

Notice of Western BCP Planning Committee

Date: Thursday, 23 May 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chair:

To be elected

Vice Chair:

To be elected

Cllr C Adams
Cllr J Challinor
Cllr A Chapmanlaw
Cllr J Clements

Cllr P Cooper
Cllr M Dower
Cllr B Hitchcock
Cllr M Le Poidevin

Cllr S McCormack
Cllr K Salmon
Cllr P Sidaway

All Members of the Western BCP Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=6111>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake on 01202 127564 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

15 May 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Members.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Chair**

To elect a Chair of the Western BCP Planning Committee for the 2024/25 Municipal Year.

4. **Election of Vice Chair**

To elect a Vice Chair of the Western BCP Planning Committee for the 2024/25 Municipal Year.

5. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

6. **Public Issues**

To receive any requests to speak on planning applications which the Planning Committee is considering at this meeting.

The deadline for the submission of requests to speak is 10.00am on Wednesday 22 May 2024 [10.00am of the working day before the meeting]. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

Further information about how public speaking is managed at meetings is contained in the Planning Committee Protocol for Public Speaking and Statements, a copy of which is included with this agenda sheet and is also published on the website on the following page:

<https://democracy.bcpCouncil.gov.uk/mgCommitteeDetails.aspx?ID=614>

Summary of speaking arrangements as follows:

Speaking at Planning Committee (in person or virtually):

- There will be a maximum combined time of five minutes to speak in objection and up to two persons may speak within the five minutes.
- There will be a further maximum combined time of five minutes to speak in support and up to two persons may speak within the five minutes.
- No speaker may speak for more than half this time (two and a half minutes) UNLESS there are no other requests to speak received by the deadline OR it is with the agreement of the other speaker.

Submitting a statement to Planning Committee as an alternative to speaking:

- Anyone who has registered to speak by the deadline may, as an alternative to attending/speaking in person or virtually, submit a written statement to be read out on their behalf.
- Statements must be provided to Democratic Services by 10.00am of the working day before the meeting.
- A statement must not exceed 450 words (and will be treated as amounting to two and a half minutes of speaking time).

Please refer to the full Protocol document for further guidance.

Note: The public speaking procedure is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Planning Offices during the consultation period.

7. Schedule of Planning Applications

To consider the planning applications as listed below.

See planning application reports circulated with the agenda, as updated by the agenda addendum sheet to be published one working day before the meeting.

Councillors are requested where possible to submit any technical questions on planning applications to the Case Officer at least 48 hours before the meeting to ensure this information can be provided at the meeting.

The running order in which planning applications will be considered will be as listed on this agenda sheet.

The Chair retains discretion to propose an amendment to the running order at the meeting if it is considered expedient to do so.

Members will appreciate that the copy drawings attached to planning application reports are reduced from the applicants' original and detail, in some cases, may be difficult to read. To search for planning applications, the following link will take you to the main webpage where you can click on a tile (area) to search for an application. The link is:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Search-and-comment-on-applications/Search-and-comment-on-applications.aspx>

Councillors are advised that if they wish to refer to specific drawings or plans which are not included in these papers, they should contact the Case Officer at least 48 hours before the meeting to ensure that these can be made available.

To view Local Plans, again, the following link will take you to the main webpage where you can click on a tile to view the local plan for that area. The link is:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

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|----|--|---------|
| a) | <p>Branksome Chine Cafe, Pinecliff Road, Poole BH13 6LP</p> <p>Canford Cliffs Ward</p> <p>APP/23/01286/F</p> <p>Internal and external alterations and extensions to the existing café/restaurant premises. Vary condition 8 (operating hours) of APP/22/00159/F.</p> | 15 - 28 |
| b) | <p>13 - 15 High Street, Poole BH15 1AB - Update report</p> <p>To provide an update on the planning application at 13 High Street, Poole, and to seek refusal of the planning application due to the failure of the applicant to complete a Section 106 Agreement in accordance with the earlier resolution of the Planning Committee on 4 October 2022.</p> <p>Poole Town Ward</p> <p>APP/21/01199/F</p> <p>Redevelopment of the site to form 40 apartments and 424sqm of Class E floor space, following the partial demolition of existing buildings</p> | 29 - 86 |
| 8. | <p>Committee Protocols</p> <p>To confirm the following local protocols adopted by the preceding BCP Planning Committee and set out as schedules in Part 6 of the Council's Constitution:</p> <ul style="list-style-type: none">• Protocol for Speaking/Statements at Planning Committee (already circulated with Agenda Item 6) | 87 - 94 |

- Planning Committee Site Visit Protocol
- Planning Committee Protocol in relation to Pre Application Presentations

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1 The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a Planning Committee meeting. It does not therefore relate to any other item considered at Planning Committee in respect of which public speaking/questions shall only be permitted at the discretion of the Chair.
- 1.2 This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.
- 1.3 **The email address for any person who wishes to register a request to speak and / or submit a statement for the purposes of this protocol or to correspond with Democratic Services on any aspect of this protocol is democratic.services@bcpcouncil.gov.uk**

2. Order of presentation of an application

- 2.1 The running order in which planning applications are heard will usually follow the order as appears on the agenda unless the Planning Committee otherwise determines.
- 2.2 In considering each application the Committee will normally take contributions in the following order:
 - a) presenting officer(s);
 - b) objector(s);
 - c) applicant(s) /supporter(s);
 - d) councillor who has called in an application (who is not a voting member of the Planning Committee in relation to that application) / ward councillor(s);
 - e) questions and discussion by voting members of the Planning Committee, which may include seeking points of clarification.

3. Guidance relating to the application of this protocol

- 3.1 The allocation of an opportunity to speak / provide a statement to be read out at Planning Committee under this protocol is not intended as a guarantee of a right to speak / have a statement read out.
- 3.2 The Chair has absolute discretion as to how this protocol shall be applied in respect of any individual application so far as it relates to the conduct of the

meeting and as provided for in this protocol including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes the opportunity to speak (or submit a statement), varying the speaking time allowed and the number of speakers. In the event of any uncertainty as to the interpretation or application of any part of this protocol a determination by the Chair will be conclusive.

- 3.3 A failure to make a request to speak / submit a statement in accordance with any one or more of the requirements of this protocol will normally result in the request / submission of the statement not being treated as validly made and therefore not accepted.

4. Electronic facilities relating to Planning Committee

- 4.1. All electronic broadcasting and recording of a Planning Committee meeting by the Council and the provision of an opportunity to speak remotely at such a meeting is dependent upon such matters being accessible, operational and useable during the meeting. As a consequence, a meeting other than a wholly virtual meeting may proceed, including consideration of all applications relating to it, even if it cannot be electronically broadcast, recorded and/or any person is unable to speak / be heard at the time when the opportunity to do so on an application is made available.

5. Attending in person at a Planning Committee meeting / wholly virtual meetings

- 5.1. Unless otherwise stated on the Council's website and/or the agenda Planning Committee will be held as a physical (in person) meeting. A Planning Committee meeting will only be held as a wholly virtual meeting during such time as a decision has been taken by BCP Council that committee meetings of the Council may be held in this way. In the event of there being a discretion as to whether a Planning Committee meeting shall be held as a wholly virtual meeting, then the Head of Planning in consultation with the Chair shall be able to determine whether such a discretion should be applied.

6. Provisions for speaking at Planning Committee (whether in person or remotely)

- 6.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request to speak in writing with Democratic Services at democratic.services@bcpcouncil.gov.uk by **10.00 am of the working day before the meeting.**
- 6.2. A person registering a request to speak must:
- a) make clear as to the application(s) on which they wish to speak and whether they support or oppose the application; and
 - b) provide contact details including a telephone number and/or email address at which they can be reached / advised that they have been given an opportunity to speak.

- 6.3. There will be a maximum combined time of **five** minutes allowed for any person(s) objecting to an application to speak. A further combined **five** minute maximum will also be allowed for any supporter(s). Up to **two** people may speak during each of these allotted times (the applicant(s) and any agent for the applicant(s) will each count as separate speakers in support). No speaker may speak for more than half this time (i.e. **two and a half minutes**) unless:
- a) there is no other speaker who has also been allotted to speak for the remainder of the five minutes allowed;
 - b) or the other allotted speaker fails to be present or is unable to be heard (in the case of remote speaking), at the Planning Committee meeting at the time when the opportunity to speak on the application is made available; or
 - c) the other allotted speaker expressly agrees to the speaker using more than half of the total speaking time allowed.
- 6.4. If more than two people seek to register a wish to speak for either side, an officer from Democratic Services may ask those seeking the opportunity to speak to appoint up to two representatives to address the Planning Committee. In the absence of agreement as to representatives, entitlement to speak will normally be allocated in accordance with the order when a request was received by Democratic Services. However, in the event of an applicant(s) and / or the agent of the applicant(s) wishing to speak in support of an application such person(s) will be given the option to elect to speak in preference to any other person registered to speak in support.
- 6.5. A person registered to speak may appoint a different person to speak on their behalf. The person registered to speak should normally notify Democratic Services of this appointment prior to the time that is made available to speak on the application.
- 6.6. A person may at any time withdraw their request to speak by notifying Democratic Services by email or in person on the day of that meeting. However, where such a withdrawal is made after the deadline date for receipt of requests then the available slot will not be made available for a new speaker. In cases where more than two requests to speak within the allocated five minutes were received by the deadline, Democratic Services will, where practicable, reallocate the slot in date receipt order.
- 6.7. During consideration of a planning application at a Planning Committee meeting, no question should be put or comment made to any councillor sitting on the Planning Committee by any applicant, objector or supporter whether as part of a speech or otherwise.

7. Questions to person speaking under this protocol

- 7.1. Questions will not normally be asked of any person who has been given the opportunity to speak for the purpose of this Protocol. However, the Chair at their absolute discretion may raise points of clarification.

8. Speaking as a ward councillor or other BCP councillor (whether in person or remotely)

- 8.1. Any ward councillor shall usually be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who is given the opportunity to speak will have up to **five** minutes each.
- 8.2. At the discretion of the Chair, any other councillor of BCP Council not sitting as a voting member of the Planning Committee may also be given the opportunity to speak on an application being considered at Planning Committee. Every such councillor will have up to **five** minutes each.
- 8.3. Any member of the Planning Committee who has exercised their call in powers to bring an application to the Planning Committee for decision should not vote on that item but subject to any requirements of the Member Code of Conduct, may have or, at the discretion of the Chair, be given the opportunity to speak in connection with it as a ward councillor or otherwise in accordance with the speaking provisions of this protocol. Such a member will usually be invited after speaking to move themselves from the area where voting members of the Planning Committee are sitting and may be requested to leave the room until consideration of that application has been concluded.

9. Speaking as a Parish or Town Council representative (whether in person or remotely)

- 9.1. A Parish or Town Council representative who wishes to speak as a representative of that Parish or Town Council must register as an objector or supporter and the same provisions for speaking as apply to any other objector or supporter applies to them. This applies even if that representative is also a councillor of BCP Council.

10. Content of speeches (whether in person or remotely) and use of supporting material

- 10.1. Speaking must be done in the form of an oral representation. This should only refer to planning related issues as these are the only matters the Planning Committee can consider when making decisions on planning applications. Speakers should normally direct their points to reinforcing or amplifying planning representations already made to the Council in writing in relation to the application being considered. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid saying anything that might be libellous, slanderous, otherwise abusive to

any person or group, including the applicant, any officer or councillor or might result in the disclosure of any personal information for which express consent has not been given.

- 10.2. A speaker who wishes to provide or rely on any photograph, illustration or other visual material when speaking (in person or remotely) must submit this to Democratic Services **by 12 noon two working days before the meeting**. All such material must be in an **electronic** format to be agreed by Democratic Services and will usually be displayed on the speaker's behalf by the presenting officer. The maximum number of slides to be displayed must not exceed **five**. Material provided after this time or in a format not agreed will not be accepted. The circulation or display of hard copies of such material at the Planning Committee meeting itself will normally not be allowed. In the interests of fairness, any material to be displayed must have already been submitted to and received by the Council as part of a representation/submission in relation to the application by the date of agenda publication for that Planning Committee meeting.
- 10.3. The ability to display material on screen is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Every person making a speech should therefore ensure that it is not dependent on such information being displayed.

11. Remote speaking at Planning Committee

- 11.1. In circumstances where the Council has put in place electronic facilities which enable a member of the public to be able to speak remotely to a Planning Committee meeting, a person may request the opportunity to speak remotely via those electronic facilities using their own equipment. In circumstances other than a wholly virtual meeting this would be as an alternative to attending the meeting in person. The provisions of this protocol relating to speaking at Planning Committee shall, unless the context otherwise necessitates, equally apply to remote speaking.
- 11.2. The opportunity to speak remotely is undertaken at a person's own risk on the understanding that should any technical issues affect their ability to participate remotely the meeting may still proceed to hear the item on which they wish to speak without their participation.
- 11.3. A person attending to speak remotely may at any time be required by the Chair or the Democratic Services Officer to leave any electronic facility that may be provided.

12. Non-attendance / inability to be heard at Planning Committee

- 12.1. It is solely the responsibility of a person who has been given an opportunity to speak on an application at a Planning Committee meeting (whether in person or remotely) to ensure that they are present for that meeting at the time when an opportunity to speak is made available to them.
- 12.2. A failure / inability by any person to attend and speak in person or remotely at a Planning Committee meeting at the time made available for that person to speak on an application will normally be deemed a withdrawal of their wish to

speaking on that application. This will not therefore usually be regarded as a reason of itself to defer or prevent an application from being heard.

- 12.3. This protocol includes provisions enabling the opportunity to provide a statement as an alternative to speaking in person / as a default option in the event of a person being unable to speak at the appropriate meeting time.

13. Submission of statement as an alternative to speaking / for use in default

- 13.1. A person (including a councillor of BCP Council) who has registered to speak, may submit a statement to be read out on their behalf as an alternative to speaking at a Planning Committee meeting (whether in person or remotely).
- 13.2. Further, any person speaking on an application at Planning Committee may, at their discretion, additionally submit a statement which can be read out as provided for in this protocol in the event of not being able to attend and speak in person or remotely at the time when an opportunity is made available for that person to speak on the application. The person should identify that this is the purpose of the statement.

14. Provisions relating to a statement

- 14.1 Any statement submitted for the purpose of this protocol:
- a) must not exceed **450** words in total unless the statement is provided by a ward councillor or any other councillor who is not voting on the application under consideration in which case the statement may consist of up to **900** words;
 - b) must have been received by Democratic Services by **10.00am of the working day before the meeting** by emailing democratic.services@bcpcouncil.gov.uk
 - c) when submitted by a member of the public (as opposed to a councillor of BCP Council), will be treated as amounting to **two and a half minutes** of the total time allotted for speaking notwithstanding how long it does in fact take to read out;
 - d) must not normally be modified once the deadline time and date for receipt of the statement by Democratic Services has passed unless such modification is requested by an officer from Democratic Services; and
 - e) will normally be read out aloud by an officer from Democratic Services having regard to the order of presentation identified in this protocol.
- 14.2 A person who has been given the right to speak and who has submitted a statement in accordance with this protocol may at any time withdraw that statement prior to it being read out by giving notice to Democratic Services. Where such withdrawal occurs after the deadline date for registering a request to speak has passed, then a further opportunity for a statement to be submitted will not be made available. If the statement that has been withdrawn was submitted as an alternative to speaking, then if the person

withdrawing the statement wishes instead to exercise their opportunity to speak in person they should notify Democratic Services on or before the time of withdrawing the statement.

15. Assessment of information / documentation / statement

- 15.1. BCP Council reserves the right to check any statement and any information / documentation (including any photograph, illustration or other visual material) provided to it for use at a Planning Committee meeting and to prevent the use of such information / documentation in whole or part, in particular, if it:
- a) is considered to contain information of a kind that might be libellous, slanderous, abusive to any party including an applicant or might result in the disclosure of any personal information for which express consent has not been given; and / or
 - b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 15.2 The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such statement / information / documentation should not be used / read out in whole or part. If circumstances reasonably permit, Democratic Services may seek to request a person modify such statement / information / documentation to address any issue identified.

16. Guidance on what amounts to a material planning consideration

- 16.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:

“A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- *Overlooking/loss of privacy*
- *Loss of light or overshadowing*
- *Parking*
- *Highway safety*
- *Traffic*
- *Noise*
- *Effect on listed building and conservation area*
- *Layout and density of building*
- *Design, appearance and materials*
- *Government policy*
- *Disabled persons' access*
- *Proposals in the Development Plan*
- *Previous planning decisions (including appeal decisions)*
- *Nature conservation*

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.”

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

Note

For the purpose of this protocol:

- (a) reference to the “Chair” means the Chair of Planning Committee and shall include the Vice Chair of Planning Committee if the Chair is at any time unavailable or absent and the person presiding at the meeting of a Planning Committee at any time that both the Chair and Vice Chair of Planning Committee are unavailable or absent;
- (b) reference to the Head of Planning includes any officer nominated by them for the purposes of this protocol and if at any time the Head of Planning is unavailable, absent or the post is vacant / ceases to exist, then the Development Management Manager or if also unavailable / absent or that post is vacant/no longer exists then the next most senior officer in the development management team (or any of them if more than one) who is first contactable;
- (c) reference to ‘ward councillor’ means a councillor in whose ward the application being considered at a meeting of Planning Committee is situated in whole or part and who is not a voting member of the Planning Committee in respect of the application being considered; and
- (d) a “wholly virtual meeting” is a Planning Committee meeting where no one including officers and councillors physically attend the meeting; however, a meeting will not be held as a “wholly virtual meeting” unless legislation permits

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23



Planning Committee

Application Address	Branksome Chine Cafe, Pinecliff Road, Poole, BH13 6LP
Proposal	Internal and external alterations and extensions to the existing cafe/restaurant premises. Vary Condition 8 (operating hours) of APP/22/00159/F.
Application Number	APP/23/01286/F
Applicant	Rockwater Sandbanks & Branksome Ltd
Agent	Pure Town Planning
Ward and Ward Member(s)	Canford Cliffs Ward:- Cllr Challinor Cllr Wright
Report Status	Public
Meeting Date	18 April 2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Over 20 objections contrary to the recommendation to approve.
Case Officer	Laura Sims/Steve Llewellyn
Is the proposal EIA Development?	No

Description of Proposal

1. The proposed development is for the variation of Condition 8 of application APP/22/00159/F which approved internal and external alterations and extensions to the existing cafe/restaurant premises at Branksome Chine Cafe, Pinecliff Road, Poole.

