

1.0 Application Number: 6/2019/0401

Webpage:

<https://planningsearch.purbeckdc.gov.uk/Planning/Display/6/2019/0401>

Site address: 4 Poole Road, Upton, BH16 5JA

Proposal: Outline application to demolish existing building and erect a detached apartment block comprising 9 no. flats with details of access (all other matters reserved)

Applicant name: Mr Martin Woodhall

Case Officer: Alexandra Dones (Senior Planning Officer)

Ward Member(s): Councillor Alex Brenton, Councillor Bill Pipe and Councillor Andrew Starr

Comments received from the Town Council are contrary to officer recommendation and Dorset Councillors have requested that the application is referred to planning committee. The nominated officer has given careful consideration to all representations received and the planning merits of the application concluding that the application should be presented to the planning committee.

2.0 Summary of recommendation:

Officers are recommending approval subject to conditions set out in the report.

3.0 Reason for the recommendation:

- The location is considered to be sustainable as it is within the designated settlement boundary.
- The preliminary/ indicative plans and drawings are acceptable in terms of design and scale.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is in a sustainable location within the settlement boundary of Upton where residential redevelopment is acceptable in principle.
Loss of Retail Provision	The site lies adjacent to but outside the safeguarded area as defined in Policy RP. Policy CF requires marketing of

	premises for 9 months. Marketing been undertaken without any interest and is therefore acceptable.
Layout, scale, design and impact on the character and appearance of the area	This application only seeks to obtain approval for the principle of development and access. Based on the illustrative and indicative plans it is not considered the proposal would adversely impact on the character and appearance of the area. All detailed scale and design matters will need to be the subject of reserved matters application. This provides the opportunity to ensure that as far as practicable the impact of the development is minimised.
Impact on the living conditions of the occupants of neighbouring properties	Based on the illustrative and indicative plans it is not considered the proposal would adversely impact the living conditions of the occupants of neighbouring properties. As part of the reserved matters application it will be possible to ensure the development is designed to minimise impacts on neighbouring amenity.
Access, parking and highway safety	Officers consider the proposed access, parking and highway safety to be acceptable and in accordance with both national and local planning policies. The Highways Officer has raised no objections to the proposals.
Flood risk and drainage issues	There is no identified flood risk issue for the site. A suitable method of disposal of surface water from the development will be agreed by planning condition.
Impact on trees/ hedgerows	The application is supported by a tree survey. Landscaping would be assessed in full as part of the reserved matters application.
Biodiversity	An Appropriate Assessment has been undertaken as part of this planning

	application which shows that there is no unmitigated harm generated by the proposals.
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5.0 Description of Site

The site is located on the south side of Poole Road within the settlement boundary of Upton. Currently the site is occupied by a two storey building with a single storey element adjacent to the highway, formerly used as a shop. The building is constructed of red brick with prominent bay windows and chimney stacks. The building is currently unused and the site is therefore vacant. To the rear of the site is St Dunstons Church and to the east of the site is the Co-operative convenience store.

The surrounding area is an established residential area comprising dwellings which vary in their style, age and size.

6.0 Description of Development

The applicant seeks outline planning permission to demolish the existing building and erect a detached apartment block comprising of 9 flats with details of access (all other matters are reserved). An 'illustrative/ indicative plan' has been submitted to show a suggested positioning for the new building and the general layout of the site. The indicative plans are not formally part of the application but they give some indication of how the proposals could be accommodated within the application site. The indicative layout plans include details of a shared rear garden, bin storage and a bike shed. The application is also supported by a transport assessment and a tree survey.

If outline permission is granted, details of layout, scale, appearance, and landscaping will be submitted for consideration under a separate reserved matters planning application.

7.0 Relevant Planning History

6/1989/0752 – The application proposed the erection of a pair of semi-detached bungalows and block of two garages together with new vehicular access onto Poole Road. The proposals were refused on 10 October 1989 as the existing building was to be retained and the proposal represented backland development of the site.

6/2015/0366 - planning permission was granted at 6 Poole Road, located next door for the demolition of the car repair workshop to rear and conversion and extension of car showroom to form Class A1 convenience store with two bedroomed flat above and new access and car park. This was approved on 3 September 2015. The previous Co-operative convenience store moved to this property from the application site.

8.0 List of Constraints

This site is in the parish of Lytchett Minster and Upton.

