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## Appeal Decision

Inquiry Held on 26-28 June 2018

Site visit made on 28 June 2018

**by John Felgate BA(Hons) MA MRTPI**

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

**Decision date: 19 July 2018**

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### **Appeal Ref: APP/Q1255/W/17/3189976 Nos 1, 3 and 5 Lindsay Road, Poole BH13 6AN**

- 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 McCarthy & Stone Retirement Lifestyles Ltd against the decision of Poole Council.
  - The application Ref APP/17/01157/F, dated 7 August 2017, was refused by notice dated 14 November 2017.
  - The development proposed is the demolition of the existing buildings, and erection of 37 retirement living apartments (in two linked blocks), with communal facilities and car parking.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings, and erection of 37 retirement living apartments (in two linked blocks), with communal facilities and car parking, on the site of Nos 1, 3 and 5 Lindsay Road, Poole BH13 6AN, in accordance with the terms of the application, Ref APP/17/01157/F, dated 7 August 2017, subject to the conditions set out in the attached schedule.

### **Preliminary Matters**

2. The Council's decision was based on three reasons for refusal (RRs). RR2 related to the proposed development's potential effects on the Dorset Heathlands, a protected site under European legislation, and RR3 related to affordable housing. Subsequently, the appellants and the owners of the three properties on the appeal site have entered into a Section 106 undertaking, which provides for financial contributions in respect of these matters. The Council confirmed at the inquiry that this undertaking overcomes RRs 2 and 3.
3. As part of their appeal submission, the appellants put forward various additional plans, showing minor variations to the treatment of the proposed entrance piers, and a more informal style of landscape management. The Council confirmed that they were willing for these new plans to be considered as alternatives to the ones submitted at the application stage. However, for reasons which I will explain elsewhere in this decision, I find the proposed scheme acceptable in its original form, and I have therefore based my decision on the plans that were before the Council when it made its decision to refuse permission.

## **Relevant Planning Policies**

### *The Development Plan*

4. The development plan for the area includes the Poole Core Strategy (the PCS), adopted in February 2009, and the Site Specific Allocations and Development Management Policies (the SSADMP), adopted in April 2012. The appeal site lies within a 'Prime Transport Corridor', identified in the PCS, and within the Branksome Park and Chine Gardens Conservation Area.
5. Policy PCS 5 sets out the broad locations for residential development, to meet the Borough's housing targets. Flats and higher-density developments are directed towards the town centre and the Prime Transport Corridors. In these areas, the indicative density range is to be 50-100 dwellings per hectare (dph). All developments are also required to contribute positively to the Borough's character and function, through their design and layout.
6. Policy PCS 23 encourages a high standard of design, which complements or enhances the Borough's character and identity. Amongst other things, the scale, height and massing of developments should respect the site and its setting. Developments in Conservation Areas (CAs) should preserve or enhance the CA's character, retaining its important historical or architectural features.
7. In the SSADMP, Policy DM2 requires proposals affecting heritage assets to result in the asset being enhanced, restored, or better revealed, and to show that any damage would be outweighed by overriding public benefits.

### *The emerging draft Local Plan*

8. The submission draft of the Poole Local Plan (the PLP) was published in July 2017 and is currently undergoing Examination. On the Policies Map, the appeal site lies within an area defined as a Sustainable Transport Corridor.
9. Policy PP2 sets out the Borough's targets for housing and other development, including targets for specialised housing for older persons, and for care home places. The majority of new housing development is directed to the most accessible locations, including the Sustainable Transport Corridors, where the indicative density is given as 50 dph.
10. Policy PP12 gives further support to housing for the elderly, and states that such developments will be permitted close to local centres and in the Sustainable Transport Corridors. Schemes are required to reflect current best practice in terms of design.
11. Policy PP27 sets out further design requirements for flatted developments. Amongst other things, the scale, massing and plot coverage should be in keeping with neighbouring buildings and with the established pattern of the street or part of a street, and car parking should not dominate. Policy PP29 requires development to preserve or enhance heritage assets.
12. On 15 June 2018, the Examining Inspector issued a letter setting out his initial findings, and the general scope of the main modifications which will be required. None of the above policies appear to be affected by these. In the light of its stage of progress, I have given the draft PLP moderate weight.