2. Condition 8 relates to operating hours and states:

The café/restaurant shall not operate to customers otherwise than between 07:00 and 23:00 on Mondays to Sundays inclusive."

Reason - In the interest of the amenities of adjoining and nearby residential properties and in accordance with the Policy PP27 of the Poole Local Plan (November 2018).

3. The proposed variation of Condition 8 which is the subject of this application is as follows:

The café/restaurant shall not operate to customers otherwise than between 07:00 and 23:00 on Sunday to Wednesday inclusive and between 07:00 and Midnight on Thursday to Saturday

inclusive. With the exception of New Years Eve having opening hours of between 07:00 and 02:00 New Years Day.

4. Signs are proposed to be installed instructing people to leave quietly, and a full CCTV camera system has been installed inside and outside of the premises. The submitted supporting letter states that these measures are to “encourage customers to behave responsibly when leaving the building”.
5. The supporting letter also argues that the nature of the premises as a restaurant, the quality of the restaurant and, arguably, a more responsible clientele and the existing noise levels from the road are all mitigating factors that would reduce any harm to the living conditions of the nearest residential occupiers.

Description of Site and Surroundings

6. The application relates to the Rockwater Restaurant and the adjoining public car park previously known as the Branksome Chine Café. The site is occupied by a two storey art deco style building which has been extended to the south with an extensive contemporary addition facing the beach, with a large terrace and balconies adjacent to the promenade.
7. The restaurant is located adjoining a public car park adjacent to the beach in a prominent beachfront location. There are also public toilets, a shop/takeaway and lifeguard office to the east of the car park. Beach huts are situated along the beach in both directions adjacent to the application site. Due to the beachfront location and facilities available, it is a busy and thriving location serving evident tourism and recreational needs in the area. The overall site is an important part of the wider tourism offer in BCP.
8. The application building is locally listed and is located at the southerly edge of the Branksome Park and Chine Gardens Conservation Area. The land rises steeply to the north, east and west.
9. The nearest dwellings to the application site are Flats 1-12 Chatsworth, Westminster Road (approx.. 70m north at the closest point to the restaurant building) Flats 1-10 Denecote Lodge, Westminster Road (approx.. 70m NE) and flats 1 -6 Branksome Grange, 1 Lakeside (approx.. 110m NW). There are approximately 22 dwellings within around 70m of the application site and within 200m of the restaurant building there are a number of further dwellings on Lakeside and other blocks of flats along The Avenue and Westminster Road.
10. Chatsworth, Denecote and Branksome Grange are visible from the application site. These blocks are elevated above the site. There is landscaping and mature trees on the steep banks towards these dwellings and some mature cedar trees around these sites, however, many of the flats in these building command fine sea views and thereby views towards the restaurant and car park.

Relevant Planning History:

11. APP/22/00159/F - Internal and external alterations and extensions to the existing cafe/restaurant premises – APPROVED 18/12/2022
12. APP/22/00538/F- Erect temporary and removable timber decking area on the beach to the south-east of the Branksome Chine Cafe/Restaurant and Shack (NB: for clarification, revised plans received 14/06/2022 delete a second area of decking to the east (annotated as 'decking 1' on the plans originally received) from the planning application)- APPROVED.

Other Matters

13. The premises licence for the site was approved on 04/10/2023. The licensable activities include: Live Music, Recorded Music, Activity like Music / Dance, Late Night Refreshment, Supply of Alcohol from 10.00-00.00 hours Monday to Sunday and the opening hours are Monday to Sunday - 10:00 to 00:30. The licence also states that live, recorded and anything similar to live and recorded music shall take place outdoors during the summer months only, from 1st May to 30th September inclusive. All outdoors regulated entertainment shall terminate at 23:30 hrs.

Constraints

14. The application building is Locally Listed.
15. The site is located within and at the southern end of the Branksome Park and Chine Gardens Conservation Area. The Conservation Area boundary ends at the rear/south of the application building and includes the car park and the shop/public toilets and east of the car park, which are also locally listed.
16. The site is within the present day Flood Zone 3 on the Environment Agency's Flooding Map and is thus identified as a site with a high risk of flooding.

Public Sector Equalities Duty

17. 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

18. 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.
19. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
20. 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.
21. 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

22. BCP Highways – No objection - Condition 8 was imposed for residential amenity reasons, it was not related to any highway impact of the proposal. The Highway Authority raise no objections to the change in operating hours as there will be no significant impact on the highway from the variation.
14/11/2023
23. BCP Biodiversity Officer – No objection
24. BCP Environmental Health – No objection

"When APP/22/00159/F was submitted last year, Environmental Health did not object to the hours applied for as they were in line with the historically permitted and licenced hours as they stood. A decision was made by yourselves to offer more limited hours than those applied for at the time of that

decision. Our stance has not changed from last year and therefore we have no objection to the hours applied for in this current application.” 10/01/2024

Environmental Health also confirmed in a subsequent comment (25/03/2024) that they have arranged to monitor future events and have arranged to install monitoring equipment with a resident when this happens;

They have not witnessed any noise amounting to a Statutory Nuisance to date.

With regard to their powers to act, should a premises be found to be causing a Public Nuisance then Environmental Health can request a review of the Premises Licence. This review if called would lead to a licensing committee hearing where the case is heard. Depending on the outcome of the review hearing various actions could follow including changes being made to the terms of the licence or even in severe circumstances, revocation of the licence. Members of the Public also have the power to call a review of a premises licence under the terms of the Licensing Act 2003.

Representations

25. Site notices were posted outside the site on 23/11/2023 with an expiry date of 18/12/2023.

26. 52 letters of representation have been received with a number of properties having commented more than once. The issues raised are summarised below:

- The use is a café/restaurant not a nightclub.
- The use is already causing a nuisance to the area with dazzlingly bright lights.
- Why didn't they apply for these hours of use in the first place?
- They already have a three hour extension
- Is there any need for late night dining?
- Operating hours have already been assessed in previous application
- It feels like a takeover of the beach
- Has a total disregard to the amenity of local residents.
- Noise is already impacting residential amenity without extended hours.
- Noise disrupting sleep
- Impact on residential amenities of the nearest residents
- Creates a statutory nuisance
- Loud noise from tipping bottles into bins late at night
- Noise assessment should be carried out
- BS4142 should be considered
- Lack of sound proofing
- Noise worse at weekends when sliding roof is open.
- The off season is bad what will it be like in summer?
- Noise from comings and goings, patrons, staff, doors slamming, engine noise and music
- The road was not busy or noisy after 23.00 prior to Rockwater
- Concerned that if this does become noisy there will be no one to help.
- Previous events are anti social behaviour
- Bright Lights
- Quiet Neighbourhood with elderly residents
- Crime and drug dealing reported to police by residents
- Owner Flouts the rules
- Negative consequences for the local community – increase crime – noise – drink driving – Section 17 of the Crime and Disorder Act 1998 due regard should be had, approval would indicate blatant disregard.
- Anti-social behaviour
- Staff encouraged to park in surrounding streets
- Parking is reduced for other visitors to the beach
- Beach road car park is not suitable or well signposted.
- Patrons advised to park in residential roads locally

- The operator owns other late night venues
- We needed local authority and elected representatives to support us
- No public transport,
- Concerns re drink driving, taxis, comings and goings
- Proposed measures, signage, video monitoring do not help
- Recent building work has spoilt this part of the beach
- WHO and Various bodies accept 11pm as start of night time
- Impact on wildlife
- Natural beauty and tranquillity should be cherished and preserved.
- Other applications for this building add to the problem
- later opening is a matter of significant concern for our local residents.

Key Issue(s)

27. Matters relating to the impact of the proposed internal and external alterations and extensions were considered under APP/22/00159/F and this included a full assessment of the impact upon the character and appearance of locally listed building and Conservation Area, impact on amenity of neighbours, opening hours, impact on highways and parking, flooding, biodiversity, waste collection and sustainability considerations as well as other matters raised in representations.
28. The current proposal is for the variation of Condition 8 for application APP/22/00159/F, which relates to operating hours of the café/restaurant. The approved operating hours are from 07:00 and 23:00 on Mondays to Sundays. The proposed operating hours would be;
- 07:00 and 23:00 on Sunday to Wednesday and;
 - 07:00 and Midnight on Thursday to Saturday

This which would result in one additional hour from 23.00 – 00:00 Thursday, Friday and Saturday evenings over the existing opening hours.

In addition, permission is sought to allow opening until 02:00 on New Year's Eve.

29. The conditions attached to a permission can be amended by an application under Section 73 Town and Country Planning Act 1990). Central Government's advice in the National Planning Practice Guidance (NPPG) on Flexible Options for Planning Permissions states that a permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
30. In addition, the NPPG on the Use of Conditions also states that;
- In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.
31. The Central Government guidance further states

In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new

permission, and restate the conditions imposed on earlier permissions that continue to have effect.

32. The physical works granted by APP/22/00159/F have been implemented and the use commenced. Therefore, this assessment considers the impact of the variation of condition 8 to allow for the additional hours proposed. The key issues that relate to the additional operating hours are:
- Principle of Development
 - Extent of existing use
 - Impact on neighbouring living conditions
 - Impact on highways and parking.
33. These issues will be considered along with other matters relevant to this proposal below.

Policy context

34. Local documents:

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 (2018).

Poole Local Plan 2018

Policy PP1 Presumption in favour of sustainable development

Policy PP23 Tourism and the evening/night time economy

Policy PP27 Design

Policy PP34 Transport Strategy

Policy PP35 A safe, connected and accessible transport network

Policy PP37 Building sustainable homes and businesses

Other Development Plan Documents

Branksome Park Conservation Area Character Appraisal and Management Plan (2006). It is however noted that the site was not located within this Conservation Area in 2006 (Conservation Area was updated in 2014).

National Planning Policy Framework (December 2023)
National Planning Practice Guidance

Planning Assessment

Principle of Development

35. The Poole Local Plan adopted in 2018 sets out in Policy PP1 that the Council will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will always work pro-actively with applicants so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

36. The National Planning Policy Framework states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and consideration should be given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The social objective aims to support strong, vibrant and healthy communities by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The environmental objective aims to protect and enhance our natural, built and historic environment by inter alia, minimising waste and pollution.
37. Amongst other things the NPPF states that planning policies and decisions should be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices.
38. The Poole Local Plan 2018 Policy PP23 states that development proposals which support growth and generate opportunities in Poole's tourism sector will be encouraged. Development proposals within Poole's tourist attractions will be permitted provided that they support high quality, well-designed new or improved facilities... and avoid significant harm to environmental and amenity objectives, unless such harm can be mitigated.
39. No change of use or alteration to the existing building is proposed under this variation of condition application and the principle of the café/restaurant in this location has been established on the site by way of historic operation over many years and this has been continued by the applicant.
40. The existing use is already established, and the principle of this development is acceptable subject to an assessment of the impact of the proposed increased operating hours and its compliance with relevant policies.

Extent of existing use

41. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the UCO), the existing use of the premises as a café/restaurant falls within Class E, Commercial, Business and Service, which is for use, or part use, for "food and drink which is mostly consumed on the premises". Class E was created by an amendment to the UCO in 2020 and brings together a number of previously separate Use Classes into a single Use Class including shops, restaurants, financial & professional services, indoor sport or recreation, medical/health services, creche/day nursery, offices, research and development and light industrial use. This allows commercial premises to flexibly change their operation without the need for planning permission.
42. Under the same Regulations a nightclub, public house, wine bar, drinking establishment with or without expanded food provision or a live music performance venue, amongst other things, come under *sui generis* uses. Therefore planning permission is required for a change of use for a Class E use to change to any of the above uses.
43. APP/22/00159/F was an approval for extensions alterations to the existing cafe/restaurant premises. There was no change of use of the premises granted. As a variation of condition of this earlier permission, the current application cannot grant a change of use of the site. Therefore if the application is granted, the lawful use of the site remains as a café/restaurant which has been its use for many years. The supporting letter and description of development for this application confirm this.
44. Many of the letters of objection refer to a live music event at the restaurant and many of the concerns raised by neighbours are about the potential noise and disturbance this site could cause. Officers have been advised was a one-off promotional event. Any proposed use of the site outside the lawful Class E use on the site would require an application for a change the use.
45. As noted above, different restrictions apply to the premises under its Licence. It is a fundamental tenet of the planning process that it should only be used to control matters relevant to planning. Where a separate consent regime controls a relevant matter, such as Building Regs or Licensing, the planning process should not be used to control these aspects. Different considerations apply under the Licensing regime. In particular, it would rarely be material who an applicant or operator is under the planning process as the planning permission runs with the land and is not personal to the

applicant. Conversely, for the same reasons, the existence of different hours or conditions for a premises on their Licence or their lease does not prevent the planning process imposing different requirements where these are justified after considering the application on its planning merits.

46. The applicant has to comply with all consents, so would have to keep within the planning, licensing and lease operating restrictions. In this case it is noted the planning operating hours are less than what would be permitted under the premises licence. Planning enforcement action can be taken if operating hours under a planning permission are breached where this is expedient.
47. Therefore, the application is assessed as an existing use as a café/restaurant and does not consider or permit any other use. The licencing and leasing terms also offer potential control over the use of the application site separate to the planning process.

Impact of the proposal on neighbouring living conditions.

48. The overriding concern with the proposed extension of operating hours relates to noise and disturbance from the later opening times and patrons leaving the premises later. Policy PP27 of the Poole Local Plan states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing or oppressive. In addition PP23 advises that proposals that add vitality and viability to Poole's main evening/night time economy centres will be permitted, provided that the development will not, either individually or cumulatively, harm the character of the area or residential amenity in terms of noise, light and other emissions, or result in a harmful concentration of food and drink uses;
49. The NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, over the lifetime of the development and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.135).
50. The existing use by Rockwater was fully assessed in the previous application and was approved with a condition restricting the hours of use from 07:00 – 23:00 Monday to Sunday. It is worth noting that the requested operating hours set out on the application form were 07:00 – 00:00 Monday to Sunday. After assessing the application and the concerns raised in representations the planning officer considered that a restriction to the operating hours would be helpful as set out in paragraph 90 of the APP/22/00159/F committee Report which states:

It is noted that the proposal does seek to open from 07:00 which is earlier than existing however as discussed Environmental Health have not objected to the scheme on any grounds including noise. It is however recognised that numerous objections have concerns about late opening hours and associated noise. Whilst there is no evidence to suggest that the proposed works would result in significant levels of additional noise, it is noted that 23:00 is generally accepted as the start of night time by various bodies and documents such as the World Health Organisation and British Standards. Furthermore, other similar venues in close proximity such as The Cliff closes at 11pm. As such, whilst Environmental Health have not suggested any opening hours, the local planning authority view it as reasonable to condition the opening hours from 07:00 to 23:00 in light of the proposed works and increased floor space, to ensure the neighbouring amenity is ensured.

51. In light of the above it was considered prudent to restrict the operating hours and there is no disagreement with that decision. We are now essentially being asked in this application what would be the harm of allowing an additional hour on three nights of the week, principally over the weekend and extended hours on New Years Eve for the existing use as a restaurant/café.
52. The presumption to be applied to all applications is that they are approved unless an overriding harm can be demonstrated. The representations from the neighbours express concerns regarding the existing use up to 23:00 and the disturbance that has been caused by events at the application site. Comments refer to the retractable roof, bright lights and bass sounds. Outside of the business hours,

concerns relate to car doors slamming comings and goings of customers and staff late at night, emptying of bottles into bins and how this disrupts a quiet residential area.

53. As noise and disturbance has been raised by 3rd parties, officers have consulted with Environmental Health (EHO). Their comments are in para. 24 above. The EHO has no objection to the proposed increase in operating hours for the restaurant/café and had no objection to the previous application. Further advice was also sought from the EHO to establish the level of control available to control potential statutory noise issues. The EHO also confirmed the powers they have to deal with a premises found to be causing a Public Nuisance and that members of the Public also have the power to call a review of a premises licence.
54. Additionally, our EHO has arranged to monitor future events and has arranged to install monitoring equipment with a resident when this happens.
55. The distances to the nearest residential properties are set out in para. 9 above. With regards to noise generated by comings and goings through parking, the EHO has no objection in relation to the proposal. The car park adjoining the site is a public car park and is not exclusively for the use of the applicant. Whilst comings and goings later at weekends may be associated with the restaurant, there is a difficulty in demonstrating all anti-social behaviour or noise within the public car park is attributable to patrons. The impacts of the comings and goings of the proposed later opening has been considered on its merits on the basis of a typical operator of a café/restaurant. No weight has been given to the purported nature of customers in the agent's supporting letter in para. 5 above in making this assessment as there is no recognisable way of demonstrating this to be the case.
56. It is noted that there is an approved Parking and Services Management Strategy that has been approved conditionally in relation to application APP/22/00159/F. This encourages use of public transport, cycles, alternative public car parks and potentially a minibus service for staff. This approved strategy can be carried over to this application.
57. With regard to lighting, there is already a condition attached to the approved application, Condition 9 which restricts the direction and intensity of lighting on site. This can also be reapplied.
58. Overall there is a lack of compelling evidence that an extra hour of operation of the restaurant from Thurs – Sun causes such significant harm to the living conditions of the nearest residential properties that this significantly and demonstrably outweighs the benefits of the scheme in terms of the town's tourism offer and its economic benefits.
59. Notwithstanding this, it is also possible to add relevant conditions to provide additional mitigation if they are considered necessary. In order to control potential noise impacts, a condition that requires no amplified sound or music on the premises to be audible outside of the premises is considered reasonable for what is a restaurant.
60. It was also raised that some associated activities, such as emptying bottles into a bin, can occur late at night and cause unnecessary noise and disturbance. Considering the proposed increase in operating hours, it is also considered to be relevant and necessary to include a condition that restricts the noise generating activities late at night, such as emptying bottles into an external refuse bin.
61. Therefore, it is considered that the proposed increase in operating hours would have acceptable impacts on neighbouring living conditions subject to the inclusion of conditions from the previous planning permission and additional safeguards set out above. The additional hours at New Year's Eve are a single annual event at a time when many other parts of the nighttime economy would similarly be operating and this is not considered substantially harmful that it would warrant refusal of the application as a whole. With the mitigation identified, the scheme is considered to comply with Policies PP23 & PP27.

Impact on highways and parking

62. There are a number of objections relating to the impact of the proposed on parking, the inadequacy of measures to encourage the use Beach Road Car Park and the potential shortfall in parking provision

due to the increased use related to the restaurant. The scheme does not increase the no. of covers available in the premises and the additional hour of operation three days per week is considered to have a minor- to nominal impact on traffic movements to the site and demand within the car park.

63. Highways were consulted and had no objection to the proposed increase in operating hours. Control of the car park generally remains with BCP Council. Subject to monitoring the effectiveness of the Parking and Servicing Strategy, the proposal thereby accords with Policies PP34 and PP35 of the Poole Local Plan 2018.

Other matters

64. Concerns were raised regarding the impact of the proposed on biodiversity. The Biodiversity Officer was consulted and had no objection to the proposed increase in hours. The above mentioned lighting condition was applied to ensure the protected species are not detrimentally impacted upon as a result of the development. This condition is recommended to be reapplied in the event of an approval.
65. There were comments relating to other uses not having the benefit of longer hours and unfair advantage. However, competition between or impacts on other operators is typically not a material planning consideration. Other similar uses would be entitled to apply to vary operating hours if necessary and have such an application assessed on its own merits.
66. There was also concern that the operator has other sites that operate as late night venues. The application has been considered on its planning merits and not on the basis of who the applicant is or if they have different operations elsewhere.

Planning Balance / Conclusion

67. The principle of the use of the premises as a restaurant from 07:00 hours until 23:00 has already been accepted on this site. The proposed development is the extension of the operating hours by one hour on Thursday to Saturday until 00:00 and extended opening hours on New Years Eve until 02:00 on New Years Day.
68. The main consideration with regards to the proposed extended operating hours for the restaurant use is the impact of the proposed development on neighbouring living conditions through noise and disturbance and the impact of the proposed on highway safety. On both these matters there has been no objection from the EHO or the Highways Authority. It has also been clarified that ongoing monitoring of noise will be taking place and the use of the site is controlled by the terms of any planning, licencing or lease agreement and that further measures can be applied to control the use, if necessary outside of the planning process.
69. In order to mitigate any potential impacts from the longer opening hours, conditions will be added in respect of external noise from the use and previous conditions reapplied where relevant.
70. The scheme has evident economic and social benefits from the continued operation of this commercial facility in a busy tourist location on the beachfront. Appropriate safeguards in the form of conditions mean that the environmental impacts are neutral. The scheme therefore represents sustainable development. The proposed extension of operating hours for the existing restaurant use is considered to be acceptable. As such, the proposed development is considered to comply with the Development Plan as a whole and policies within the NPPF and is recommended for approval.

Recommendation

71. It is therefore recommended that this application be approved subject to conditions.

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved Location Plan, Drg No. DT128/5/A

Site Map, Drg No 10, received 4th February 2022
Proposed Ground Floor, Drg No. 6, received 4th February 2022
Proposed First Floor, Drg No. 7, received 4th February 2022
Proposed Roof Plan, Drg No. 8, received 4th February 2022
Proposed Elevations, Drg No. 9B Revision B received 7th December 2022

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

2. The café/restaurant shall not operate to customers otherwise than between;

07:00 - 23:00 Sunday to Wednesday inclusive and ;
07:00 – 00:00 Thursday to Saturday inclusive.

With the exception of New Years Eve having opening hours of between 07:00 and 02:00 New Years Day.

Reason – In the interest of the amenities of adjoining and nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

3. No sound amplifying equipment or music, which would produce audible noise outside the premises shall be installed or played without the prior written consent of the Local Planning Authority.

Reason - In the interests of the amenities of occupiers of nearby properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. Noise generating activities, such as emptying bottles into refuse bins shall not take place externally before 07:00 or after 22:00.

Reason - To protect the general amenity of adjoining noise sensitive development from harmful noise emissions and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. Secure cycle parking for 6 cycles is to be retained in accordance with the approved Proposed Site Plan (cycle Provision), Drg No. 324-129 received on 04/08/2023 and approved on 14/08/2023 in relation to APP/22/00159/F.

Reason - In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

6. The use of the site shall be operated in accordance with 'Parking and Servicing Management Strategy' by Petter Gunning & Partners LLP as received on 4th August 2023 and approved on 14/08/2023 in relation to APP/22/00159/F.

Reason - In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan (November 2018).

7. The Flood Warning and Evacuation Plan (FWEP) by SLR Consulting Limited, Reg 237305, approved on 06/09/2023 in relation to APP/22/00159/F shall be displayed at the development at all times.

Reason - In order to prevent risk from flooding and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

8. Any external lighting shall be directional, only illuminating areas used by public and shall have a colour temperature less than 2700 Kelvin, with peak wave lengths greater than 550nm, in accordance with 'Bats and artificial lighting in the UK' by the Bat Conservation Trust (BCT) and Institute of lighting Professionals (ILP/BCT) (2018).

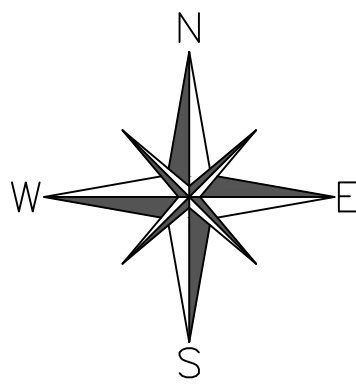
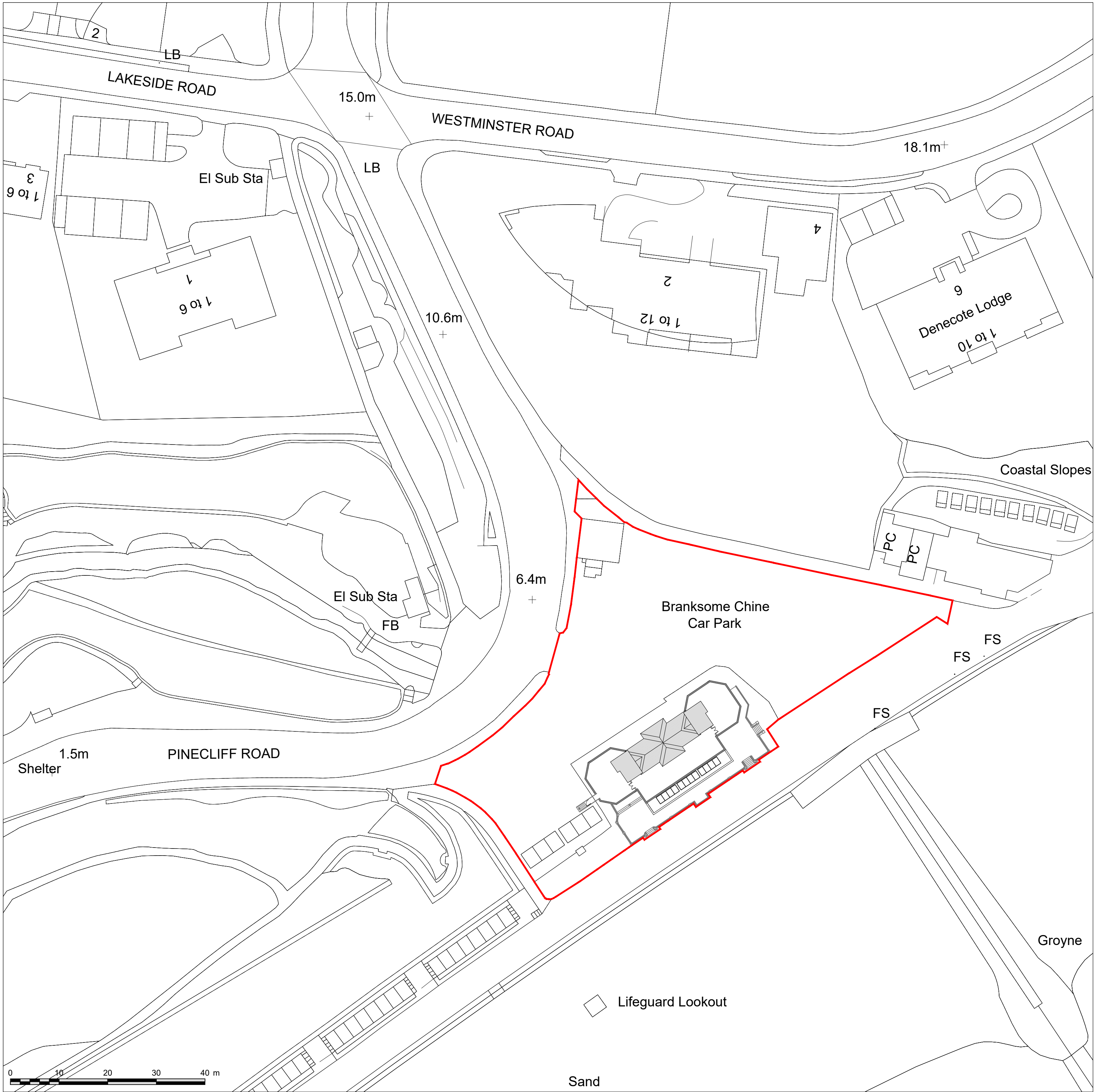
Reason: To ensure the protected species are not detrimentally impacted as a result of the development, in accordance with Policy PP33 of the Poole Local Plan (2018).

9. The information approved on 29/08/2023 in relation to APP/22/00159/F which demonstrates details of measures to provide on site renewable energy sources shall be retained thereafter.


Reason - In the interests of delivering a sustainable scheme, reducing carbon emissions, and reducing reliance on centralised energy supply, and in accordance with Policy PP37(2) of the Poole Local Plan (November 2018). in accordance with the Poole Local Plan adopted 2018.

Informative Note(s):-

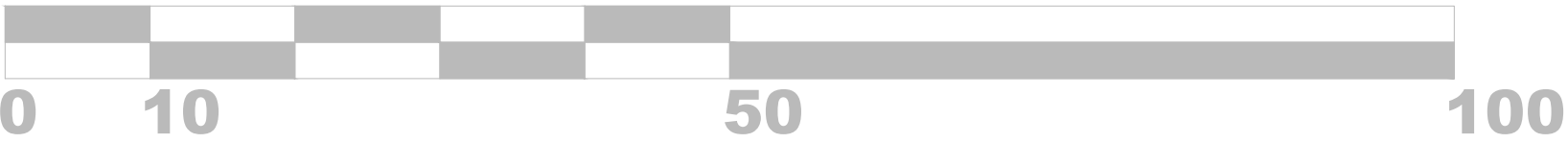
1. In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by; - offering a pre-application advice service, and - advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions. - the application was considered and approved without delay
2. As a minimum action, it is recommended that the café/restaurant manager and any senior staff subscribe to the Environment Agency early warning Weather and Tide alert system (email/SMS etc). It is also suggested that consideration be given to displaying live weather warnings heat/wind/flood risk on a television screen within a busy public area of the building whenever staff or customers are present on site. Risk Assessments should probably be undertaken in the event of lone working by staff outside normal opening hours with regards to flood risk but this relates to HSE legislation, not administered by the Council



Location Plan
1:500
OS 100047474

Rev	Description	Date
		
ricci@rt-san.com 07753 231265		
Site Address: BRANKSOME BEACH CAFE PINECLIFF ROAD POOLE BH13 6LP		
Drawing Title:		LOCATION PLAN
Client Name:		ROCKWATER
Job No. DT128	Scale 1:500@A1	Date 25.10.21
Revision A	Drawing No. 5	Drawn By RFT

SCALE BAR 1:500



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Planning Committee

Report subject	To seek agreement to reconsider the previous resolution of 4 October 2022 Planning Committee to approve application no. APP/21/01199/F at 13 – 15 High Street, Poole subject to the completion of a Section 106 Agreement.
Meeting date	23 May 2024
Status	Public Report
Executive summary	To provide an update on the planning application at 13 High Street, Poole and to seek refusal of the planning application due to the failure of the applicant to complete a Section 106 Agreement in accordance with the earlier resolution of the Planning Committee.
Recommendations	It is RECOMMENDED that: The Planning Committee overturn the previous resolution to approve this application. Recommend the application now be refused due to the failure of the applicant to complete a suitable Section 106 Agreement to secure the Heads of Terms set out in the original committee report recommendation.
Reason for recommendations	The Planning Committee resolved to approve the application subject to the completion of a Section 106 Agreement, but the applicant has failed to complete a suitable Section 106 Agreement within a reasonable timeframe. Without the contributions and mitigation required through the s106, the scheme is contrary to Local Plan policy.
Report Author	Steve Llewellyn, Team Leader, Development Management

Wards	Poole Town Cllr Sue Aitkenhead, Cllr Andy Hadley, Cllr Mark Howell
Classification	For Decision

Background

1. At the Planning Committee of 4 October 2022, Members considered App. No. APP/21/01199/F at 13-15 High Street, Poole for the redevelopment of the site to form 40 apartments and 424sqm of Class E floor space, following the partial demolition of the existing buildings. The committee report is appended to this report along with the Agenda addendum and Minutes.
2. Planning Committee resolved that planning permission be approved subject to the completion of a Section 106 Agreement in accordance with the recommendation and conditions set out in the Officer's report and in the addendum and with the following additions:
 - Overage clause to review affordable housing viability to be included as an additional item in the list of terms under the Section 106 provision b) of the Recommendation; and
 - Informative Note: The applicant should note and inform future residents of the approved scheme that they may be excluded by the Council from being able to purchase an on-street residents permit or visitors parking permits in the locality of the site. This is to reduce the transport impacts from the development due to the low levels of car parking provision being proposed.
3. In accordance with the resolution of the Planning Committee, a deed pursuant to Section of the Town and Country Planning Act 1990 (as amended) was required to be entered into and completed to secure the following obligations:
 - Heathland SAMM's Contribution of £11,508 including admin fee towards strategic access, management and monitoring (SAMMs) to avoid or mitigate any adverse effect of the development on the Dorset Heathlands;
 - Harbour SAMM's Contribution of £4,099.20 including admin fee towards strategic access, management and monitoring (SAMMs) to avoid or mitigate any adverse effect of the development on Poole Harbour;
 - NHS Contribution of £3,360 towards the expansion and improvement of surgeries in the local area of Poole Central; and
 - An overage clause requiring a Late Stage Review of the viability of the development and the payment of an Affordable Housing Contribution (if

required following the Late Stage Review) prior to occupation of more than 75% of the residential units.

4. Instructions were subsequently issued to the Council's Legal team and work was commenced on preparing the Section 106 Agreement. The final version of the Section 106 Agreement was subsequently issued on 28 November 2023 for signing by the landowners.
5. The return of the hard copy engrossments of the Section 106 Agreement signed by the landowners have been awaited since but have not been forthcoming within the deadlines that have been set. Most recently, the planning agent for this planning application has advised on 25 April 2024 that work is still progressing on the Section 106 being signed but due to delays in the Section 106 Agreement being issued following the resolution of the Planning Committee in October 2022 it has been necessary for commercial terms to be renegotiated which includes the appointment of a Chartered Surveyor by the parties. However, the planning agent has not been able to provide any indication of the timescale for those matters to be concluded and for the signed engrossments of the Section 106 Agreement to be returned to the Council to enable it to be completed and a planning decision notice to be issued.
6. Consequently, in light of the delays in the signing of the engrossments of the Section 106 Agreement by the landowners that have already occurred to date, there remains continuing uncertainty regarding the timescale of when they will be signed and returned to the Council for the completion of the Section 106 Agreement. As a result, at this current time, a decision cannot be issued in accordance with the resolution of the Planning Committee at its' meeting on 4 October 2022.

Conclusion and Recommendation

7. The Poole Local Plan area cannot currently demonstrate an adequate 5-year housing land supply and the development proposed by this planning application would provide high density residential development in a highly sustainable location that would contribute towards meeting the housing need. Furthermore, it would also deliver an element of retail/commercial floor space that would provide some economic benefits and, if occupied, would contribute to the vitality and viability of the town centre.
8. However, set against this is the fact that the planning application has been in the planning system since 13 September 2021 and the hard copy engrossments of the Section 106 Agreement have not been signed by the landowners since they were issued by the Council on 28 November 2023. In addition, no timescale has been provided for the commercial terms to be

renegotiated and the engrossments of the Section 106 Agreement to be signed and returned to the Council. Given the length of time that this planning application has been in the planning system and that the return of the signed engrossments of the Section 106 Agreement has been awaited, it is considered that there is a need to conclude this planning application and to provide certainty rather than it being held in abeyance for a further indefinite period.

9. In the event that the Section 106 Agreement is not entered into by the landowners, it is necessary to consider the consequences of the planning obligations, that are the subject of it, not being secured. Consideration of these consequences is set out in the paragraphs below.
10. As stated above, the Section 106 Agreement seeks to secure a Heathland SAMM's Contribution of £11,508 including admin fee towards strategic access, management and monitoring (SAMMs) to avoid or mitigate any adverse effect of the development on the designated Dorset Heathlands/Dorset Heaths. Evidence shows that the Dorset Heaths are under significant pressure from urban development. Natural England advise that residential development should not be permitted within 400 metres of a designated heathland due to the potential adverse impact on heathland principally arising from human pressures and damage caused by domestic pets. In addition, it is also advised that as the majority of visitors to the heathland live within 5km of the site, all new residential development between 400 metres and 5km of a designated heathland, which includes all of the Poole Local Plan area, would have such a significant effect that mitigation is required.
11. In this instance, the application site is located within 5km (but not within 400m) of the designated Dorset Heathlands/Dorset Heaths and therefore the proposed net increase in residential dwellings would not be acceptable without appropriate mitigation of the adverse impact upon the Heathland arising from them. 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, in this case £11,508 including admin fee. However, in the absence of the Section 106 Agreement being entered into by the landowners, the requisite contribution has not been secured and the adverse impacts arising from the proposed development upon the designated heathland will not be mitigated contrary to the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018). Therefore, the proposed development would not satisfy the appropriate assessment required by the Conservation of Habitats and Species Regulations 2017 and cannot be approved.

12. Similarly, evidence demonstrates that there are also recreational pressures on Poole Harbour (SPA and Ramsar site) which can have a harmful effect on the interests features for which it has been designated. Therefore, all new residential development in Poole also has to provide mitigation to ensure the impact of additional visitors to Poole Harbour can be managed without causing harm to protected wildlife. In accordance with the Poole Harbour Recreation 2019-2024 SPD and Policies PP32 and PP39 of the Poole Local Plan (November 2018), development proposals for any net increase in homes are therefore required to provide a SAMM contribution for wardening, education and monitoring to mitigate the adverse effects of recreation related pressures within Poole Harbour.
13. The development proposed by this application would result in a net increase in residential dwellings and therefore such a contribution is required to mitigate the associated increased recreational impact upon the internationally important Poole Harbour SPA and Ramsar site. The Section 106 Agreement therefore seeks to secure a Harbour SAMM's contribution of £4,099.20 including admin fee to mitigate any adverse effect of the development on Poole Harbour. Again, in the absence of the Section 106 Agreement being entered into by the landowners, the requisite contribution has not been secured and the adverse recreational impacts arising from the proposed development upon Poole Harbour will not be mitigated contrary to the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018). Therefore, the proposed development would not satisfy the appropriate assessment required by the Conservation of Habitats and Species Regulations 2017 and cannot be approved.
14. In response to the proposed development, the NHS through the Dorset Clinical Commissioning Group identified that the increase in population arising from the development, if approved, would have an impact on local NHS resources in terms of the Primary and Community Care that would require a proportionate financial contribution of £3,360 towards the expansion and improvement of surgeries in the local area of Poole Central. The Section 106 Agreement seeks to secure this contribution. In the absence of the Section 106 Agreement being entered into by the landowners to secure this contribution, the proposed development would fail to mitigate the identified impacts arising from it on local NHS resources contrary to the provisions of Policy PP39.
15. Consideration has been given as to whether there have been any material changes in circumstances since the Planning Committee's original resolution to approve. In this respect the relevant Development Plan remains the Poole Local Plan (2018). Whilst the Council is currently considering feedback from the public consultation on the BCP-wide Local Plan, the policies in the draft Local Plan are not attracting weight at this time. In addition, the requirements

of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document remain in place.

16. Having regard to the background set out above and the current situation and uncertainty regarding the progression of the signing of the engrossments of the Section 106 Agreement by the landowners, it is therefore recommended that the Planning Committee agree to now refuse this planning application due to the failure of the applicant to enter into the Section 106 Agreement to secure the required planning obligations set out at paragraph 3) above.
17. In this regard, it is recommended that this planning application be refused in accordance with the justification set out at paragraphs 10-14 inclusive and for the following reasons:
 1. The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policies PP32 and PP39 of the Poole Local Plan (November 2018).
 2. The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance

or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policies PP32 and PP39 of the Poole Local Plan (November 2018).

3. The proposal fails to make a contribution towards the expansion and improvement of doctor's surgeries in the local area of Poole Central. As such, it would put an additional demand on existing local NHS resources and facilities arising from the associated increase in population that would be contrary to the provisions of Policy PP39 of the Poole Local Plan (November 2018).

Appendices

Appendix 1 – Committee Reports for 4 October 2022 - Agenda Item 5a ([Public Pack](#))[Agenda Document for Planning Committee, 04/10/2022 10:00](#) (bcpcouncil.gov.uk)

Appendix 2 – Planning Committee Addendum for 04 October 2022 ([Public Pack](#))[Planning Committee Addendum Agenda Supplement for Planning Committee, 04/10/2022 10:00](#) (bcpcouncil.gov.uk)

Appendix 3 – Planning Committee Minutes of Meeting for 04 October 2022 [Minutes Template](#) (bcpcouncil.gov.uk)

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Planning Committee



Application Address	13 – 15 High Street, Poole, BH15 1AB
Proposal	Redevelopment of the site to form 40 apartments and 424sqm of commercial space, following partial demolition of existing buildings
Application Number	APP/21/01199/F
Applicant	Shore Holdings
Agent	Mr Giles Moir, Chapman Lily Planning
Ward and Ward Member(s)	Poole Town Councillors L-J Evans, Andy Hadley and Mark Howell
Report status	Public Report
Meeting Date	4 October 2022
Recommendation	Grant subject to S106 and Conditions
Reason for Referral to Planning Committee	Due to the number of objections (52 objections)
Case Officer	Hannah Wild

Executive Summary

The site is located within Poole Town Centre and within the Town Centre Heritage Conservation Area. The site has two frontages, one which runs along High Street along its north-western boundary, and the other which is situated to the south which borders Strand Street.

The site is currently occupied by a three-storey townhouse building and a single storey shop unit that front onto the High Street; both buildings are locally listed. In the centre of the site is a two-storey former warehouse building, which is positioned horizontally across the plot and parallel with the High Street. Along High Street frontage, there is a gap within the street scene at No. 15 where the building was demolished.

The High Street is largely commercial in character comprising shops and other business type uses. In contrast, Strand Street is largely residential with apartments located directly south of the proposed development.

Impact on character and appearance of the area

The application was originally submitted in 2021 and included a larger development in terms of units and overall scale. The application has been revised through the process to reduce the overall scale of development to that now subject of this report. The height of the development now ranges between 3 and 4 storeys (reduced from up to 6 storeys when first submitted), which is considered to be at appropriate scale to assimilate successfully with its surrounds and overall character of the area.

The scheme proposes to retain and reuse the majority of the locally listed buildings on the development. Internally, the buildings are proposed to be modified to be able to be used in a modern setting for larger retail units. The applicant has used materials which link to the conservation area and elements of neighbouring units throughout the design of the development. Along the High Street, the shop fronts will display a traditional timber design with timber doors and windows in keeping with what can be seen in the conservation area at present.

Poole Town Centre Strategy

The scheme incorporates retail and residential uses to the local area, creating a sustainable location for mixed use development, whilst enhancing Poole Town Centre Heritage Conservation area. The development also provides an active frontage to High Street.

Residential and Neighbouring Amenities

The apartments include 29 x 1-bedroom apartments, and 11 x 2-bedroom apartments. There will be outdoor landscaped space which will be subject to a landscaping plan via condition to fully implement the design.

Parking and highway safety

Vehicle access for servicing will be taken from the High Street. The site offers no parking spaces (in accordance with the Parking SPD), however, offers two bike store areas across the development with the capacity to store over 100 bikes.

Heritage

The proposal seeks to inject new life into the locally listed buildings on the site alongside the new development. The design approach proposed is considered to take a sensitive approach to the site representative of its location in the Old Town of Poole within the Conservation Area. PP30 requires development to protect and enhance heritage assets such as Conservation Areas. It is recognised that the design approach will have positive heritage benefits arising from the re-instatement of the historic form of the High Street (by filling in the gap from the former No.15 High Street) along with an overall sensitive design approach. It is acknowledged that the Council's Conservation Officer objects to the proposal as it would give rise in their view to less than substantial harm. As required by the NPPF, consideration should be given to whether there are public benefits that exist that would override less than substantial harm. In this case, the public benefits of delivering residential development in a context where there is a housing land supply shortage in Poole, and the inclusion of new retail floorspace in a key shopping part of the town are considered to outweigh any less than substantial harm identified.

Flood Risk

The Environment Agency (EA) originally objected to the proposals as the Flood Risk Assessment had not adequately demonstrated the development would be safe from flood risk for its lifetime as required by development plan and national planning policy. However, revised plans have been submitted that demonstrate that the finished floor levels of the development will be no lower than 3.1m no lower than 3.1m AOD with flood resiliency up to 3.7m AOD. This accords with the requirements of the EA, who subsequently removed their objection in a further consultation response dated 9th September 2022. Suitable conditions related to flooding and drainage are proposed in this report.

Infrastructure and developer contributions

The contributions required from this scheme are stated below:

- Heathlands SAMM - £11,508 incl admin
- Harbour SAMM - £4,099.20 incl admin
- CIL - £144,385.55

Accessibility

The proposals for this development incorporate a lift into the plans and the building would be accessible for all.

Description of Proposal

1. Planning permission is sought for the redevelopment of the site to form 40 apartments and 424sqm of commercial space, following partial demolition of existing buildings.
2. The proposals will develop the site from an existing commercial yard and retail to a mixed use of residential and commercial uses. The proposed flats will be located above the commercial spaces, in two residential buildings. One of the buildings will secure the partial restoration of the warehouse building in the centre of the site, and the other would be a new purpose build residential building.

Description of Site and Surroundings

3. The site is located within Poole Town Centre and within the Town Centre Heritage Conservation Area. The site has two frontages, one which runs along High Street along its north-western boundary, and the other which is situated to the south which borders Strand Street.
4. The site is currently occupied by a three-storey townhouse building and a single storey shop unit that front onto the High Street; both buildings are locally listed. In the centre of the site is a two-storey former warehouse building, which is positioned horizontally across the plot and parallel with the High Street. Along High Street frontage, there is a gap within the street scene at No. 15 where the building was demolished.
5. The High Street is largely commercial in character comprising shops and other business type uses. The architectural style of this area differs from traditional units to units where a more contemporary design can be seen. The majority of units do not exceed three-storeys in height. To the west of the site are cafes and retail units, with

Poole Museum being located across the street. A similar architectural style can be seen here as the north west. In contrast, Strand Street is largely residential with apartments located directly south of the proposed development.

6. The Quay has a range of mixed use buildings generally at 4 storeys in height. Along The Quay, units are largely restaurants, with few retail units scattered in between.
7. Finally, to the east of the site, the units are largely residential, and office uses, with retail units continuing in a north easternly direction up High Street. These buildings differ from the traditional architectural style used along High Street and show a more modern and contemporary style, however blend well into the area.
8. The site is located within the town centre, which the most sustainable part of the Poole area.

Relevant Planning History

9. **APP/17/00245/P** - Outline application for the redevelopment of 13-15 High Street, retaining the facades to No. 13 High Street and providing 38 flats in two blocks (A and B) with a restaurant on the ground floor of Block A fronting High Street.

Application withdrawn 30th April 2020.

10. **APP/19/00581/F** - Demolition of existing building and erection of a building retaining an A1/A2 retail unit on the ground floor and 4 residential flats above with associated access and parking. 17 High Street, Poole, BH15 1AB

Application approved 4th July 2019.

Constraints

11. The site is located within the Poole Town Centre Heritage Conservation area. This area is currently on Historic England's 'Heritage at Risk' register and is classed as being in 'very bad condition', however it is seen as currently improving due to recent investment including from Historic England's Heritage Action Zone programme.
12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Public Sector Equalities Duty

13. 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

14. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
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. Local planning authorities have a statutory duty to consider the Self Build and Custom Housebuilding Act (2015) when carrying out planning functions. Whilst acknowledging there are individuals on the Council's self-build and custom housebuilding register, the site is not considered suitable to provide such plots due to needing to deliver higher density development in order to achieve a deliverable scheme.

Consultations

17. BCP Environmental Health – No objections to the proposal however has asked for conditions regarding land contamination information and air quality to be attached to the decision.
18. Environmental Agency – The EA objected to the application when originally submitted due to concerns that it had not been demonstrated that the proposed finished floor levels were high enough to enable a development safe from future flood levels. Following amended plans that secured the required finished floor levels, the EA have removed their objection to the scheme and proposed appropriate conditions to be attached to a grant of planning permission.
19. BCP Lead Local Flood Authority – All objections to this scheme have been addressed through the amended Flood Risk Assessment. Condition attached for the maintenance of flood defence equipment.
20. BCP Highways Authority – All objections to this scheme have been addressed through vehicle tracking plans and servicing plans.
21. Natural England – No objections however have asked for conditions such as Construction Environmental Management Plan (CEMP) to be implemented as well as bat checks.
22. BCP Recycling and Waste – No objections to the application.
23. Dorset Council Archaeologist – Conditions attached to provide trial trenching evaluation information.
24. BCP Conservation Officer – The Conservation Officer has objected to the application. The Conservation Officer considers that the scheme doesn't respond to the site or the context and doesn't meet the test to preserve the conservation area.

The Conservation Officer's concerns are considered in more detail in the relevant section of this report.

25. Historic England – No objections subject to conditions

Representations

26. 56 letters of representation have been received, of which 52 letters raise objections to the proposal. The issues raised comprise the following:

- Lack of parking;
- Building design should reflect historic area of the quay;
- Further destruction of the historic nature of Poole;
- No Affordable housing;
- Not in keeping with the conservation area;
- Height of the development;
- Too many flats in the area.

Key Issue(s)

27. The key issue(s) involved with this proposal are:

- Proposed Development;
- Housing Delivery Test;
- Principle of Development;
- Poole Town Centre Strategy;
- Character and appearance of the area;
- Residential and Neighbouring Amenities;
- Servicing, Parking and Highways Safety;
- Heritage;
- Flood Risk;
- Infrastructure and Developer Contributions;
- Open Space;
- Accessibility;
- Nationally Described Space Standards;
- Affordable Housing;
- Biodiversity;
- Planning Balance / Conclusion

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

Policy Context

29. **Poole Local Plan (Adopted 2018)**

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP03 Poole Town Centre Strategy
- PP06 High Street, Quay and Old Town
- PP08 Type and Mix of Housing
- PP11 Affordable housing
- PP22 Retail and Main Town Centre Uses

- PP27 Design
- PP28 Flats and Plot Severance
- PP30 Heritage
- PP32 Poole's Nationally, Internationally and European Protected Sites
- PP34 Transport Strategy
- PP37 Building sustainable homes and businesses
- PP38 Managing Flood Risk
- PP40 Viability

30. **Poole Quays Neighbourhood Plan**

- PQF1 Public realm
- PQF3 High quality design
- PQF4 Transport network and sustainable travel choices
- PQF5 Walking, cycling and public transport improvements
- PQF9 The layout and appearance of Poole High Street

31. **Supplementary Planning Documents**

- BCP Parking Standards SPD (adopted January 2021)
- Poole Town Centre SPD (adopted 2015)
- Dorset Heathlands Planning Framework (adopted 2020)
- Poole Harbour Recreation SPD (adopted 2020)
- Nitrogen Neutrality in Poole Harbour SPD (2020)
- Heritage Assets SPD (2013)

32. **National Planning Policy Framework ("NPPF"/"Framework")**

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 clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 16 – Conserving and enhancing the historic environment

Paragraph 195 –

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and

any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 –

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 -

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 –

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 203 –

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Assessment

Proposed Development

- 33. This application is for the redevelopment of the site to form 40 apartments and 424sqm of commercial space, following partial demolition of existing buildings between 13 and 15 High Street.
- 34. The site is currently occupied by three buildings, with two fronting onto High Street and one in the centre of the proposed development site being a two-storey former

warehouse building. Other than the buildings, the site has concrete outdoor space which is currently used for car parking associated with the existing use..

35. The application seeks to redevelop the site and form 40 apartments, 424sqm of commercial space, following partial demolition of existing buildings. As can be seen on the drawing titled 'Proposed site structures to retain', the redevelopment seeks to retain a large proportion of the buildings on site, therefore managing to retain elements of the architectural style throughout the build and more importantly retain the important heritage features these buildings provide for the conservation area.
36. The site will be accessed via an existing vehicular access to the north of the site off High Street, however this will purely be for servicing.
37. To the front of the development, proposals would seek to retain parts of the façades to No. 13 and No. 17 High Street. Both facades will be enhanced with key features of their design retained in keeping with the street scene currently seen on High Street. No. 15 High Street was demolished in the 1970's, therefore a new building here will form a solid frontage for the scheme. The style of No. 15 is in keeping with other design elements that can be seen within the conservation area, however with a modern twist.
38. No. 13 High Street comprises a single storey warehouse building at present that extends back into the site. This building will be retained along with an addition two storeys added in order to provide residential accommodation. The overall height of the High Street frontage will not exceed 3.5 storeys.
39. The rear of the proposed development borders Strand Street and keeps design elements seen on High Street such as window features and materials in mind throughout the development. The buildings fronting Strand Street are 3 to 4 storeys in height, which is in keeping with that of the local area and down from the initially proposed 7 storeys in height for this location.

Housing Delivery Test

40. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Policy PP01 of the Poole Local Plan.
41. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
42. 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.
43. The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Poole area, there is a 4.1 year housing land supply with a 20% buffer (a shortfall of 423 homes) and a 2021 HDT result of 78%. For the purposes of paragraph 11 of the NPPF, it is therefore

appropriate to regard relevant policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. The implication of the Poole area failing to have a 5 year housing land supply is that the NPPF's presumption in favour of sustainable development is therefore engaged (unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see NPPF Footnote 7), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

44. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

Principle of development

45. The principle of development is acceptable for this location. The Poole Local Plan stated that *'The principle of high-density development (e.g. flats) anywhere within the sustainable transport corridors is accepted, subject to the other policies of the plan (eg. PP27: Design and PP35: A safe, connected and accessible transport network).'* Poole Town Centre within which the site is location, is part of the sustainable transport corridor network.
46. Given the shortfall of the number of homes delivered in the Local Plan area, 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. The tilted balance approach forms a material consideration in this case that is considered in the planning balance / conclusion section of this report.
47. Notwithstanding this, the principle of development is clearly acceptable in view of its town centre location and accords with Policies PP01, PP02 and PP34.

Poole Town Centre Strategy

48. Policy PP03 aims to generate the highest levels of activity within the most locally sustainable locations within Poole Town Centre. PP06 sets out policy for the High Street and seeks to enhance the commercial vitality of the area alongside an improvement in overall townscape quality.
49. The scheme incorporates retail and residential uses that will enhance the local area, creating a sustainable location for mixed use development, whilst enhancing the high street through new commercial use. The proposals are considered to not result in substantial harm to the Poole Town Centre Heritage Conservation area and will result in the rejuvenation and re-use of non-designated heritage assets injecting life into the area, which is recognised as being on Historic England's 'Heritage at Risk' register.
50. The development also provides an enhanced active frontage to High Street, one that has not seen full activity since the demolition of No. 15 High Street. Completing this street scene will help establish active ground floor frontages along High Street, retain traditionally styled shop fronts and support improvements to the public realm. This represents a significant benefit of the scheme. As discussed in more detail in the next section, the design response will successfully integrate into the character and appearance of the area incorporating features that respond positively to the heritage context.

51. In summary the development is considered to have a positive impact on Poole Town Centre in accordance with Policies PP03 and PP06 of the Poole Local Plan and PQF 9 of the Poole Quays Neighbourhood Plan.

Character and appearance of the area

52. The height of the overall development ranges between 3 and 4 storeys. Locally, neighbouring buildings do not exceed that of 4 storeys in height, meaning the proposal accords with the prevailing scale within the vicinity of the site. The height of the proposal has also been reduced considerably throughout the application process to make sure it is in keeping to the characteristics and appearance of the surrounding area.
53. The scheme aims to retain and reuse a large percentage of the locally listed buildings on the development. The retained buildings have been a key feature throughout the development of the scheme and have been incorporated into the overall design of the development. Internally, the buildings have been modified to be able to be used in a modern setting for the larger retail units. However, the external design of the buildings has been retained, which is a key positive aspects of the scheme.
54. In order to respond to its setting, the applicant has used materials which link to the conservation area and elements of neighbouring units throughout the design of the development. A red/brown brick is to be used on new elements of the build, which links back to what can be seen within the vicinity of the site at present.
55. Along the High Street, the shop fronts will display a traditional timber design with timber doors and windows in keeping with what can be seen in the conservation area at present.
56. The new elements of the build and the residential units propose standing seam zinc cladding which flows into a brick finish to the taller aspect of the building. The metal and brick finish help tie the scheme into the characteristics of the traditional conservation area however supply a modern twist to this design.
57. The development is considered to have an acceptable impact on the character and appearance of the area in accordance with Policy PP27 (height and scale, and materials and detailing) of the Poole Local Plan and PQ3 and PQ9 of the Poole Quays Forum Neighbourhood Plan.

Residential and Neighbouring Amenities

58. Policy PP27 outlines that development should not result in a harmful impact upon amenity for local residents or future occupiers in terms of overshadowing, loss of light, loss of privacy and whether the development is overbearing or oppressive.
59. As mentioned previously, the application is between 3 and 4 storeys in height, which is considered acceptable for the site and surrounding area. The surrounding area is largely residential flats and commercial. For this reason, the proposals fit in with the current neighbouring amenities and would not have an impact on overshadowing, loss of privacy or light to any neighbouring buildings.
60. The apartments include range from 29 x 1 bedroom apartments, and 11 x 2 bedroom apartments. The proposed housing mix is acceptable in terms of Policy PP8 within

the Poole Local Plan. There will be outdoor landscaped space which will be subject to a landscaping plan via condition to fully implement the design, which will help to provide amenity space for future residents.

61. Given the height of the building and separation distances from neighbouring properties, it is unlikely to result in any overshadowing or appear overbearing to any neighbouring residential properties. The design approach proposed will secure a successful development in terms of impacts on residential amenity for both existing and future residents in accordance with Policy PP27 of the Poole Local Plan and PQ3 of the Poole Quays Neighbourhood Plan.

Servicing, Parking and highway safety

62. Vehicle access for servicing will be taken from High Street. The site offers no parking spaces however offers two bike store areas across the development with the capacity to store over 100 bikes for residential use. The site is also located within the sustainable transport corridor.
63. The servicing access will be used for waste collection vehicles, for both residential and commercial units. This has been accepted by the council's waste officer following previous meetings.
64. Objections received make note of the lack of parking facilities for residents, however the location of the development is well connected and in a sustainable location, therefore residents should be able to access all amenities on foot, bike or public transport. BCP Highways Authority has been consulted on the proposal and offered no objection subject to the attachment of conditions.
65. These proposed provisions accord with the adopted BCP Parking SPD. This is supported by Policies PP34 and PP35.

Heritage

66. Policy PP30 (Heritage Assets) expects new development to preserve or enhance the historic, architectural and archaeological significance of heritage assets. This requirement also forms part of Policies PP03 and PP06 relating to Poole Town Centre Strategy and the High Street respectively. The NPPF is clear as to the importance of the conservation of heritage assets.
67. Through these policies and the NPPF, it is important to describe the significance of heritage assets, and then assess the impact of a development on designated and non-designated heritage assets and justify any harm or loss affecting the asset early in the application process.

The significance of relevant heritage assets

68. The development site is within the Poole Town Centre Heritage Conservation Area, which is a designated heritage asset. The wider Conservation Area includes numerous Listed Buildings, which are also designated heritage assets. The site itself contains locally listed buildings, which are non-designated heritage assets. In particular, along its north boundary, which borders High Street, all buildings apart from No. 17 and part of No. 21-25 fall within the Listed Buildings or Locally Listed Buildings category. Within the site, No. 13 High Street forms the northern boundary of the scheme and is a Locally Listed Building.

69. These designated and non-designated heritage assets exist as a direct result of Poole Town Centre's history and evolution over time that dates back to medieval times. The history of Poole is therefore exemplified throughout the town centre townscape and its collection of heritage assets, many of which remain in good condition and collectively contribute positively to the character of the Conservation Area. Accordingly, the overall significance of the heritage assets affecting the site is considered to be high and in accordance with Paragraph 199 of the NPPF, great weight must be applied to their conservation.
70. The conservation area is largely commercial at present day, however the location of the development falls in the 'Pre 1700' zone of the conservation area whilst also falling into the Old Town Conservation Study Area. The conservation area benefits from a richness of detail, materials and style, creating a sense of cohesiveness and pleasing character and appearance to the area.
71. The application site occupies a sensitive position given its location within the conservation area. While the existing building (13 High Street) is part of the historic development of the area, its character has been significantly eroded by neglect and unsympathetic alterations over the years.
72. In terms of the site itself, the locally listed buildings are not considered significant on their own, albeit when being considered with the wider conservation area, the site becomes key on the street scene for High Street. The buildings fronting the High Street therefore are importance in terms of their positive contribution to the character of this part of the High Street within the Conservation Area.
73. Internally on the site, the buildings lack the same key features that can be seen on the frontage of the site. The original buildings do remain on the site, however, do not offer the same key fenestrations as the frontage does.
74. In view of the relative importance of the site within its Conservation Area context (and in particular, its prominent setting along the High Street), the applicant has sought to respond to comments from the Council's Conservation Officer. There have been a number of revisions to the plans since the application was submitted that have been subject to consultation by the Conservation Officer. The applicant has sought to work with the Conservation Officer (as well as Urban Design Officer) to address issues and present a sympathetic form of development.
75. Following detailed comments from both the Conservation Officer and Urban Design Officer, the applicant significantly changed the original scheme to reflect and respond positively to these comments. Particular changes over the course of the application include a significant reduction in scale and height as well as changes in materials to be used.
76. However, notwithstanding the changes made by the applicant the Conservation Officer continues to have some concerns and the objection remains in place. The issues raised by the Conservation Officer that remain are as follows:
- The use of the historic warehouse for housing and the links made to it to the new blocks of flats will be detrimental to the unique character and integrity of the

building and result in overdevelopment due to the servicing required for housing. Retaining it wholly for commercial would be preferred;

- Heights of the new warehouse style buildings are beyond the 3.5 storeys recommended for this sensitive location to avoid overshadowing the 2.5 storey High Street buildings;
- Box dormers are too large and out of proportion with the scale needed. Dormers in the area generally have pitched roofs;
- The gate to the High Street needs to be retained and repaired;
- The boundary wall to Strand Street is too high and impermeable;
- The use of black renders and mortars, grey sash windows, emerald green tiles do not form part of the local building palette;
- Proposed shopfronts will not assimilate positively with the prevailing style along the High Street.

77. Overall, the Conservation Officer considers the proposals do not sufficiently respond to the site and surrounding area context and would lead to harm to heritage assets. It is concluded that this harm would be less than substantial harm as opposed to substantial harm. Whilst the Conservation Officer's concerns are acknowledged, Paragraph 202 of the NPPF states that public benefits need to be weighed against less than substantial harm to designated heritage assets. Paragraph 203 of the NPPF states that a balanced judgement should be made to harm to non-designated heritage assets. These tests will be considered following a detailed assessment of the heritage impacts to consider the extent of any harm.

78. It is also my duty as a Planning Officer to balance consultee comments before reaching a recommendation. The next section of this report thereby assesses the impact on the development on heritage assets in more detail including review of the design response being proposed to conclude on the level of harm that exists from the application that would need to be balanced against any benefits arising from the scheme.

Assessment of Heritage Impacts

79. The street scene to the north of the development which borders High Street will change from what is there currently. Amendments are proposed to the facades at No. 13 and No. 17 High Street as well as filling in the gap of the former No.15 High Street. The scale will be increased along the High Street frontage from the existing 1.5 to 3.5 storeys to a more consistent 3 to 3.5 storeys. The increase in height is required in order to provide the proposed residential development. However, the approach proposed is considered to be acceptable overall as it will result in a development that accords with the prevailing scale along the High Street rather than breach it. The end result will evidentially be different to the existing situation, but the approach proposed will create a sympathetic approach to re-instating a consistent frontage to the High Street. The use of materials that seen throughout the surrounding area such as timber frames for doors/windows, is considered to be a positive design response to ensure the development will largely preserve and enhance the character of the High Street frontage.

80. The application aims to retain, where possible, the majority of buildings on the site, with only a small proportion of walls to be demolished through the build. The

demolition of locally listed buildings is noted as leading to some harm although it is relatively small overall given that the majority of the structure will be renovated and brought back into an active use. The demolition of a small section of the structure will also enable the creation of an internal courtyard for the development, that will enhance the overall form and function of the development as well as be of benefit to future residents.

81. The part of the development fronting Strand Street has been reduced considerably from the first submission where it reached 7 storeys in height. The development on this part of the site now ranges between 3 and 4 storeys, which is considered to be appropriate to its site and context as well as matching heights already around the site. The design incorporates warehouse style vernacular, which seeks to draw inspiration on the traditional form of development in and around the quay. There remain a number of warehouse buildings within the Conservation Area and replicating this feature is considered to be an appropriate design approach to take for this site. Concerns have been raised about the scale of the development along Strand Street and resulting impact on the High Street. These concerns have been significantly improved upon by the reduction of scale through the application. In view of the reduction of scale any glimpses of the 4 storey elements along the High Street are not considered to give rise to harmful impacts over and above what is already a feature of the surrounding townscape.
82. With regard to the changing physical scale and form of the development through revised plans and reports, it is considered that the revised proposal seeks to work within what can be considered acceptable development in this sensitive area. It is recognised the design is a modern take on design features throughout the conservation area. It is considered though that the approach is sympathetic to the existing conservation area, as can be seen with the materials proposed for the elevations of the High Street street scene.
83. As has previously been pointed out through this report, the site is currently listed upon Heritage England's 'At Risk' Register. The Heritage at Risk (HAR) programme helps to understand the overall state of England's historic sites. The programme identifies those sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. As mentioned previously, materials, architecture styles and fenestrations have all been taken into account through this application and are sympathetic to those of the conservation area, and due to this, the level of development is not considered inappropriate for the area.
84. Taking into consideration other heritage assets in the vicinity of the site, the following assessment has been undertaken. This assessment takes into consideration the listed buildings within the immediate vicinity of the site, looks into the reason for their listings and any potential impacts the proposed development may have on the site.

Table 1: Review of Listed Buildings within the vicinity of the site

Address	Listed Grade	Reason for listing	Development impacts	Level of impact from the proposed scheme
The Kings Head Hotel, 6 High Street	II	Roof and ceiling	The development is likely to have no impacts on the	Not affected

			internal features of this building	
1 – 7 High Street	II	Architectural Features (internal and external)	The development is likely to have no impacts on any of these internal or external features	Not affected
The Antelope Hotel, 8 High Street	II	Architectural Features	The development is likely to have no impacts on the architecture of this building. The proposals are sympathetic to architecture styles within the conservation area	Not affected
10 High Street	II	Architectural Features and roofing style	The development is likely to have no impacts on any of these internal or external features	Not affected
12 – 14 High Street	II*	Very fine late 16 th century plasterwork	The development is likely to have no impacts on these internal features	Not affected
19 and 19A High Street	II	Architectural Features	The development is likely to have no impacts on the architecture of this building. The proposals are sympathetic to architecture styles within the conservation area	Not affected
20 High Street	II	Architectural Features	The development is likely to have no impacts on the architecture of this building. The proposals are sympathetic to architecture styles within the conservation area	Not affected
22 High Street	II	Architectural Features	The development is likely to have no impacts on the architecture of this building. The proposals are sympathetic to architecture styles	Not affected

			within the conservation area	
24 – 26 High Street	II	Architectural Features (internal and external)	The development is likely to have no impacts on any of these internal or external features	Not affected
25 – 27 High Street	II	Architectural Features	The development is likely to have no impacts on the architecture of this building. The proposals are sympathetic to architecture styles within the conservation area	Not affected

85. The above assessment provides evidence that the surrounding listed buildings are listed either based on their architectural style or the key internal features they house. Due to this, it is understood that that development will have little to no impact on these features.
86. As previously mentioned, the design of the proposed units bordering High Street are sympathetic to key features seen within the street scene, and use materials that can be seen throughout the street and listen units, fitting well into the conservation area and building upon a derelict unit.
87. Satisfactory materials proposals along High Street include timber windows and doors for the retail units, black aluminium critter windows, a mixture of red and brown bricks with solider courses where appropriate, white render on 13 High Street façade, clay and slate roof tiles and the repair and restoration of the existing chimney as well as the pillars at the service entry point to the site. All elements of this design can be seen within the conservation area.
88. Within the development, standing seam zinc cladding will be used with a brown multistock brick finish with a natural stale tile used for the roofing for the two southern buildings. The adjoining retail unit will use materials such as timber sash windows, burnt copper effect cladding and plain clay tiles. All of the materials listed above are deemed acceptable. The materials are conditioned and should be submitted and approved prior to commencement on the site.
89. Through further consultation with Historic England regarding the development, they have stated that overall they are happy with the proposed development, the aspects of the historic site which are being retained as well as the modern elements to the scheme. HE have asked for conditions to be attached to the approval to clarify the extent of demolition, the structural capability of the stable to support a rooftop extension, to guarantee pedestrian access through the site and to guarantee the quality of architectural detail and materials, all of which the applicant is happy to agree to.
90. As the site is within a conservation area, Dorset Council Archaeologist team have been consulted. As it is not possible for the applicant to undertake trail trenching at

this stage in the application process, the requirement for this has been conditioned to make sure the site is surveyed before any major development takes place.

91. Whilst it is acknowledged that the Conservation Officer continues to object to the scheme it is important to acknowledge that the scheme will result in enhancement to what is currently on site and injects life into a heritage asset which is currently on the Heritage England 'At Risk' register. Although the area will change due to the development's progression, the scheme aims to conserve major aspects of the heritage on site through retentions of buildings and materials used throughout the scheme.
92. The overall design of the scheme is considered to be successful and will have positive impacts in heritage terms. However, given that the Conservation Officer considers there will still be less than substantial harm overall, it is necessary to consider the public benefits that arise from the scheme. The public benefits are considered to be the provision of 40 homes in the most sustainable part of the town. The shortfall of housing delivery places further emphasis on the benefits from the proposal. The reinstatement of the historic high street form with the filling in of the gap and addition of revitalised commercial space are also considered to be of significant public benefit. These benefits also outweigh any identified harm to the non-designated heritage assets. The proposals bring an area of Poole Town centre back into beneficial public use and outweigh any harm of the loss of the fabric of buildings and considered to be acceptable in planning terms.

Flood Risk

93. The EA originally objected to this application and maintained their objection through the revisions of the scheme. The applicant has since responded to these objections with a revised FRA, which meets all the points raised by the EA.
94. In their consultation response dated 11th March 2022, the EA advised against the provision of single storey ground floor dwellings in present day or future flood risk areas due to increased vulnerability of occupants to flood risk, because of lack of internal first floor safe haven. The EA go on to state the following should be demonstrated in the FRA:
 - Ground floor finished floor levels shall be set no lower than 2.9m (AOD); and
 - Flood resiliency up to 3.51m AOD.
95. Revised plans show the proposed FFL of each ground floor dwelling and commercial unit will be set no lower than 3.1m AOD with flood resiliency up to 3.7m AOD. This accords with what has been asked for by the EA and has been confirmed by themselves in a further consultation response dated 9th August 2022.
96. This will provide future residents of the ground floor flats with an internal safe haven, above the anticipated future flood level. The scheme will include flood doors at each ground floor entry point which will create a watertight seal to prevent flood water from entering the units. Automatically closing air bricks will be provided to create a further seal against floodwater.
97. The Poole Flood Risk Management Strategy (PFRMS) states that developments should be safe in terms of flood risk for their entire lifetime. To be safe, the FFLs

should be above the 1 in 200-year flood level, plus freeboard allowance of up to 600mm.

98. As mentioned above, further correspondence was received 9th September 2022, which asked for confirmation over FFL n existing buildings be set at or above LFRSA level of 2.6mAOD, or provide a betterment to what is currently existing on site.
99. All buildings on site have a LFRSA level of 2.6mAOD or above, and information has been confirmed as acceptable by the EA. In addition, the following resilience measures will be incorporated up to 3.7m AOD:
- Waterproof plaster.
 - Solid concrete floors.
 - Raised electrical sockets.
100. The EA have now withdrawn any objections they had on the application and recommended conditions be attached to the grant of planning permission.

Infrastructure and developer contributions

101. 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.
102. 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.
103. 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.
104. The NHS through its Clinical Commissioning have identified that there would be a impact on local doctor provision that would require a proportionate contribution of £3,360 that can be secured by the S106 agreement.
105. The contributions required from this scheme are stated below:
- Heathlands SAMM - £11,508 incl admin
 - Harbour SAMM - £4,099.20 incl admin
 - CIL - £144,385.55
 - NHS Contribution - £3,360

Open Space

106. In accordance with Policy PP25, strategic sites (i.e. those that include 40 or more dwellings as defined by the Poole Local Plan) should provide open space on-site having regard to the standards set out in the Council's Open Space Needs Assessment or, where this cannot be achieved, provide off-site provision in lieu of on-site provision. The proposal includes courtyard areas that will provide for a form of open space on site. However, it needs to be recognised that this is a town centre site where care needs to be taken to address the heritage context as well as arrive at a deliverable development. The site is also within close proximity of Baiter Park, Poole Park and Harbourside Park, which provide substantial play and open space facilities. A financial contribution will be made from CIL, which the Council can use to provide open space infrastructure. Overall, the proposal is considered to not give rise to harmful impacts in respect of open space sufficient to refuse planning permission.

Accessibility

107. The proposals for this development do incorporate a lift into the plans and the building would be accessible for all.

Nationally Described Space Standards

108. As shown on plan 122.1 GA 02f, all apartments are compliant with Nationally Described Space Standards.

Affordable Housing

109. Submitted with the application was a viability assessment. This report has been reviewed independently and the District Valuation report states the following:

Following the above testing work, it is my considered conclusion that the proposed development with policy compliant Affordable Housing provision would achieve a residual land value below the Benchmark Land Value. I also highlight through sensitivity testing that although the residual land value is higher for an all-Private scheme, this is still below the Benchmark Land Value. Therefore, I conclude that Affordable Housing cannot be viably provided.

The applicant intends to proceed with the development even though the all-Private scheme does not appear to be viable. I would therefore recommend the Council to consider a review mechanism at agreed project milestones with the applicant to assess the actual costs and values for the proposed scheme in order to evaluate whether the scheme could be viable enough to support the provision of Affordable Housing at a later stage.

110. Due to this, it is not considered viable for the scheme to provide any affordable housing.

Biodiversity

111. Policy PP31 of the Poole Local Plan requires that development will only be permitted where the Council are certain it won't lead to a likely significant effect on protected sites. For Poole protected sites comprise areas of Dorset Heathlands and Poole Harbour. The Council has long operated a mitigation approach to Dorset Heathlands and impacts arising from nitrogen and recreation pressures on Poole Harbour. These impacts are mitigated through use of CIL monies as well as securing of Strategic

Access Maintenance and Management (SAMM) monies. The SAMM monies will be secured through the proposed Section 106 with the relevant Heads of Terms agreed.

112. More recently Natural England have identified a possible issue with regard to phosphorous has been identified as potentially having an impact on Poole Harbour. The Government intend to resolve any such issues through legislation. In the meantime it is expected that the approach to nitrogen mitigation will also be appropriate to phosphorous as required. Further work is underway to confirm this and it is proposed in this report that this issue will need to be confirmed before a decision notice to approve is issued. An appropriate delegation is proposed in the recommendation to address this issue.

Planning Balance/Conclusion

113. The proposals will introduce new residential and retail use classes to the site. The applicant has stated that an end user for the retail units has already been established and is keen to commence business from the location. Therefore, there are significant economic benefits arising from the scheme which considerable weight is attached in the balancing exercise.
114. There are also social benefits in supporting local employment and the provision of employment space in a highly accessible location.
115. Given the shortfall of the number of homes delivered in the Local Plan area, 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. The tilted balance approach forms a material consideration in this case. The proposed development will result in a greater density of dwellings on the site within a Sustainable Transport Corridor.
116. The additional height of the development is considered appropriate for the area. The development reaches 3.5 storeys in height and is considered to fit in with the height within the conservation area. The design of the building is considered to be acceptable and an improvement over the existing appearance of the site. The materials of the scheme preserve and enhance the conservation area and the retention of a high percentage of the existing buildings aids the preservation of the area.
117. The NPPF places 'great weight' on the conservation of heritage assets but the proposal would have less than substantial harm on the conservation area. The harm would be less than substantial having regard to the provisions of the NPPF. The benefits of renovating and retaining (where possible) the heritage asset with a mixed use development, along with the social and economic benefits are considered sufficient mitigators to outweigh the less than substantial harm to the setting of the conservation area (the heritage asset). As such, having regard to paragraph 11d)i, the tilted balance is triggered there are insufficient grounds for refusing permission. Subject to suitable conditions, the proposal would satisfy the provisions of policy PP30.
118. The proposal will not cause material harm to the amenities and privacy of the occupants of neighbouring properties.

119. The environmental factors are therefore considered to be neutral. There are positive economic and social factors and overall the scheme represents sustainable development. The scheme is considered to comply with development plan as a whole and is recommended for approval.

Recommendation

Grant Planning Permission subject to the following provisions:

- (a) the following conditions (with the power delegated to the Head of Planning or other relevant officer to make any necessary amendments as long as they don't go to the heart of the decision); together with
- (b) a deed pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) securing the following terms with the power delegated to the Head of Planning (or officer nominated by them for such a purpose) to agree specific wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:
 - Heathlands SAMM - £11,508 incl admin
 - Harbour SAMM - £4,099.20 incl admin
 - NHS contribution for doctor provision - £3,360
- (c) And subject to the subject to Head of Planning (or any other officer exercising management responsibilities within the Planning Unit) in their opinion being satisfied that arrangements are in place as are necessary to appropriately address any adverse affect on the integrity of any relevant protected European sites associated with the recent identified concerns relating to phosphates together with delegated power to agree those arrangements.

Conditions:

1. GN150 (Time Expiry 3 Years (Standard)) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan Ref: 122.1 GA.02f (received 10th June 2022)
 - Proposed Street Scene Ref: 122.1 GA.06c (received 6th May 2022)

- Proposed Ground Floor Plan Ref: 122.1 GA.05.01f (received 10th June 2022)
- Proposed First Floor Plan Ref: 122.1 GA.05.02d (received 6th May 2022)
- Proposed Second Floor Plan Ref: 122.1 GA.05.03d (received 6th May 2022)
- Proposed Third Floor Plan Ref: 122.1 GA.05.04d (received 6th May 2022)
- Proposed Roof Floor Plan Ref: 122.1 GA.05.05d (received 6th May 2022)
- Proposed Elevations 1 of 4 Plan Ref: 122.1 GA.06.01c (received 6th May 2022)
- Proposed Elevations 2 of 4 Plan Ref: 122.1 GA.06.02c (received 6th May 2022)
- Proposed Elevations 3 of 4 Plan Ref: 122.1 GA.06.03c (received 6th May 2022)
- Proposed Elevations 4 of 4 Plan Ref: 122.1 GA.06.04c (received 6th May 2022)
- Proposed Servicing Plan Ref: 122.1 GA.02.01c (received 10th June 2022)
- Proposed Structures to be retained Plan Ref 122.1 GA.01a (received 9th March 2022)

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

3. GN030 (Sample of Materials) Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any materials are brought onto the site. The development shall thereafter be carried out in accordance with the approved details.

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

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

Reason -

In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

5. No development shall take place until a programme of archaeological work has been secured and implemented by an approved archaeological contractor in accordance with a written scheme of investigation to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

The archaeological site is known to be an area of archaeological importance and the archaeology should be preserved by record and in accordance with Policy PP30 of the Poole Local Plan (November 2018).

6. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions (including from asbestos removal) and to prevent pollution impacts to sensitive receptors resulting from the site preparation, demolition, and groundwork and construction phases of the development. The development shall be implemented in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason- To ensure the development does not create local environment impacts and pollution.

7. All of the structure of the existing buildings indicated as Proposed Structures to be retained Plan Ref 122.1 GA.01a (received 9th March 2022) shall at all times be retained.

Reason:

For the avoidance of doubt and to define the extent of the works permitted by this consent.

8. In the event that unexpected contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and all development ceased. An investigation and risk assessment must be undertaken in accordance with the Environment Agency "Land contamination risk management (LCRM)" procedures and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme recommencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. The development hereby permitted shall not be occupied until a means of access for pedestrians/cyclists and vehicular access (as shown on Proposed Ground Floor Plan Ref: 122.1 GA.05.01f (received 10th June 2022) has been constructed in accordance with the approved plans for both residential and commercial uses.

Reason -

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

10. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; such details to include a timetable for implementation. 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 provided to the local planning authority.

Where a sustainable drainage scheme is to be provided:

- (a) the submitted details shall also provide:
 - (i) 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; and
 - (ii) 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; and
- (b) once implemented the works shall thereafter at all times be managed and maintained in accordance with the approved details.

Reason: In the interests of ensuring adequate drainage from the site.

11. No part of the development hereby permitted shall be occupied until a Commercial Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Commercial Refuse Management Plan shall in particular include details:

- (a) of a private contractor to collect the refuse and the type of refuse vehicles to be used,
- (b) measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and
- (c) to ensure that no bins will be stored in the open or at the collection point apart from on the day of collection.

The approved Commercial Refuse Management Plan shall be accorded with at all times.

Reason: To ensure the safe collection of refuse from the site so as not to impact the efficiency of the local highway network nor the safety of its users and in the interests of preserving visual amenities, meeting the needs of intended occupiers and highway safety and in accordance with Policy PP27 of the Poole Local Plan (2018).

12. The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; a maintenance and cleaning contract that complies with the manufacturers recommended intervals for the URS. The employment of a caretaker to maintain the bin store areas keeping them clean and clear of side waste, to arrange the collection and disposal of bulky goods arising from vacating or new residents, by a licensed waste carrier so that unimpeded access is always available for collection staff and residents.

The URS installation is required to carry the BCP waste stream information on the deposit columns, it will require a key access panel giving collection crews the means to raise and lower the electrohydraulic platform to service the bins and resident fob access and fill level/deposit monitoring software.

Reason: To ensure that the proposed development includes a long-term management plan for the safe collection of refuse from the site so as not to impact on the efficiency of the local highway network nor the safety of its users and in the interests of preserving the visual amenities, meeting the needs of intended occupiers in accordance with Policies PP27 of Poole Local Plan (November 2018).

13. The development hereby permitted shall not be occupied until a Commercial Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, details of a commercial waste agreement to collect the types refuse generated by the business activity. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that each business meets its duty under Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place, guidance relating to capacity is based on Waste management in buildings — Code of practice BS 5906:2005, also the safe collection of refuse from the site so as not to impact the efficiency of the local highway network nor the safety of its users and in the interests of preserving visual amenities, meeting the needs of intended occupiers in accordance with Policy PP27 of the Poole Local Plan (2018).

14. The development hereby permitted shall achieve a minimum BREEAM Very Good rating (or equivalent standard). Prior to first occupation of the building, the Post-

Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason: In the interests of delivering a sustainable and energy efficient scheme and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

15. Prior to the construction of the development hereby approved proposals for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval:

- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason -

In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018).

16. The development, hereby approved, shall not commence until an Air Quality Assessment has been submitted and approved by the council. The AQA should include impacts of the demolition, construction and operational phases of the development on air quality. Any proposed mitigation options should also be included. Any proposed methodologies and/or monitoring should be agreed with the LPA. Further guidance can be found at the Institute of Air Quality Management (IAQM) (<https://iaqm.co.uk/guidance/>).

Reason - To ensure there is adequate provision of sewage facilities and in accordance with Policy PP39 of the Poole Local Plan (November 2018).

17. All flood defence equipment should be stored in an accessible and suitable location, checked annually, and that appropriate people (residents or site staff) are properly trained in its use.

Reason – to ensure the safety of the occupants.

18. Prior to the commencement of any part of the development hereby permitted including any work of demolition or ground work and notwithstanding anything contained in any documents submitted in connection with this permission details shall be submitted to and approved in writing by the local planning authority that in particular include:

- (a) evidence that demonstrates the structural capability of the stables to support the rooftop extension hereby permitted including any measures necessary to ensure that its structural integrity is secured;
- (b) measures to secure the safety, stability and retention of:
 - (i) the house situate at 13 High Street;
 - (ii) the stables; and
 - (iii) the gatepiers,all as shown marked on approved plan 122.1 GA.01a Proposed Structures to be retained dated [yy] ("the Protected Structures") during and after the construction of the development hereby permitted including a timetable for the initial provision and retention of such measures;
- (c) [details of any proposed works to the Protected Structures in order to secure their retention]; and
- (d) information that clearly identifies which parts of the remaining existing structures other than the Protected Structures and/or their interiors are to be demolished

The development shall only be carried in accordance with the approved details.

If at any time during the carrying out of the development hereby permitted there is identified any issue that might bring into question the structural integrity of the Protected Structures or might adversely impact upon their future retention then all works on site other than any necessary to secure the Protected Structures shall immediately cease and no work shall recommence until details of remedial works to secure the structural integrity and retention of the Protected Structures have been submitted to and approved in writing by the local planning authority ("the Remedial Works"). No other work shall recommence on site until both the approved Remedial Works have been fully carried out and a survey submitted to and approved in writing by the local planning authority that demonstrates that the structural integrity of the Protected Structures has been secured.

Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no whole or partial demolition of the Protected Structures.

19. Prior to the commencement of any part of the development hereby permitted and notwithstanding anything contained in any documents submitted in connection with this permission a scheme identifying the architectural detailing and samples of all external and internal facing materials shall have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme.
20. Prior to the commencement of any other part of the development hereby permitted a programme of archaeological work shall have been carried out in accordance with a scheme that shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Poole Local Plan (November 2018) and the National Planning Policy Framework.

21. The development shall be carried out in accordance with the submitted flood risk assessment (reference MT/5583/FRA.7 dated August 2022 and associated plans) including the following mitigation measures: - Minimum finished floor levels of the commercial units will be set 2.6mAOD and 3.1mAOD for the residential elements. - Above the height of the finished floor levels, the development will include flood resistance / resilience to the design flood level. These mitigation measures shall be fully implemented prior to occupation and subsequently maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants

22. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

Informative Notes:

- IN72 (Working with applicants: Approval) In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Case Officer Report Completed

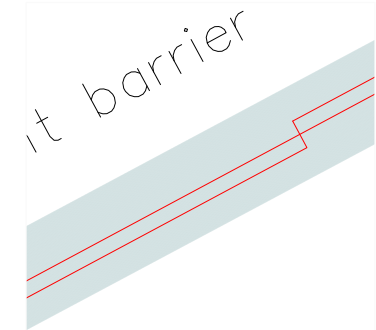
Officer: Hannah Wild

Date:12/09/2022:

Agreed by:

Date:

Comment:



Hatching indicates area for Flood defense Barriers



0 1m 3m 5m 10m

Schedule of Accommodation.

Unit Type	Beds	Area (Average) (m²)
Commercial		
C1	N/A	51
C2	N/A	53
C3	N/A	46
C4	N/A	53
C5	N/A	85
C6		92
C7		31
Sub-Total		421m²
Flats		
1	1	45
2	1	43
3	1	41
4	1	47
5	1	45
6	1	43
7	1	41
8	1	47
9	1	42
10	1	46
11	2	65
12	1	45
13	1	41
14	1	39
15	1	42
16	1	41
17	2	65
18	2	64
19	1	51
20	1	57
21	2	62
22	1	50
23	2	62
24	1	50
25	1	40
26	1	40
27	2	68
28	1	51
29	1	38
30	1	43
31	1	51
32	1	44
33	2	68
34	2	68
35	2	69
36	1	52
37	2	45
38	2	68
39	2	69
40	1	50
Sub-Total	40	2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project. 13 High Street, Poole

Client. Shore Holdings Ltd

Drawing Title. Proposed Site Plan

Scale. 1:150 @ A1

Drawing No. 122.1 GA.02f

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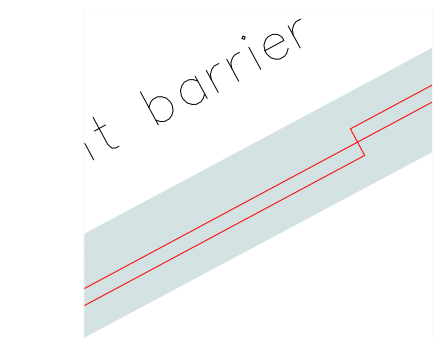
10 High Street, Poole, Dorset, BH15 1BP

Web - www.shorearchitecture.co.uk

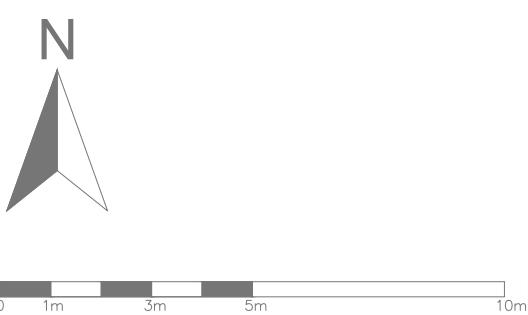
Email - office@shorearchitecture.co.uk

These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.

0 1m 3m 5m 10m



Hatching indicates area for Flood defense Barriers



Schedule of Accommodation.

Unit Type	Beds	Area (Average) (m²)
Commercial		
C1	N/A	51
C2	N/A	53
C3	N/A	46
C4	N/A	53
C5	N/A	85
C6		92
C7		31
Sub-Total		421m²
Flats		
1	1	45
2	1	43
3	1	41
4	1	47
5	1	45
6	1	43
7	1	41
8	1	47
9	1	42
10	1	46
11	2	65
12	1	45
13	1	41
14	1	39
15	1	42
16	1	41
17	2	65
18	2	64
19	1	51
20	1	57
21	2	62
22	1	50
23	2	62
24	1	50
25	1	40
26	1	40
27	2	68
28	1	51
29	1	38
30	1	43
31	1	51
32	1	44
33	2	68
34	2	68
35	2	69
36	1	52
37	1	45
38	2	68
39	2	69
40	1	50
Sub-Total	40	2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project.	13 High Street, Poole
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Client.	Shore Holdings Ltd
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Drawing Title.	Proposed Ground Floor Plan
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Scale.	1:150 @ A1
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Drawing No.	122.1 GA.05.01f
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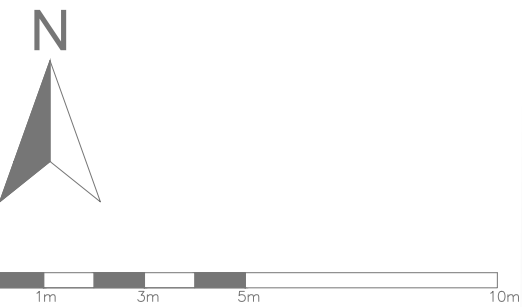
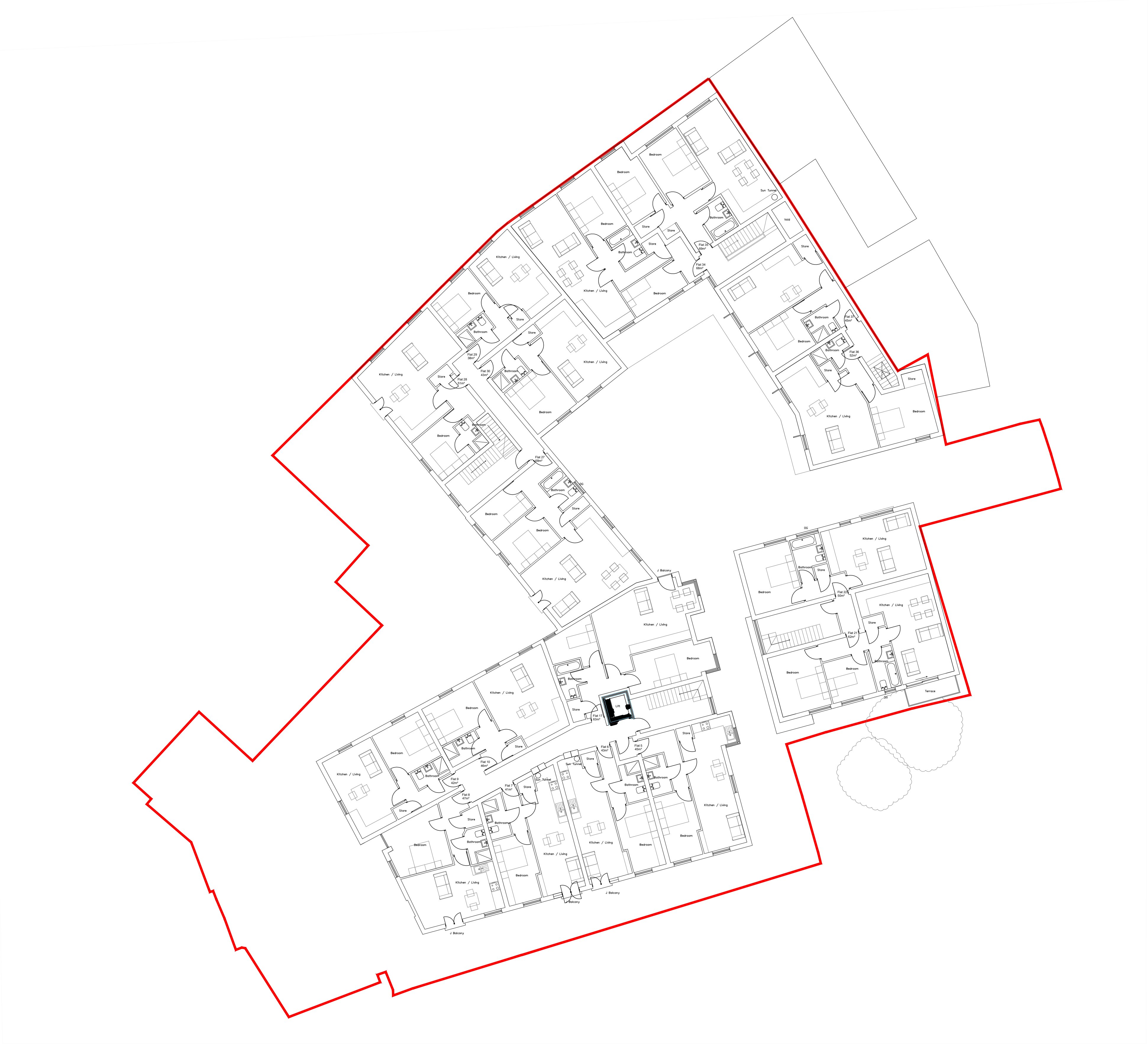
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Proposed Ground Floor Plan
Scale 1:150 @ A1



Schedule of Accomodation.			
Unit Type	Beds	Area (Average) (m²)	
Commercial	C1	N/A	51
	C2	N/A	53
	C3	N/A	46
	C4	N/A	53
	C5	N/A	85
	C6		92
	C7		31
Sub-Total			421m²
Flats	1	1	45
	2	1	43
	3	1	41
	4	1	47
	5	1	45
	6	1	43
	7	1	41
	8	1	47
	9	1	42
	10	1	46
	11	2	65
	12	1	45
	13	1	41
	14	1	39
	15	1	42
	16	1	41
	17	2	65
	18	2	64
	19	1	51
	20	1	57
	21	2	62
	22	1	50
	23	2	62
	24	1	50
	25	1	40
	26	1	40
	27	2	68
	28	1	51
	29	1	38
	30	1	43
	31	1	51
	32	1	44
	33	2	68
	34	2	68
	35	2	69
	36	1	52
	37	1	45
	38	2	68
	39	2	69
	40	1	50
Sub-Total			2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908
Project.	13 High Street, Poole		

Client. Shore Holdings Ltd

Drawing Title. Proposed First Floor Plan

Scale. 1:150 @ A1

Drawing No. 122.1 GA.05.02d

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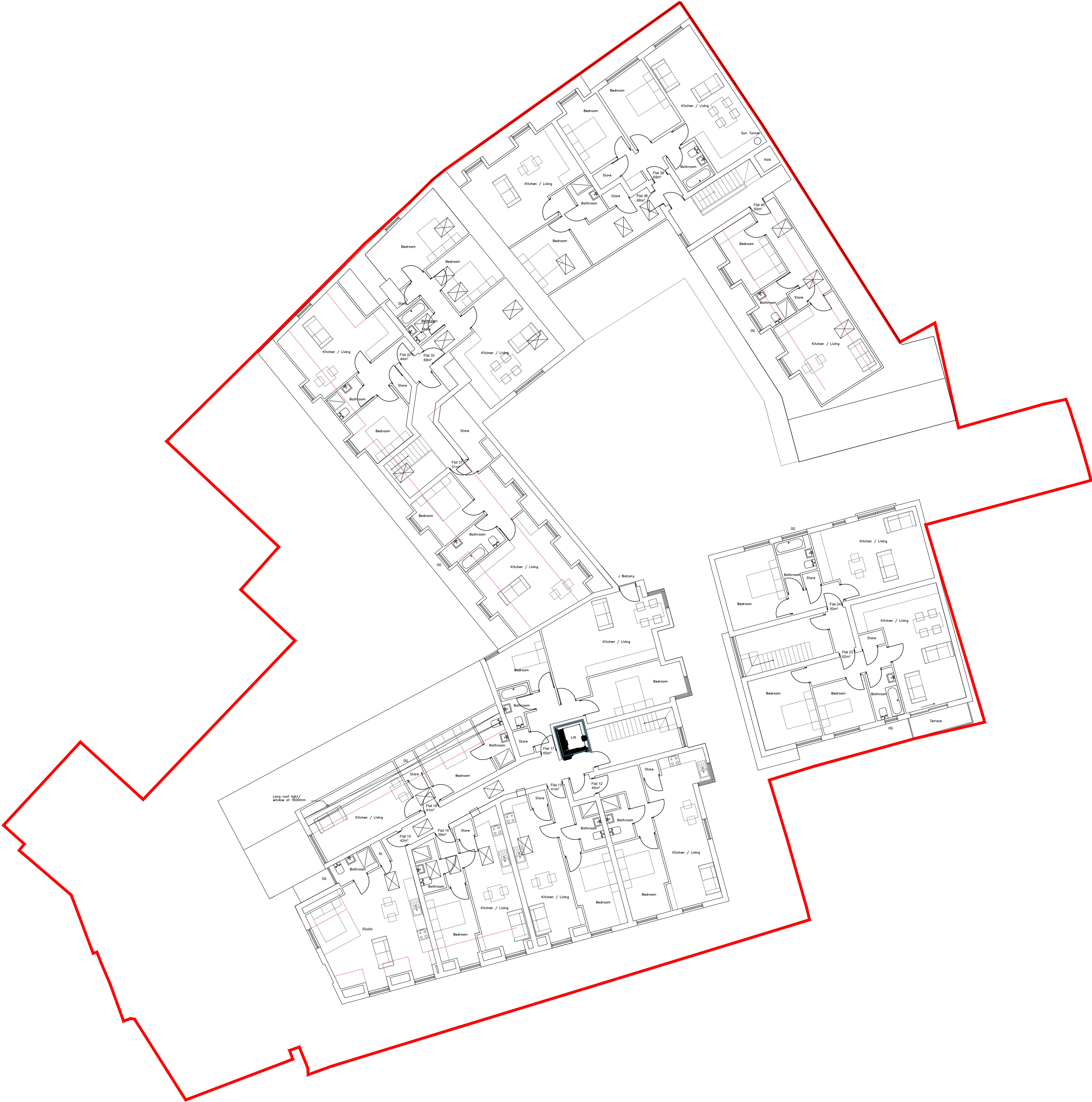
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Proposed First Floor Plan
Scale 1:150 @ A1



Schedule of Accomodation.

Unit Type	Beds	Area (Average) (m²)
Commercial		
C1	N/A	51
C2	N/A	53
C3	N/A	46
C4	N/A	53
C5	N/A	85
C6		92
C7		31
	Sub-Total	421m²
Flats		
1	1	45
2	1	43
3	1	41
4	1	47
5	1	45
6	1	43
7	1	41
8	1	47
9	1	42
10	1	46
11	2	65
12	1	45
13	1	41
14	1	39
15	1	42
16	1	41
17	2	65
18	2	64
19	1	51
20	1	57
21	2	62
22	1	50
23	2	62
24	1	50
25	1	40
26	1	40
27	2	68
28	1	51
29	1	38
30	1	43
31	1	51
32	1	44
33	2	68
34	2	68
35	2	69
36	1	52
37	1	45
38	2	68
39	2	69
40	1	50
	Sub-Total	40 2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project.	13 High Street, Poole
Client.	Shore Holdings Ltd
Drawing Title.	Proposed Second Floor Plan
Scale.	1:150 @ A1
Drawing No.	122.1 GA.05.03d

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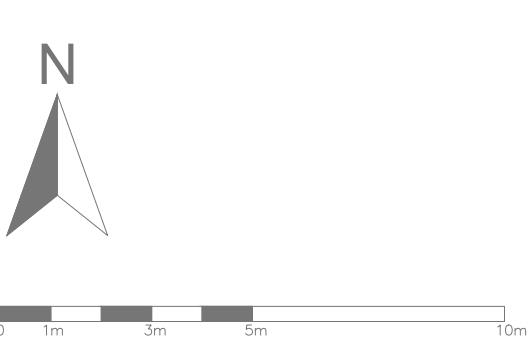
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Proposed Second Floor Plan
Scale 1:150 @ A1



Schedule of Accomodation.			
Unit Type	Beds	Area (Average)	
		(m²)	
Commercial	C1	N/A	51
	C2	N/A	53
	C3	N/A	46
	C4	N/A	53
	C5	N/A	85
	C6		92
	C7		31
	Sub-Total		421m²
Flats	1	1	45
	2	1	43
	3	1	41
	4	1	47
	5	1	45
	6	1	43
	7	1	41
	8	1	47
	9	1	42
	10	1	46
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	27	2	68
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	29	1	38
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	31	1	51
	32	1	44
	33	2	68
	34	2	68
	35	2	69
	36	1	52
	37	1	45
	38	2	68
	39	2	69
	40	1	50
	Sub-Total	40	2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project.	13 High Street, Poole
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Client.	Shore Holdings Ltd
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Drawing Title.	Proposed Third Floor Plan
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Scale.	1:150 @ A1
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Drawing No.	122.1 GA.05.04d
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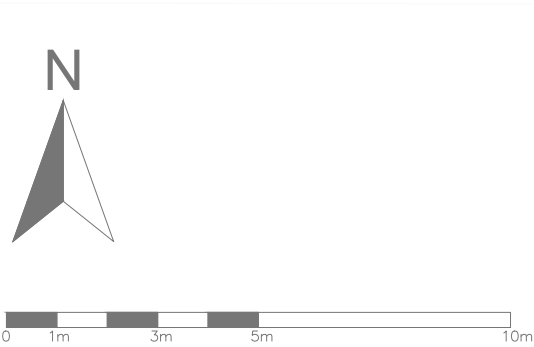
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Proposed Third Floor Plan
Scale 1:150 @ A1



Schedule of Accomodation.

Unit Type	Beds	Area (Average) (m²)
Commercial		
C1	N/A	51
C2	N/A	53
C3	N/A	46
C4	N/A	53
C5	N/A	85
C6		92
C7		31
Sub-Total		421m²
Flats		
1	1	45
2	1	43
3	1	41
4	1	47
5	1	45
6	1	43
7	1	41
8	1	47
9	1	42
10	1	46
11	2	65
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27	2	68
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29	1	38
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31	1	51
32	1	44
33	2	68
34	2	68
35	2	69
36	1	52
37	1	45
38	2	68
39	2	69
40	1	50
Sub-Total		40 2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project. 13 High Street, Poole

Client. Shore Holdings Ltd

Drawing Title. Proposed Roof Plan

Scale. 1:150 @ A1

Drawing No. 122.1 GA.05.05d

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Proposed Fourth Floor Plan
Scale 1:150 @ A1



Proposed Building 1+2 (South) Front Elevation Scale 1:100 @ A1



Proposed Building 2+ HS 3 +HS 2 (East) Side Elevation Scale 1:100 @ A1

Project.	13 High Street, Poole
Client.	Shore Holdings Ltd
Drawing Title.	Proposed Elevations 1
Scale.	1:100 @ A1
Drawing No.	122.1 GA.06.01c

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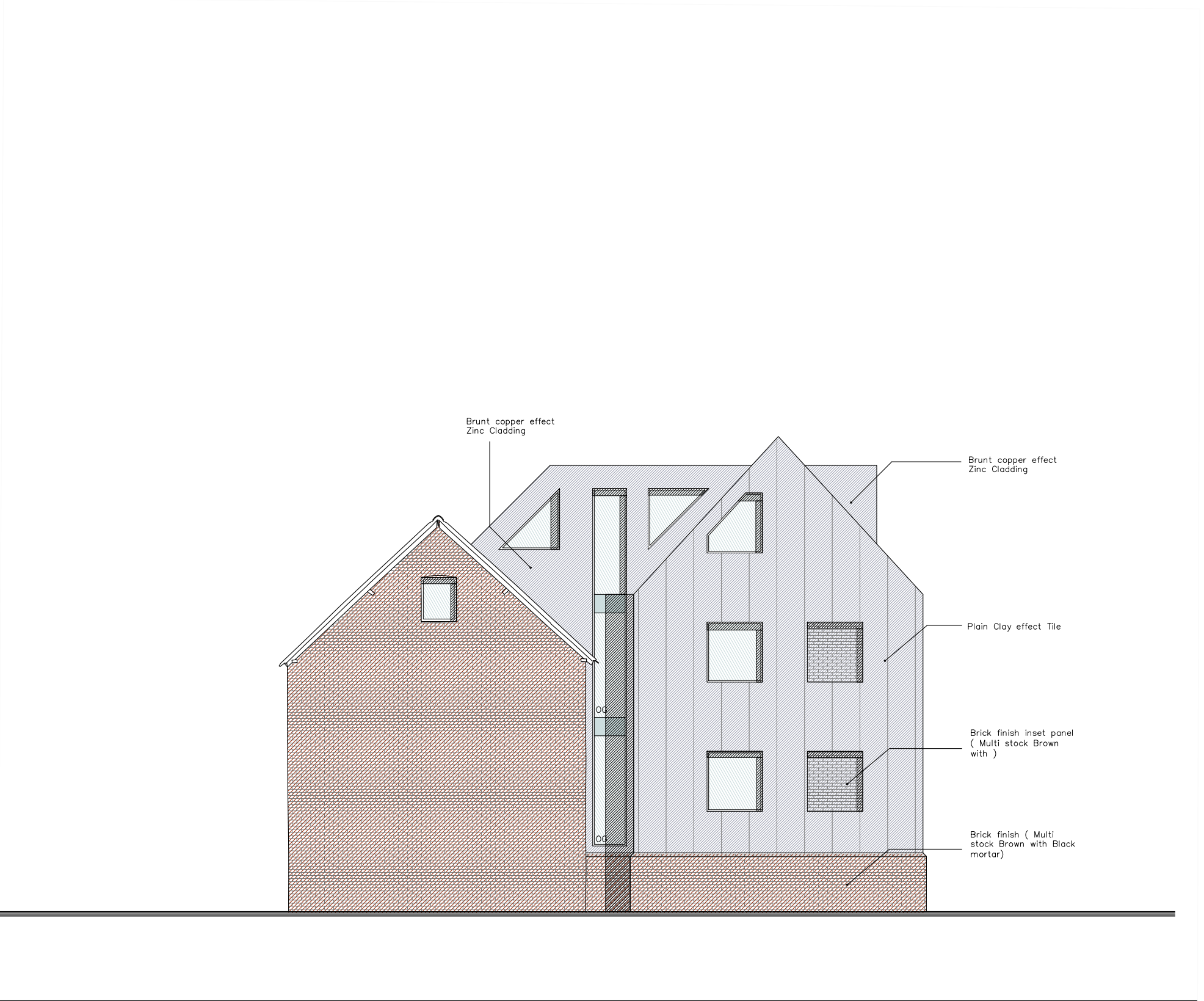
Email - office@shorearchitecture.co.uk