This site is within a Settlement Boundary – Upton.

This site is within 5km of a European Habitat (SSSI). Natural England standing advice.

This site is in the Bournemouth Airport Building Restriction Area

This site is in the Bournemouth Airport Windfarm Safeguarding Area

This site is in a River Catchment - Poole Harbour

This site has a TPO Order - T1 - Monterey Pine.

This site falls within the Nitrate SPD Catchment Area.

9.0 Consultations

All consultee responses can be viewed in full on the website.

- **Highways Team**

No objection (received 19/08/19).

The Dorset Highway Authority notes that due to the applicant considering the area to be sustainable and suited to car free development no parking is proposed in support of the redevelopment of the site. The Bournemouth, Poole and Dorset Residential Parking Guidance suggests that some onsite parking provision is required but the Highway Authority also considers that the location for reasons given in the supporting transport statement could be regarded as "sustainable". There are parking restrictions implemented at various locations in the vicinity of the site and these could be legally amended, if required (using legislation outside of the Planning process). The Authority is of the opinion that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 109 of the National Planning Policy Framework (NPPF 2018) and therefore, has no objection.

- **Drainage Engineer**

No objection (received 21/08/19).

Subject to conditions.

- **Planning Policy Team**

No objection (received 16/09/19).

With regards to the loss of retail use - the current building is a mix of C and A use classes. The proposal is solely C3 (residential) so the area would lose some retail provision. Policy RP: Retail Provision of the Purbeck Local Plan Part 1 stipulates how to safeguard against the loss of retail provision but the policy only applies to town and local centres and this application is located adjacent to a local centre. With regards to car

parking - the outline application proposes no car parking spaces, relying on the use of public transport, cycling and walking routes and on-street parking which is discordant with policy guidance. The Purbeck Local Plan Part 1 expects reasonable car parking arrangements as set out in paragraph 8.15.6, 'in assessing the sustainability and design quality of applications for development and other works, the Council will expect conformity to be shown with...Dorset County Council's Residential Car Parking Strategy'. This theme is reiterated in Policy IAT: Improving Accessibility and Transport that stipulates development should provide for adequate parking levels in line with the Bournemouth, Poole and Dorset Residential Car Parking Strategy. The Council fully supports the ambition to use local cycling and walking routes and encouraging people to use public transport, however, the scheme could be improved if it was less reliant on on-street parking for those who own a car.

- **Environmental Health**

No objection (received 08/08/19).

Subject to conditions regarding noise and contamination.

- **Lytchett Minster and Upton Town Council**

Objection (received 15/08/2019).

Object regarding the failure to provide any onsite parking in view of the extant local parking problems in the immediate area and town centre generally.

Representations received

Eleven objections received from neighbours. Nine of the eleven objections raised concerns regarding the lack of parking provision.

Issues
Nine of the eleven neighbour representations raised concerns regarding the lack of parking proposed as part of the proposals.
Neighbours, the Church and Church goers raised concerns regarding the occupiers of the flats parking in the church/ community centre car park which is not for public use.
The Church expressed how enforcing the removal of cars from their car park isn't feasible.
Concerns raised regarding the amount of existing pressure already on the on-road parking by the users of nearby, shops, pharmacies and surgeries.
Neighbours raised concerns regarding where delivery vans/ lorries will park when delivering to the flats.
Neighbours raised concerns regarding the parking study's conclusion that additional cars could park in Heights Approach. Occupiers of Heights Approach commented that their driveways are regularly blocked by cars.
Neighbours raised concerns regarding additional traffic generation and the impact on highway safety.
Neighbours commented that car free properties are unrealistic and also unenforceable.
Neighbours to the rear of the site raised concerns regarding the overall size of the building and how far it extends at the rear. This is close to their property, trees and retaining walls.
Neighbours to the rear of the site raised concerns regarding noise levels due to the communal garden and location of the bike shed.

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy SD: Presumption in favour of Sustainable Development

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Policy RP – Retail provision

Policy CF – community facilities and services

Emerging Purbeck Local Plan

No relevant policies.

NPPF

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 9: Promoting sustainable transport

- Paragraphs 108, 109 & 110 – Considering development proposals

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

- Paragraphs 155 & 163 – Planning and Flood Risk

Chapter 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Purbeck District Design Guide Supplementary Planning Document

The Bournemouth, Poole and Dorset Residential Parking Guidance

Strategic Flood Risk Assessment 2018

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The site is relatively level and detailed considerations can be made at reserved matters stage.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	Assessed at reserved matters stage.
Business Rates	Loss of £13,000.00
Council Tax	A reduction in 1 x Band B (£1576.68) and an extra 6 x Band A (£8108.58) and 3 x Band B (£4730.04) based on the indicative plans in relation to 1 and 2 bed flats.
New Homes Bonus	£13,360.00

14.0 Climate Implications

The proposed development is for a residential scheme in a sustainable location within the town of Upton which is designed to encourage the use of public transport instead of private car ownership. The proposal is not considered to have a significant impact upon climate implications.

15.0 Planning Assessment

Principle of development

The proposals are to erect a building comprising of 9 flats within the settlement boundary of Upton. Policy LD of the Purbeck Local Plan Part 1 states that development should be focussed within settlement boundaries. The policy also includes a hierarchy of settlements, with the towns being placed at the top of the hierarchy. Both National and Local planning policies set out the presumption in favour of sustainable development where land within defined settlement boundaries is considered to be a sustainable location for development. The principle of development is therefore considered to be acceptable subject to other material planning considerations.

Loss of retail provision

The site is located outside of boundaries of the town centre and local centre area as defined by Policy RP of the Purbeck Local Plan Part 1. Policy CF requires that village / local shops should be safeguarded and only permitted to be replaced if it can be demonstrated that there is no longer a need for the community facility through sufficient and realistic marketing of the current use over a period of at least 9 months that the use is unviable. Marketing details have been provided to demonstrate this and no interest was shown in the property. This was detailed as being predominately in a residential area, the unit has the burden of a flat above and the location is too far away from the town / local centre. Upton is already well served with community uses with 4 convenience shops, 2 coffee shops / cafes, 3 hairdressers, 3 estate agents, 2 chemists, 3 schools, 2 places of worship, a children's nursery and a library. On this basis the loss of the community facility is justified. Therefore there is no policy objection to the loss of the retail facility.

Layout, scale, design and impact on the character and appearance of the area

This application is for outline permission with only, principle and access being considered at this time. However an indicative layout plan has been submitted and this details a three storey building comprising a mix of 1 and 2 bed flats.

No specific details of design and materials have been provided. The Design and Access Statement states that the building will have a roof ridge no higher than the existing building. It is intended that the building will be located further back into the site than the existing building to reduce the bulk when viewed from the highway and to separate the flats from the commercial buildings located on the highway.

In assessing all the above, Officers do not consider that the proposal has the potential to be visually harmful subject to detailed design and landscaping proposals being submitted and conditioned.

Impact on the living conditions of the occupants of neighbouring properties

It is shown on the indicative/ illustrative plans that it should be possible to design a building that maintains privacy, outlook, and minimises impact on the living conditions of the occupants of the nearby residential dwellings. These issues will be considered in full as part of the reserved matters application.

Access, parking and highway safety

Access is submitted for consideration as part of this outline planning application. Access is defined in the Planning Practice Guidance as; 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'. Submitted with the application is a transport assessment/ statement.

The proposals are for a building comprising of 9 flats with no onsite parking provision. A number of objections have been received from neighbours and the Town Council regarding the lack of proposed parking. Neighbours and the Town Council have commented that parking is a known issue in Upton and has been for a number of years. The design and access statement, and transport survey conclude that occupiers could reside in the flats, without needing to own a car. Both the transport survey and the design and access statement place emphasis on the use of public transport, walking and cycling. There are shops, pharmacies and other amenities within a short walking distance of the site and regular public transport options into nearby towns. The nearest bus stop is located on Poole Road approximately 25m opposite the site and this has regular services heading east bound towards the centre of Poole. The bus stop for east bound journeys is located approximately 250m away to the east of the Factory Road junction. The proposals include the erection of a secure bike shed for the occupiers and the transport survey sets out the suitability of the nearby cycle routes which include designated cycle ways and bridleways.

Neighbours raised concerns that it is unenforceable to have a car free development as stated in the supporting documents. Although the design and access statement and transport survey encourage and support occupiers who do not own cars, the development will not 'ban' occupiers who do own cars. The transport survey refers to nearby available on- street parking on Poole Road, however, the on street parking is limited to 30 minutes. Parking on nearby Heights Approach is unrestricted and the transport survey undertaken on a Monday and Sunday concludes Heights Approach could accommodate at least another 4 cars from the proposed development. Many occupiers of Heights Approach raised concerns regarding the potential for more cars parking on Heights Approach and commented that their driveways are often blocked and that there is no space for more cars. The Highways Officer commented that the

potential impact and additional demand for on street parking cannot be classed as 'severe' in accordance with paragraph 109 of the NPPF and therefore raised no objections to the proposals.

The Bournemouth, Poole and Dorset residential parking strategy advises adequate parking is required for residential development, however, as stated by the Highways Officer this document is for guidance purposes only and therefore proposing no parking would not warrant the refusal of the application.

The NPPF focuses heavily on encouraging sustainable methods of transport. It should also be noted that Dorset Council declared a climate emergency earlier in 2019 and Officers consider a shift towards developments that discourage car use and ownership support the general aims of the Council in relation to reducing the areas impact on climate change. The Planning Policy Officer also commented that the council supports developments that propose to use the local cycling and walking routes, however the scheme could be improved if it was less reliant on on - street parking for those who do own a car.

In line with the comments of the Town Council, Officers discussed with the Highways officer the potential for a re-design to allow for some parking spaces to be provided. Officers approached the agent regarding a potential re-design, however, the applicant/ agent did not wish to alter the scheme.

The church and other neighbours raised concerns regarding future occupiers parking in the church/ community centre car park which is not public. Officers understand the concerns and frustrations, however, this is a civil matter and Officers cannot refuse an application based on an assumption that the cars 'may' park there. Neither the transport assessment nor the design and access statement conclude that the occupiers could use the church car park.

The proposed indicative layout shows a vehicular access to the site and a small area where delivery vans/lorries could pull up. The Highways Officer raised no objections to the proposed access or the potential impact of the proposals on highway safety.

In summary, Officers have carefully assessed the absence of parking provision and it is considered that the proposals are in accordance with both national and local planning policies. Any potential harm is not considered sufficient enough to warrant refusal of the application and the Highways Officer confirmed that the potential impact of the proposals could not be classed as 'severe' as set out in the NPPF. Officers consider the proposed access, parking and highway safety are acceptable.

Flood risk and drainage

The District Engineer has no objection to the proposal but notes that to alleviate the possible risk of flooding to this site and adjoining catchment land, an appropriate sustainable drainage system must be agreed by a planning condition.

Biodiversity

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.

16.0 Conclusion

All significant planning matters have been adequately and appropriately addressed. Officers are recommending approval of this outline planning application.

17.0 Recommendation

Grant outline planning permission subject to the conditions as set out below.

1. Before any development starts details of 'reserved matters' (that is any matters which concern the layout, scale or appearance of the building(s) to which this permission and the application relates, or the landscaping of the site) must be submitted to the Council for subsequent approval. Application for approval of any 'reserved matter' must be made within three years of the date of this permission.

Reason: This is a mandatory condition imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.

2. The development must start within two years from the final approval of the reserved matters.

Reason: This is a mandatory condition imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.

3. The development permitted must be carried out in accordance with the following approved plans: 50193/PO-01A

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

4. Before any groundworks start a scheme for dealing with surface water drainage from both the existing and proposed developments must be submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

5. A noise assessment must be submitted with the reserved matters application to demonstrate that the living rooms and bedrooms of the proposed flats will meet the internal noise levels (35LAeq 0700-2300 hours and 30LAeq 2300-0700 hours respectively) in accordance with BS8233:2014.

Reason: In the interest of neighbour amenity in addressing noise concerns from the nearby retail use.

6. A contamination assessment must be submitted with the reserved matters application. This must be a desk study with an appropriate risk assessment which will determine whether a site investigation is necessary in accordance with CLR11 Model Procedures.

Reason: The change of use of the site involves increasing the sites sensitivity and it would be particularly vulnerable to the presence of contamination. This is due to the previous commercial use of the site adjacent to a car repair work shop.

7. Before work starts on site, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All

works must be carried out in accordance with the approved details. In particular, the method statement must provide the following: (delete where not appropriate)

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

8. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

9. Informative Note - Community Infrastructure Levy. This outline planning permission is not subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008, but any reserved matters application will be.

10. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative 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.

For this application: the application was acceptable as submitted and no further assistance was required. The application was approved without delay.