### *Supplementary Guidance*

13. The Heritage Assets SPD<sup>1</sup>, adopted in April 2013, includes general advice on development in CAs. Where buildings are proposed to be demolished, account should be taken of their architectural merits and their role within the area's historic development. New buildings should be appropriate to their context. Their design need not copy those that exist, but should draw upon, and be informed by, the CA's essential qualities. Development should relate to the area's character and history, fit comfortably with the existing pattern of buildings and road access. As a relatively recently adopted document, I have given the SPD moderate weight.
14. The Branksome Park CA Character Appraisal and Management Plan (the CAMP), was approved as an SPG<sup>2</sup> in 2006, before the CA was enlarged and re-named in 2014. The SPG defines the original CA's special interest, describes its character and features, and sets out some guidelines for development. The CA is divided into 14 sub-areas, referred to as character areas, of which the appeal site is included in the Lindsay Road character area. The most relevant parts of the SPG are discussed in more detail below. It was agreed at the inquiry that the document carries some weight, but less than that of development plan policy. Bearing in mind its age, and its status as SPG rather than an SPD, I agree.

### *National Policy*

15. The National Planning Policy Framework (NPPF) advises that great weight should be given to the conservation of heritage assets, and that the degree of weight should be related to the asset's importance. In the case of designated heritage assets, where a development would result in less than substantial harm, that harm should be weighed against the public benefits.

### **Main Issue**

16. In the light of the above, and all the submissions made, the main issue in the appeal relates to the effects of the proposed development on the character and appearance of the Branksome Park and Chine Gardens CA.

### **Reasons for Decision**

#### *The Conservation Area*

17. Branksome Park is a residential area, laid out between the early 19<sup>th</sup> and mid-20<sup>th</sup> centuries. The layout comprises an informal pattern of meandering roads and lanes, flanked by individual detached houses on large plots, all set amongst mature trees and dense woodland. The buildings are in a mixture of architectural styles, from Victorian and Arts-and-Crafts, through to present-day contemporary and post-modern, with no single period or style predominating. Although few of the designs are of great distinction, many are attractive or visually interesting. In most cases however, the dwellings are set between the trees and dense shrub planting in such a way that they are at least partially screened from public views. In addition, through the centre of the area there runs an extensive belt of wooded open space known as Branksome Wood and Chine Gardens, following the valley of the Branksome Chine. The overall

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<sup>1</sup> Supplementary Planning Document

<sup>2</sup> Supplementary Planning Guidance

character of the CA is thus of a semi-rural, low-density suburb, in which the buildings are subservient to the landscape.

18. The CA's special architectural or historic interest is described in the CAMP<sup>3</sup> and in the evidence of Mrs Teasdale at the present inquiry. The historic interest relates to the way the Branksome Park development was planned and laid out. Initially this was apparently derived from an estate plan devised by Christopher Crabb Creeke, a local architect and surveyor, under the direction of the estate's then owner, Mr Charles Packe MP. From the 1870s onwards, the estate was acquired by Henry and Francis Bury, and the scheme was then taken forward by them, and subsequently by other members of the Bury family. These early plans formed the basis for the pattern of roads, plot divisions, tree planting and open space that survives today.
19. Architecturally, although the CAMP identifies a number of buildings that contribute positively, and some of these are locally listed, few individually have any special interest. Rather, the CA's architectural interest relates to the variety of different building styles and periods, and the informality of their siting, spacing and orientation, which collectively contribute to the CA's visual character. Overall however, that visual character is derived more from the landscape than from the buildings.

#### *The Lindsay Road character area*

20. The Lindsay Road character area comprises all of those properties in Lindsay Road that are included within the CA. The remainder of Lindsay Road, to the north, is outside the CA. The character area is separated from the remainder of the CA, to the south, by Branksome Wood.
21. As is the case throughout the CA, the most dominant influence on the street scene is the landscape. On both sides of the road, the frontages and plot boundaries are mostly well vegetated with mature trees and hedges, and the rear gardens are heavily wooded. In most cases, the dwellings are set in small clearings, and appear enveloped by the prevailing woodland. As a result, the buildings tend to be seen individually rather than collectively, and the townscape is experienced as a series of discrete compositions, each within its own setting.
22. On the western side, which includes the appeal site, Nos 1-23 (odds) Lindsay Road are a row of bungalows and chalets, built during the 1950s. Although these are pleasant, well-maintained properties, none has any particular architectural quality or visual interest. In addition, on this side of the road, the buildings are arranged more formally than elsewhere in the CA, with the dwellings all facing the street, evenly spaced, and generally conforming to a planned building line. In all these respects, this group of bungalows is untypical of the CA as a whole, and does not reflect some of its more attractive qualities.
23. One of these properties, No 9, was identified in the CAMP as a good example of its period or style. However, that was merely by virtue of it being the least altered bungalow in the group, which in the circumstances seems a rather limited distinction; and in any event, that assessment appears no longer up to date. To my mind therefore, none of the buildings on the western side of the

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<sup>3</sup> CAMP Section 1.2 'Definition of special Interest'

character area makes anything more than a neutral contribution to the CA. In any event, none is a heritage asset in its own right.

24. On the eastern side of Lindsay Road, the buildings are less numerous but more varied, in terms of their heights, ages, styles, layout, and quality. Gablehurst Lodge, which is locally listed, is an attractive, 2-storey Victorian house, now used as a day nursery. The building is set well back from the road, and is only seen through the narrow access, between tall hedges and trees. Nos 4 and 6 Lindsay Road are a 2-storey house and a bungalow, both of mid-20<sup>th</sup> century appearance. No 8A, 'Everglades', and the locally listed Park Manor, a nursing home, are not readily visible from the street.
25. In the character area as a whole therefore, the only visible building of any quality is Gablehurst Lodge. But this, like most other buildings throughout the CA, is subservient to the landscape setting.

#### *The appeal site*

26. The existing bungalows on the appeal site, Nos 1, 3 and 5 Lindsay Road, are typical of the character area. Although the current buildings lack quality, the three plots contribute to the CA's special character through their abundant landscape cover, in both the front and rear gardens.
27. In common with other properties in the character area and the CA, the site is effectively a self-contained landscape compartment. This impression is further reinforced by its location adjoining the Branksome Wood, which wraps around and helps to visually enclose the site from most directions. The only significant inward views are therefore the partial and filtered views from directly opposite the site, in Lindsay Road.

#### *The CAMP guidelines*

28. Throughout the CA, Code 1 of the CAMP requires that the dominance of the trees and vegetation is respected and maintained. Code 2 permits demolition, where the existing building is not important either individually or as part of a group, and provided that the development would preserve or enhance the CA. Code 4 requires the use of appropriate materials. Code 9 seeks to maintain the gaps between buildings and their boundaries, or to increase the spacing where a proposed new building is larger than the existing. Code 12 seeks to retain a mix of building styles, including contemporary designs, where they contribute to the area's character; proposals should not be unduly bold, prominent or jarring, and landscaping should be reinforced where necessary to ensure that schemes do not upset the balance between buildings and trees.
29. As well as falling with the Lindsay Road character area, Nos 1-23 Lindsay Road are defined as one of the 'bungalow areas', identified in Code 8. In these areas, the Code states that replacement buildings should not be significantly greater than the existing in terms of bulk, scale or height. However, the guidance for the Lindsay Road character area, at section 4.1, permits replacement with significantly larger buildings, provided that the visual dominance of the landscaping is maintained, and as long as vehicular accesses are low-key. It was noted at the inquiry that there is an apparent inconsistency between these two sections of the CAMP, in so far as they apply to the appeal site.

30. In considering the appeal proposal against the CAMP guidance, I have also had regard to the relevant development plan, SPD and NPPF policies that I have identified earlier in this decision, bearing mind that of these the adopted development plan carries the greatest weight.

*Height, scale and massing*

31. The proposed development would introduce two new apartment blocks of 2 and 3 storeys. These would be significantly taller, wider, and deeper than the existing buildings on the site, or any others in the Lindsay Road character area. The CAMP guidance is contradictory, with Code 8 seeking to rule out larger buildings in any of the bungalow areas, but Section 4.1 permitting them in this specific character area, subject to provisions regarding landscape and access.
32. In considering which of these two approaches should be preferred, I accept that there are likely to be many cases where the Code 8 guidance will be found the most appropriate. In this present case however, I have had regard to the appeal site's specific circumstances, and in particular the site's high degree of self-containment, the dominant role of the landscape, and the limited role of the Lindsay Road bungalows in relation to the CA's special interest. I also bear in mind that the level of prescriptiveness implied in the Code 8 approach exceeds that of the relevant development plan policies, or those of the SPD or NPPF. In the circumstances, I consider that the guidance in Section 4.1 offers a more appropriate basis for the appeal.
33. The key consideration in relation to Section 4.1 is not the height, scale or massing of the buildings as such, but the extent to which the development would be subservient to the area's landscape framework, allowing the woodland to continue to dominate rather than the buildings. I address this issue further in the next section, below.

*Effects on the landscape framework*

34. The great majority of the 138 existing trees and tree groups within the site would be retained. Of the 17 trees to be removed, most are smaller ornamental or garden trees, of little public value. Only three of those that would be lost (T23, T56 and T90) are trees of any stature and in good condition; and these are all located on the edge of the existing woodland, where their loss would be scarcely noticeable. The remainder of the woodland area within the site, and the much larger woodland extending beyond its southern and western boundaries, would be unaffected. So too would most of the trees on the site's northern boundary and its street frontage, except for T1 which is structurally unsound. There is no dispute that the trees proposed for retention, both on and off site, can be adequately protected by condition. Consequently, even without considering any new planting, the site's present wooded character would be maintained.
35. Within this existing landscape framework, the proposed development would be set in the central part of the site, mainly within the area now occupied by the existing dwellings and their immediate gardens. The new buildings would be sufficiently clear of the trees on all sides, to ensure that those trees would not come under undue pressure. The taller of the two proposed buildings would be set on the lower part of the site, and the roofs of both buildings would be well below the heights of the mature woodland and boundary trees surrounding them. The existing trees to the rear and sides of the new buildings would thus

continue to form a backdrop in any views from the street. Consequently, despite being larger than the present bungalows, the proposed buildings would be in scale with the site and its landscape framework.

36. In addition to this existing landscape, the proposed development includes provision for over 30 new trees, together with additional shrub, hedge and ground cover planting. Amongst other species, the new trees would include oak, hornbeam and birch, which could all be expected to grow into sizeable specimens. The majority of the new planting would be located towards the front of the site, where it would contribute to the street scene within a reasonable timescale. Such new planting would supplement the already substantial belt of retained trees and vegetation along the street frontage. As already described, inward views from the street are already limited, and in time, the effect of this new planting would be to restrict visibility even further. This is not to suggest that the development would be completely hidden, nor indeed that it should be; but in this case, the additional planting would help to separate the development from the street, reinforcing the impression of the site being self-contained and enveloped within the dominant landscape.
37. The new planting would also assist with the need for succession planting and on-going renewal of the CA's woodlands, as identified in the CAMP. Although some of the proposed species are not native to the area, the same is true of much of the existing planted woodland. I am satisfied on the evidence that the proposed new planting is suitable for the site and would contribute to the woodland's continued health.
38. As a result, despite their size, the new buildings would have the appearance of being enclosed by the surrounding trees and woodland, in the same way as most others in the CA. The development would thus be subservient to the site's landscape framework, and the area's dominant landscape character would be maintained, in accordance with the principles set out in the CAMP.

#### *Architectural style and quality*

39. The proposed development would be contemporary in style. The two main buildings would have flat roofs, angular elevations and projecting balconies. Although these types of features are not unusual in flatted developments, they are not found on any other buildings in the Lindsay Road character area. And although there are other examples of contemporary architecture within the CA, none of these are in this character area. In these respects the development's style and form would be markedly different from its neighbours.
40. However, for the reasons that I have identified earlier, on this particular site, the acceptability of the proposed development is not dependant upon any visual relationship to other nearby buildings. This is primarily because of the site's visual self-containment, and the neighbouring bungalows' lack of contribution to the significance of the CA. Instead, having regard to CAMP Code 12, the more important consideration is whether the design is of high quality and attractive in its own right, and that it respects its setting, and avoids appearing unduly assertive.
41. In my view, the proposed apartment blocks, with their simple, rectilinear shapes, punched fenestration and clean, uncluttered lines, would have a restrained, understated appearance. The main elevations would be ordered and unfussy. The addition of the framed balconies, glazed screens and timber

panels adds some articulation, and the offset positioning of the latter provides relief. By splitting the apartments into two separate blocks of differing sizes, the scheme gains added visual interest, and the dynamic tension between the two is resolved by the fully-glazed, single-storey, connecting corridor. In both blocks, the height-to depth ratio creates a horizontal emphasis, which adds to the impression of buildings blending seamlessly into the site. Overall, this combination of elements makes for a pleasing composition.

42. I fully accept that the style is one that may not appeal to everyone, but that would be an unrealistic expectation of any scheme. The NPPF warns against over-prescriptiveness in design matters, and the CAMP makes it clear that there is no in-principle objection to contemporary building styles in the CA. Having regard to Code 12, it is fair to say that the proposed design might be described as bold, but in the context of the site and its surroundings, it would not be excessively so. In any event, the development would not be either prominent or jarring, in my judgement.
43. To my mind therefore, the proposed scheme represents a well-considered and high-quality response to the site and its context. Judged on its own terms, the scheme would make for a well-mannered development, enhancing the CA's diversity and distinctiveness. In all these respects, the quality of the appeal proposal would exceed that of the existing dwellings. The proposed scheme would therefore result in an overall enhancement of the CA's character and appearance.

*Other matters relating to the effects on the CA*

44. The proposed scheme would include parking for up to 30 cars, plus vehicular circulation areas and paved footways. However, the parking would be broken up into two separate areas, and would be set well back from the front boundary, behind the existing trees and vegetation, and further new planting. In any event, parking in front gardens is not uncommon in the Lindsay Road character area; Gablehurst Lodge has an extensive car park, and within the appeal site itself, Nos 3 and 5 already have significant areas of hardstanding. In the appeal scheme, the proposed parking areas would be well landscaped and discreetly located. In the context of the site and its surroundings, these facilities would not be out of place, nor would they be visually dominant.
45. Together, the new apartment blocks, car parks and roadway would cover a larger proportion of the site than the existing development. But the buildings and other hard surfaced areas would all have ample space around and between them. Even within the front area, which would be the most intensively used part of the site, no more than about half of the available space would be taken up by hard surfaces, with the rest being devoted to trees and landscaping. Across the site as a whole, the site coverage by buildings and hard areas would be only just over 30%. The development would thus maintain an acceptable balance between buildings and landscape within the site.
46. The existing plot boundaries between the three properties within the appeal site would be lost. However, there is no evidence that these have any historic significance. The plots on this side of Lindsay Road appear to have been laid out only in the post-war period, and nothing suggests that the boundaries pre-date this time. The proposed development would not conform with the regular spacing or rhythm of the existing buildings in this part of the road; but in the

- context of the CA as a whole, this regularity is itself somewhat atypical, and indeed contrary to the pleasant informality of the remainder of the area.
47. The proposed buff/grey coloured brickwork would not accord with the preferred colours identified in the CAMP. However, this is a matter that is proposed to be covered by condition. To my mind, the materials proposed in the application would be an attractive and yet appropriately muted option. But the proposed condition would allow the Council to take a different view if they prefer.
  48. The scheme would involve some alterations to two of the site's existing accesses, but these would be minor. The slight widening of one driveway, the narrowing of another, and the introduction of new brick piers, would all be consistent with the range of access treatments seen elsewhere along Lindsay Road. I note the Council's preference for the slightly lower and darker coloured piers shown in the alternative plans tabled prior to the inquiry. But to my mind this amendment is not necessary to make the proposals acceptable. I note also that there is an Article 4 Direction in respect of boundary treatments, but this does not alter my view the proposed access alterations would cause no harm to the CA's character or appearance.
  49. I note the Council's reservations about the type of landscape management implied in the submitted images, and although these are clearly not definitive, I accept that a management company is likely to favour neatly trimmed hedges and well-tended lawns. However, most other properties are not subject to any form of planning control in this respect, and I saw that throughout the CA the degree of landscape maintenance carried out by owners varies widely. To my mind, this variation in individual preference contributes positively to the CA's diversity. I am not persuaded that the proposed development's future landscape management regime would be likely to have any significant effect on the CA's character or appearance.
  50. The development would result in a density of occupation which would be far higher than the existing densities anywhere else in the CA. But nevertheless, the density would be within or below the range for the Prime or Sustainable Transport Corridors, as advocated in Policy PCS5 and draft Policy PP2. I agree that these ranges should be applied with some sensitivity, especially in the CAs, but in the present case, no specific harm has been identified which might result from the proposed density, other than the alleged harm to the CA, which I have considered above. To my mind, the increased density is a measure of the extent to which the development would make better use of the site than the existing single dwelling, and this is therefore to be counted as a benefit.
  51. For the avoidance of doubt, I note that the Council does not seek to argue against the principle of the site's redevelopment, nor of some increase in height or massing, or against a contemporary design. Nor is it suggested that the setting of Gablehurst Lodge would be harmed. I see no reason to disagree on any of these matters.

#### *Overall effects on the CA*

52. The loss of the existing bungalow would cause no harm to the CA. The loss of three good trees would be fully compensated by the greater number of new trees, in more visible locations. Although the proposed new buildings would be large, they would be in scale with the site. The development would therefore maintain the dominance of the woodland landscape, and the CA's most important unifying feature would thus be preserved. Furthermore, the scheme

would replace a poor quality and anonymous building with a development of higher quality and greater visual interest. All in all, the proposed scheme would not cause any identifiable harm to the CA's special historic or architectural interest, or any loss of its significance as a heritage asset. Indeed, given the development's higher overall quality, in terms of architecture, layout, design and landscaping, the net effect on the CA's character and appearance would be an enhancement.

53. In these respects, the proposal fully satisfies the aims of the relevant policies in the adopted development plan, these being Policies DM2 and PCS23, relating to heritage assets and design quality, and also the relevant provisions of Policy PCS5, in so far as this touches on matters of design and layout. The scheme also meets the equivalent requirements in the draft PLP, contained in Policies PP12, PP27 and PP29, and the relevant guidance in the Heritage Assets DPD.
54. The development would not accord with Code 8 of the CAMP. However, it would comply with the SPG's character area guidance for Lindsay Road, and all of the other relevant provisions in the CAMP would either be met by the scheme as it stands, or could be achieved by condition. Given the CAMP's relative lack of weight, the failure to comply with it in every respect does not change my view that the proposed scheme's effect on the CA would be to enhance it.

## **Other Matters**

### *General housing needs*

55. Although housing supply was originally a disputed matter, at the inquiry it was agreed that the Council is now able to demonstrate at least a 5.4 years' supply of land for general housing needs, even when a 20% buffer is applied for persistent under-delivery over the last 9 years. I see no need to enquire further into these calculations.

### *Housing for the elderly*

56. The Borough's housing target includes a quantified need for specialist housing for the elderly. For private leasehold sheltered housing of the type proposed in the present appeal, the agreed need is 1,743 units in the period 2015-25, plus a further 451 units up to the year 2033<sup>4</sup>. There is no clear evidence as to how many of these sheltered dwellings have so far been provided, or how many are included within the 5-year land supply for general housing. However, it is not disputed that these numbers fall well short of the requirement.
57. The draft PLP makes some provision for other forms of elderly persons' housing, including care homes and 'lifetime homes', but no specific provision for private sheltered housing. Meeting the need in this sector is therefore dependant on developer-led schemes coming forward over the course of the plan period.
58. The appeal scheme would therefore make a significant contribution to the acknowledged need. This is a material consideration that weighs in favour of the development.

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<sup>4</sup> Based on the Strategic Housing Land Availability Assessment (SHLAA), April 2018

### *Section 106 undertaking*

59. The appellants' legal undertaking provides for a financial contribution of £175,499 towards the provision of off-site affordable housing. This amount is accepted by the Council as the maximum amount that can reasonably be required, taking account of viability considerations, in accordance with Policy PCS6 of the adopted PCS. I see no reason to disagree with this assessment. There is no dispute that affordable housing is needed in the Borough. That need exists irrespective of the appeal scheme, and therefore the proposed contribution would represent a significant public benefit.
60. The undertaking also provides for a contribution of £8,310 (plus an administration fee), to mitigate potential impacts on the Dorset Heathlands Special Protection Area (SPA). This contribution is to be used for wardening, education and monitoring, under the Council's Strategic Access Management and Monitoring (SAMM) scheme. The payment is required for compliance with adopted Policy PCS 28, and the amount is derived from the Council's adopted SPD<sup>5</sup>.
61. Both contributions therefore meet the tests under Regulation 122 of the relevant CIL Regulations<sup>6</sup>. Neither falls within the scope of Regulation 123.

### *Traffic*

62. Concerns are raised by local residents regarding the effects on traffic and highway safety. I accept that Lindsay Road often suffers congestion during peak hours, and that at other times, some drivers may exceed the speed limit, but these are problems common to most urban areas. Realistically, it seems unlikely that some further increase in traffic levels can be avoided, if the community's needs for homes, jobs and access are to be met. In the present case, the numbers of additional vehicles generated by the proposed development would represent only a small percentage increase over the existing situation. Any resultant impacts would therefore not be so severe as to justify a refusal of permission.

### **Conditions**

63. In the light of the discussions at the inquiry, the conditions that I consider should be imposed on any permission are set out in the Schedule attached to this decision. A further Schedule lists the approved plans. A condition requiring compliance with the approved plans is necessary in the interests of certainty. A condition restricting occupation principally to older people is justified because of the particular need for specialist housing for that age group.
64. Conditions relating to materials, landscaping and tree protection are all needed in order to protect the character and appearance of the CA. A restriction on the timing of tree felling and site clearance is justified to protect wildlife. Conditions relating to access, parking, circulation and visibility are all required for reasons of highway safety.
65. The provision of a privacy screen on the balcony of Flat 36, and a restriction on the use of the flat roofed areas, are both needed to protect the privacy of adjoining occupiers.

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<sup>5</sup> The Dorset Heathlands Planning Framework SPD, adopted January 2016

<sup>6</sup> The Community Infrastructure Levy Regulations 2010

66. At the inquiry, it was agreed that a proposed condition relating to noise mitigation was unnecessary. I also find no need for any further details of boundary treatments, as these are sufficiently clear in the approved plans.

### **Conclusions**

67. The proposed development would accord with adopted Core Strategy Policy PCS 5 with regard to the location of flats and higher-density development. It would also offer a high standard of design, enhancing the character and appearance of the CA, and would thus also accord with adopted Policies PCS 23 and DM 2. No conflicts with any other policies have been identified or substantiated. The scheme is therefore in accordance with the development plan.
68. In addition, the development would help to meet the acknowledged need for specialist housing for the elderly. It would make better use of underused urban land, and it would contribute to the provision of affordable housing. These would be public benefits of the scheme, of the kind referred to in Policy DM2 and the NPPF advice on conserving and enhancing the historic environment. The development would also accord with the relevant policies of the emerging draft Local Plan, PLP Policies PP2, 12, 27 and 29. All of these material considerations weigh in favour of granting permission. I have found no significant considerations that weigh against.
69. I have taken account of all the other matters raised, but none changes these conclusions. The appeal is therefore allowed, subject to the attached conditions.

*J Felgate*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant, of Counsel	Instructed by the Council's Solicitor
He called:	
Steve Dring BA(Hons) PGDip MA MRTPI	Senior Planning Officer (Policy)
Margo Teasdale MEnv MSc DipTP MIHBC MRTPI	Senior Conservation Officer
Laura Bright MSc PGDip MRTPI	Senior Planning Officer (Urban Design)
Helen Harris BA(Hons) Dip TP MRTPI	Senior Planning Officer (Development Control)

### FOR THE APPELLANT:

Robert Walton, of Counsel	Instructed by The Planning Bureau
He called:	
Paul Sedgwick DipTP MRTPI	Sedgwick Associates
Neil Armitage BA(Hons) DipArch RIBA	Re-Format LLP
Graham Keevill BA(Hons) FSA MCIfA	Keevill Heritage
Jago Keen MSc DipArb MArborA MICFor	Chartered Arboriculturist
Gian Bendinelli MRTPI	The Planning Bureau

### OTHER INTERESTED PERSONS:

Douglas Eadie	Branksome Park & Canford Cliffs Residents Association
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## **DOCUMENTS TABLED AT THE INQUIRY**

### COUNCIL DOCUMENTS

- C/1 Note on financial contributions and planning obligations
- C/2 Addendum note on soundness of the draft Poole Local Plan
- C/3 Opening submissions
- C/4 High Court judgement: Felicity Irving v Mid Sussex DC and others  
[2016]EWHC1529(Admin)
- C/5 Note re Prime/Sustainable Transport Corridors
- C/6 Natural England submission to Poole Local Plan examination
- C/7 Note on SAMM contributions
- C/8 Closing submissions

### APPELLANTS' DOCUMENTS

- APP/1 Letter from 'VisualHorizon3D' dated 13 June 2018, and accompanying visually verified images
- APP/2 Plan tabled by Mr Keen, showing plot coverage by built/hard/soft landscape types
- APP/3 Note in response to Council's Addendum regarding soundness
- APP/4 Executed Section 106 unilateral undertaking, dated 26 June 2018
- APP/5 Opening submissions
- APP/6 Closing submissions

### GENERAL DOCUMENTS

- GEN/1 Examining Inspector's letter dated 15 June 2018, re draft Poole Local Plan
- GEN/2 Statement of Common Ground, dated 6 June 2018
- GEN/3 Article 4 Direction relating to Branksome Park
- GEN/4 The Key Diagram forming part of the adopted development plan for Poole
- GEN/5 Policies Map forming part of the Draft Local Plan, July 2017
- GEN/6 Table showing housing requirements under the draft 'Standardised Method' formula
- GEN/7 Annex 1 of the draft revised NPPF
- GEN/8 Agreed tour route for unaccompanied part of Inspector's site visit
- GEN/9 Agreed draft condition re boundary treatment

## **SCHEDULE OF CONDITIONS**

The planning permission hereby granted, for development at Nos 1, 3 and 5 Lindsay Road, Poole, is subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in full accordance with the plans listed in the attached Schedule of Approved Plans.
- 3) Each residential unit within the development hereby permitted shall be occupied only by:
  - i) a person aged over 60 years;
  - ii) the spouse or partner of such a person, who is aged over 55 years;
  - iii) a warden or other person employed at the site in a similar capacity;
  - iv) a person occupying as the non-paying guest of an occupier qualifying under (i) or (ii) above.
- 4) No construction works above ground floor slab level shall take place until samples of the external facing materials have been submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with these approved sample details.
- 5) (i) The landscaping works shown on the Approved Plans, including all planting, seeding, hedging, turfing, paving, contouring and boundary treatments, shall be completed before the end of the first planting season following either the completion of the buildings or the occupation of the first unit (whichever is the sooner), or in accordance with a timetable approved in writing by the local planning authority.  
  
(ii) During a period of 5 years from the date when the landscaping works are completed, any trees or plants which die, or are destroyed, removed or lost for any reason, or which become seriously damaged or diseased, shall be replaced within the next available planting season with others of the same size and species, in the same position.
- 6) (i) No tree or hedge shall be cut down, uprooted or destroyed, nor topped or lopped, other than in accordance with the proposals contained in the Approved Plans.  
  
(ii) No development shall take place, and no equipment, machinery or materials shall be brought on to the site, until protective fencing and ground protection have been installed around the trees and hedges to be retained, in accordance with the details shown on that plan. This fencing and ground protection shall be kept in place until all equipment, machinery and materials have been removed from the site.  
  
(iii) If, during the construction of the development or within 5 years from its completion, any retained tree or hedge is removed, destroyed or dies, it shall be replaced with a new tree or hedge, of a size and type to be approved in writing by the local planning authority.
- 7) All tree felling carried out under Condition 6, and other site clearance works, shall be undertaken outside the bird breeding season, in accordance with a timetable to be submitted to the local planning authority and approved in writing.

- 8) No residential unit within the proposed development shall be occupied until the proposed vehicular and pedestrian accesses, internal roadways, vehicle parking and manoeuvring areas, footpaths and cycle parking have been completed, in accordance with the details shown on the Approved Plans. Thereafter, these facilities shall be retained and kept available for use in connection with the development at all times.
- 9) (i) No residential unit within the proposed development shall be occupied until a one-way, in/out vehicular circulation system has been implemented within the site, in accordance with a scheme to be submitted to the local authority and approved in writing. The scheme shall include all necessary signage and road markings, and shall provide for entry via the southern access point only, and exit via the northern access only.  
(ii) The northern access point shall not be brought into use until 2m x 2m pedestrian visibility splays have been provided in both directions. Thereafter, these splay areas shall be kept free from all obstructions above 0.6m in height above ground level.
- 10) No residential unit within the proposed development shall be occupied until the existing access to No 3 Lindsay Road has been closed to vehicles, as shown on the Approved Plans, and the public footway and kerb reinstated in accordance with details to be submitted to the local planning authority and approved in writing.
- 11) The residential unit numbered Flat 36 on the Approved Plans shall not be occupied until an opaque privacy screen has been fitted to the balcony in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the privacy screen shall be permanently retained.
- 12) The roofs of the proposed development shall not at any time be used as a terrace, nor as a garden or sitting area, nor for any other recreational purpose. No access to the roofs shall be permitted except for purposes relating to the buildings' management and maintenance.

## **SCHEDULE OF APPROVED PLANS**

SO-2409-03-AC-0001	Rev. 02	Location Plan
SO-2409-03-AC-0002	Rev. P01	Block Plan
SO-2409-03-AC-0004	Rev. P12	Site Plan
SO-2409-03-AC-0101	Rev. P16	Ground Floor
SO-2409-03-AC-0102	Rev. P11	First Floor
SO-2409-03-AC-0103	Rev. P12	Second Floor
SO-2409-03-AC-0301	Rev. P05	Roof Plan
SO-2409-03-AC-0401	Rev. P09	Elevations 1
SO-2409-03-AC-0402	Rev. P08	Elevations 2
SO-2409-03-AC-0501	Rev. P04	Sections
SO-2409-03-AC-0601	Rev. P04	Visualisation
MCS 595/ Drg 02	Rev. H	Landscape Proposals
MCS 595/ Drg 03	Rev. C	Soft Landscape Existing and Woodlands
MCS 595/ Drg 04	Rev. D	Planting – Front of Site/East
MCS 595/ Drg 05	Rev. D	Detailed Planting – Central/North
MCS 595/ Drg 06	Rev. B	Detailed Planting – Central/South
9332/01	Rev. A	Tree Constraints
9332/02	Rev. A	Tree Protection
POC-SS-0001	Rev. 5	GRP and Plinth Construction
SO-2409-03-AC-MCS 595/ Drg 02		Sub-Station Screening
SO-2409-03-DE-005	Rev. P1	Drainage Layout Sheet 1
SO-2409-03-DE-006	Rev. P1	Drainage Layout Sheet 2
SO-2409-03-AC-0005	Rev. P06	Site Set-Up
SO-2409-03-AC-0006	Rev. P03	Demolition
SO-2409-03-AC-0008	Rev. P03	Relationship to Adj Property – GF
SO-2409-03-AC-0009	Rev. P03	Relationship to Adj Property - FF