details of a proposed scheme of lighting along the access road, car parking area and pedestrian routes through the site, to include details and specification of the type of lighting proposed, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of any new residential unit hereby approved and thereafter retained and maintained to ensure the lighting remains in working order.

Reason: In the interests of highway safety.

24. Prior to first occupation of any new residential unit hereby approved, details of a proposed scheme for an access-controlled system at the gated access to the car parking area, to allow visitor access to the visitor car parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of any new residential unit hereby approved and thereafter retained and maintained to ensure the approved system remains in working order.

Reason: In the interests of highway safety.

25. No part of the development hereby permitted shall be occupied unless the existing access points to the adjacent highway have been permanently closed, the existing vehicle crossings expunged and the highway reconstructed. The closure of the accesses, expunging of the existing crossings and reconstruction of the highway shall only be carried out in accordance with details that have first been submitted to and approved in writing by the local planning authority. At no time thereafter shall the access be used for such a purpose.

Reason: In the interests of highway safety.

**Informatives:**

1. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The applicant was provided with the opportunity to address issues identified by the case officer.

2. Detailed drainage proposals may typically include:
1. Detailed drainage network layout
  2. Manhole schedule
  3. Construction details for drainage elements
  4. Construction details for SUDS elements
  5. Hydraulic modelling calculations
  6. Exceedance flow routes (including proposed ground levels)

Drainage maintenance and management information may typically include:

1. Drainage ownership/responsibility layout
2. Maintenance schedules
3. Maintenance agreements
4. Adoption agreements
5. Schedules for replacement of drainage components (where design life is less than the lifetime of the proposed development)
6. Operations and maintenance manuals

3. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of the Conservation of Natural Habitats and Species Regulations 2017 and they are also protected by European and International Law. Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from National Bat Helpline (tel: 0345 1300 228). website <https://www.bats.org.uk/our-work/national-bat-helpline>.
4. 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.



If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
  - in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
5. The applicant should note and inform future residents that residents may be excluded from being able to purchase permits associated with existing or future parking permit schemes controlled by the Council in the area. This is to encourage the use of sustainable modes of travel amongst future residents in line with Council aims to promote sustainable travel.
  6. The applicant is informed that the Local Highway Authority will require the footway and kerb to be lowered and reconstructed in the position(s) corresponding to the vehicular means of access to the site. This requirement is imposed in order to service the means of access; in order to prevent danger and inconvenience to other road users and to pedestrians; and in order to prevent possible damage to highway surfaces. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council on Tel:01202 261700, by email at [droppedcrossings@bcpcouncil.gov.uk](mailto:droppedcrossings@bcpcouncil.gov.uk), or in writing to BCP Council, Environmental Services, Hatchpond Road Depot, Hatchpond Road, Poole, Dorset, BH17 7LQ. Contact should be made before the commencement of any works on or adjacent to the public highway.
  7. As a consequence of vehicle access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge if appropriate) restored. The work shall conform to a specification to be provided by the Highway Authority (BCP Council), or it may be required to be undertaken by the Authority itself. In either event, the work will be required to be

undertaken at the applicant's expense. With regards to such works the applicant should contact BCP Council on Tel:01202 261700, by email at [droppedcrossings@bcpcouncil.gov.uk](mailto:droppedcrossings@bcpcouncil.gov.uk), or in writing to BCP Council, Environmental Services, Hatchpond Road Depot, Hatchpond Road, Poole, Dorset, BH17 7LQ. Contact should be made before the commencement of any works on or adjacent to the public highway.

8. Provision of the approved access may require a street light to be relocated and the applicant is therefore advised to contact the Council's street lighting section responsible for the street light and the Council's dropped crossing team, for further guidance on the process and feasibility of repositioning the street light. All works associated with the dropped crossing work, including relocating the street light, will be at the applicants expense."
9. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
10. This grant of permission is to be read in conjunction with the Legal Agreement dated (...TO ADD...) entered into between BCP Council and (...TO ADD...).
11. 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.  
TO BE COMPLETED WHEN S106 IS COMPLETED
12. The necessary contributions towards SAMM arising from the proposed development have been secured by a S.106 agreement.

### **Background Documents:**

APP/23/00343/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: CPA

Date: 15/12/2025

Agreed by: Katie Herrington

Date: 29/12/2025

Comment: