



Appeal Decision

Site visit made on 24 May 2016

by **Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2016

Appeal Ref: APP/U1240/W/15/3138697

30 Golf Links Road, Ferndown, Dorset BH22 8BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Pathway Developments against the decision of East Dorset District Council.
 - The application Ref 3/15/0377/FUL, dated 1 April 2015, was refused by notice dated 13 November 2015.
 - The development proposed is to demolish an existing dwelling and construct a new two and a half storey building comprising eleven apartments along with associated car ports, surface parking, refuse and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted to demolish an existing dwelling and construct a new two and a half storey building comprising eleven apartments along with associated car ports, surface parking, refuse and cycle stores at 30 Golf Links Road, Ferndown, Dorset BH22 8BY in accordance with the terms of the application, Ref 3/15/0377/FUL, dated 1 April 2015, subject to the conditions in the Schedule below.

Main Issue

2. The main issue is whether sufficient affordable housing will be provided as part of the development proposal in accordance with local and national planning policy.

Reasons

3. The Council's sole reason for refusal was that the financial contribution in the original S106 Unilateral Undertaking (UU) was insufficient to comply with Policy LN3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (CS) and the *Christchurch and East Dorset Councils Housing and Affordable Housing Supplementary Planning Document (SPD)*.
4. Since then there have been discussions between the appellant's and Council's financial viability experts and the Council has now accepted that a contribution of £75,000 towards off-site affordable housing is acceptable and will meet the requirements of CS Policy LN3 and the SPD. Although the Council's policy requirement required a contribution of £344,000 I have no reason to challenge the Council's acceptance of a substantially lower figure based on the viability arguments of the case and I note that this was increased from £50,218 as a result of subsequent negotiations.

5. Policy LN3 and the SPD allow for off-site affordable housing contributions where on-site provision is not possible or at the Council's discretion. I understand that the Council is willing to accept such a contribution instead of on-site provision in this case because the development proposes a single building, which it considers would not lend itself to split management for privately owned properties and management for social housing. I have no reason to disagree with the Council's decision in this respect.
6. Accordingly I conclude that sufficient affordable housing will be provided as part of the development proposal in accordance with local and national planning policy. The proposed development, subject to this affordable housing contribution to be delivered by the UU, would comply with CS Policy LN3, the SPD, paragraph 50 of the National Planning Policy Framework and paragraph 19 of the Viability section of Planning Practice Guidance.

Other Matters

7. I have read objection letters from the Parish Council and several neighbours on a variety of other grounds but the Council has not raised any of these issues as a reason for refusing the application and none of the issues raised are so significant as to warrant the dismissal of this appeal.
8. I also note that the UU also makes a contribution towards measures which avoid or mitigate any adverse impacts of the development on the nearby Dorset heathlands in accordance with the updated Dorset Heathlands Planning Framework SPD. This contribution fulfils the three statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conditions and Conclusion

9. All the Council's suggested conditions are necessary although I have amalgamated some, split others and altered some of the wording in the interests of brevity, clarity and to comply with the Planning Practice Guidance.
10. A condition listing the approved plans is necessary in order to provide certainty. One requiring samples of external materials is necessary to ensure the development harmonises with its neighbours' appearances. Details of surface water drainage including SUDS are required to ensure suitable future maintenance and to prevent flooding.
11. A tree protection condition is necessary in order to protect the TPO trees on the site, which have a high amenity value. Likewise a condition requiring landscaping details, another requiring future maintenance and another maintaining the openness of the existing site are all required to ensure the development is in keeping with the verdant character of the area.
12. A Construction Method Statement and the provision of parking and manoeuvring areas is necessary to ensure highway safety on the adjacent road during and after construction respectively.
13. A condition requiring implementation of the submitted biodiversity plan is necessary in the interests of such and finally, one requiring the height of the roof light windows to be no higher than 1700mm above floor level to ensure that adjacent residents are not overlooked by the development.

14. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Barrell Impact Appraisal 14386-AIA2-DC dated 26/10/2015; Barrell Tree Protection Plan 14386-BT2; Williams Lester Drawings 5111: PL-001 Rev C, PL-002 Rev F, PL-116, PL-114, PL-110 Rev B, PL-111 Rev B, PL-112 Rev B, PL-113 Rev A, PL-120 Rev D; Such Salinger Peters Drainage Strategy 31829-01 Rev C & Soakaway Design PL-002 Rev B
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (in accordance with the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement Ref: 14386-AIA2-DC dated 26/10/2015 and Tree Protection Plan Ref: 14386-BT2) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5

and 6.1 of *British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations* (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) The development hereby permitted shall not be occupied or brought into use until the areas shown on drawing number 511-PL-002 Rev E for the manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter these areas shall be maintained, kept free from obstruction and made available for the purposes specified.
 - 10) Unless agreed under Condition 6 there shall be no fencing of the private garden areas allocated on the Site plan which exceeds 1m in height.
 - 11) The development shall be undertaken in accordance with the Biodiversity Mitigation Plan submitted 02/04/15 by Lindsay Carrington Ecological Services Ltd.
 - 12) All the roof lights proposed for the north and south elevations of the building hereby approved shall be installed with their sills at or above 1700mm above floor levels of the rooms they serve.

End of Conditions Schedule