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Proposed Building 1+2 (North) Rear Elevation Scale 1:100 @ A1



Proposed Building 1 (West) Side Elevation Scale 1:100 @ A1



Proposed Building 2 + HS3 (West) Side Elevation Scale 1:100 @ A1

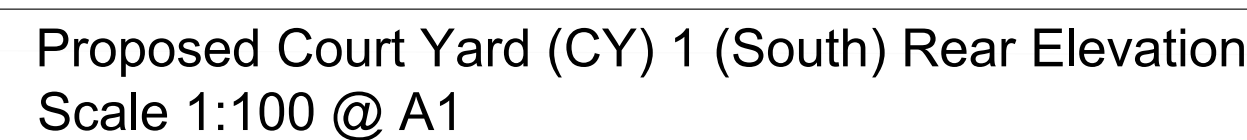
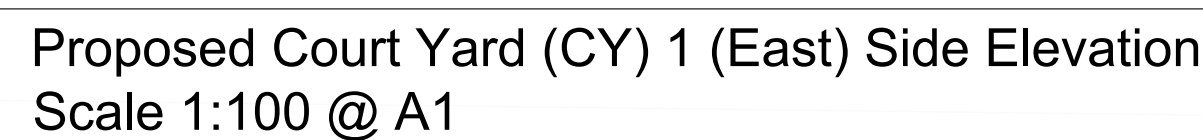
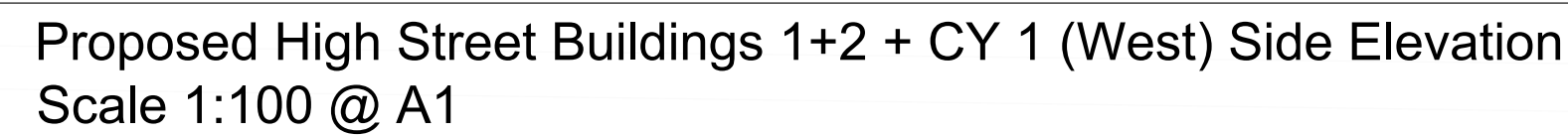
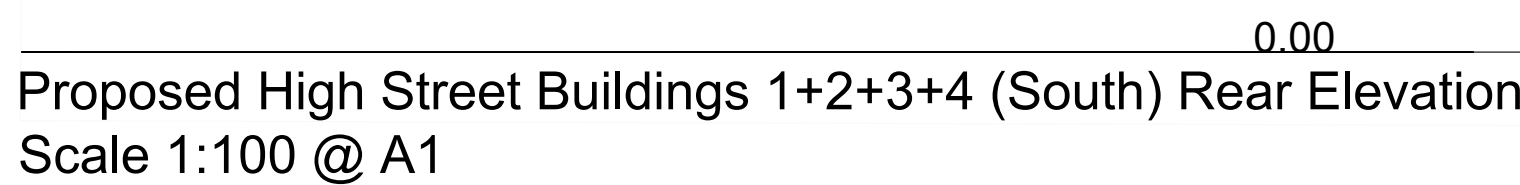
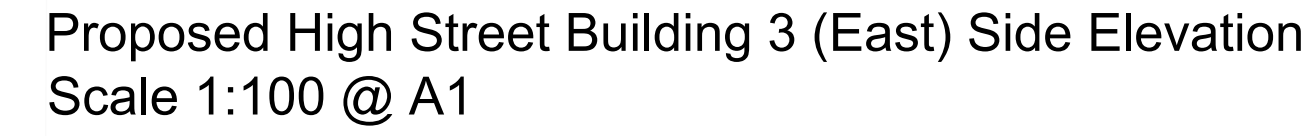
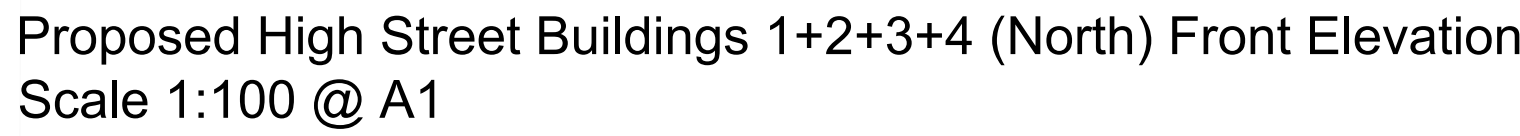
Project.	13 High Street, Poole
Client.	Shore Holdings ltd
Drawing Title.	Proposed Elevations 2
Scale.	1:100 @ A1
Drawing No.	122.1 GA.06.02c

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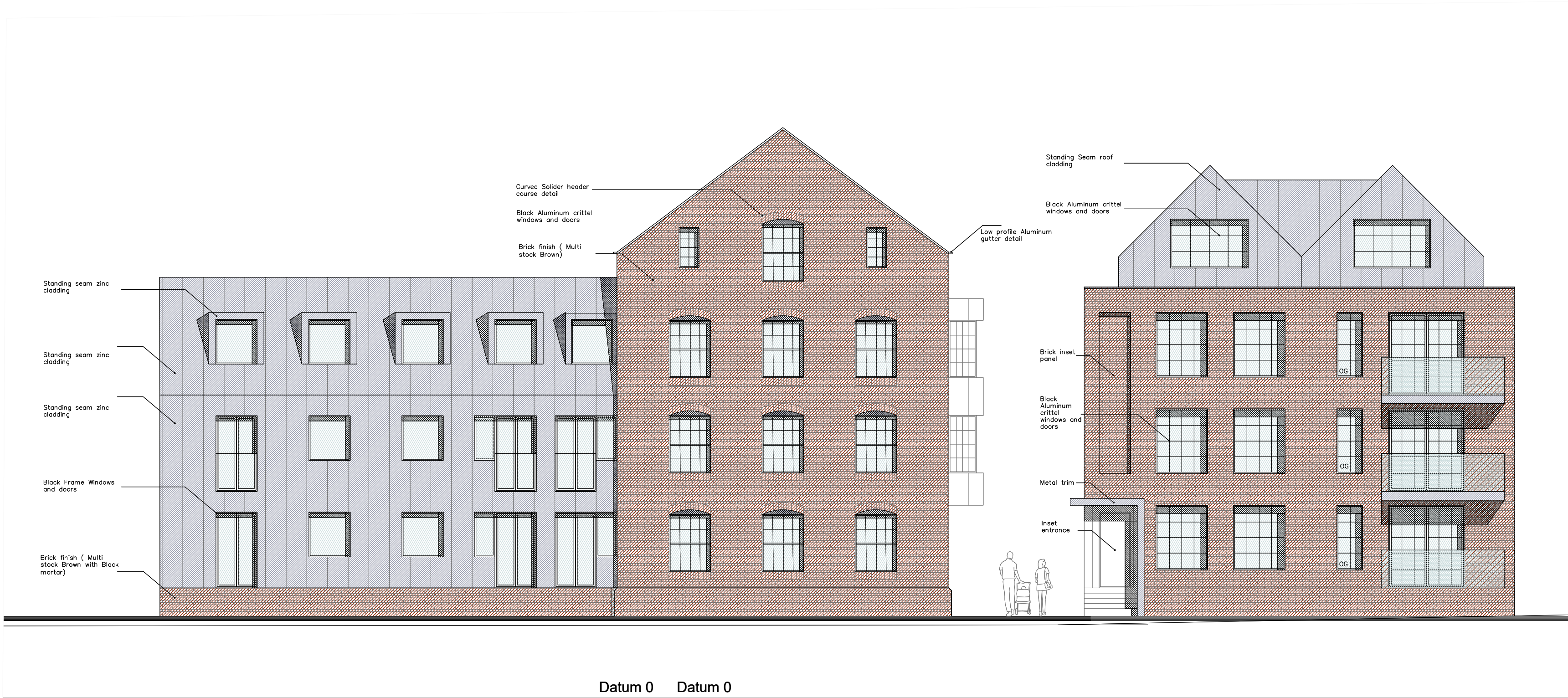
These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.



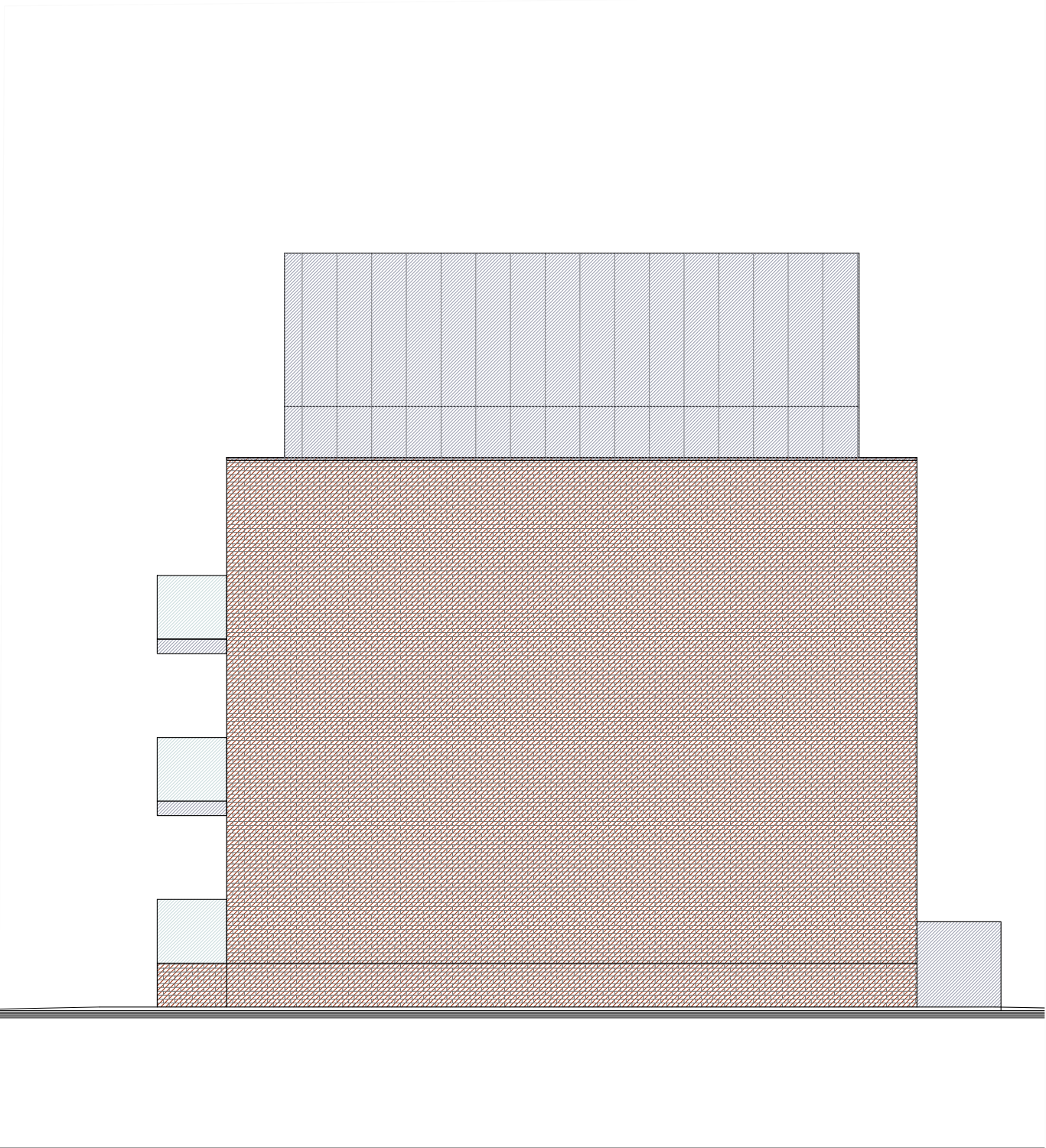


These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.





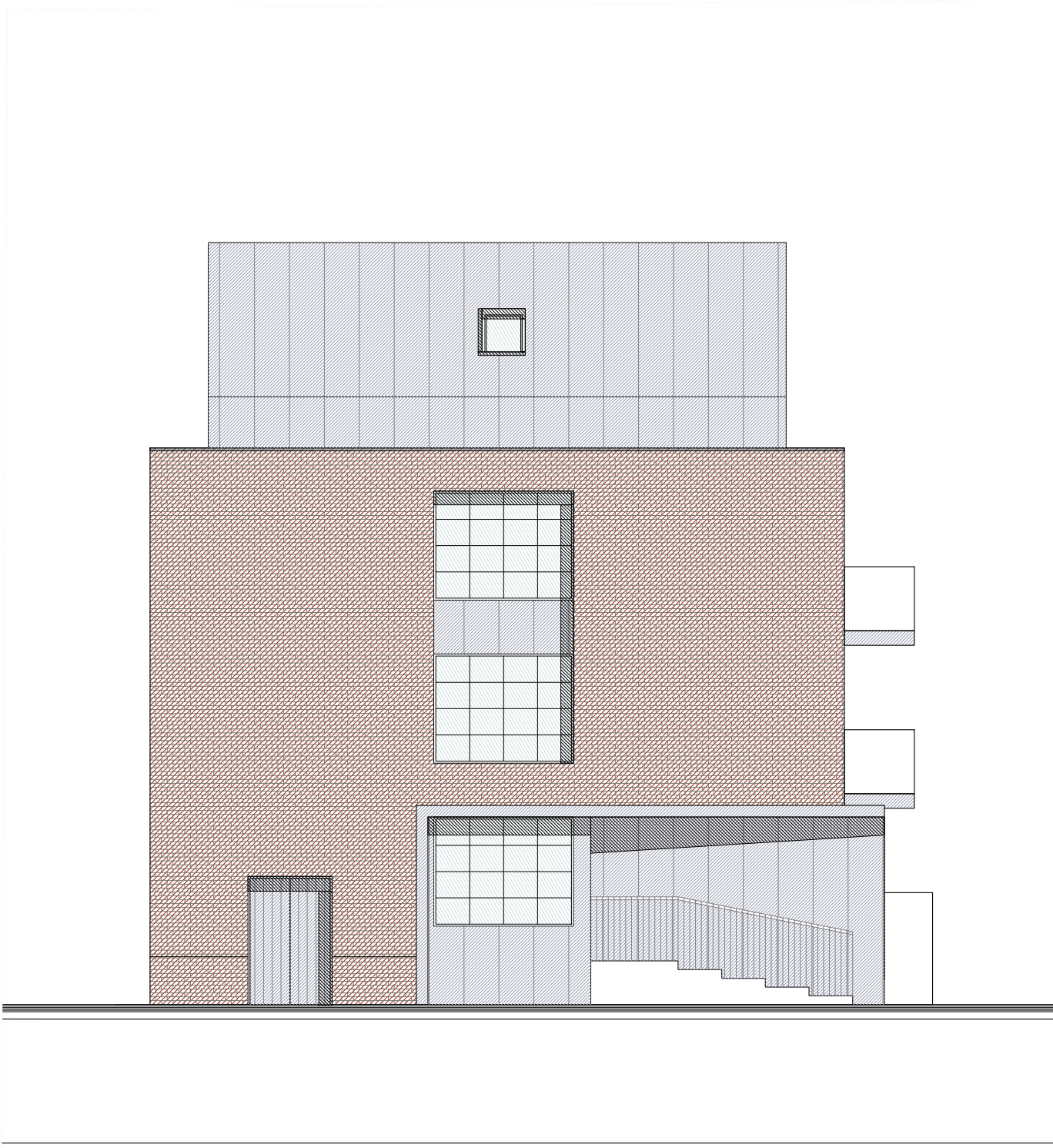
Proposed Building 1+2+3 Front (South)
Elevation Scale 1:100 @ A1



Proposed Building 3 Side (East) Elevation Scale
1:100 @ A1



Proposed Building 3 Rear (North) Elevation
Scale 1:100 @ A1



Proposed Building 3 Side (West) Elevation Scale
1:100 @ A1

Proposed Fourth Floor Plan
Scale 1:150 @ A1

Project.	13 High Street, Poole
Client.	Shore Holdings Ltd
Drawing Title.	Proposed Elevations 4

Scale.	1:100 @ A1
Drawing No.	122.1 GA.06.04c

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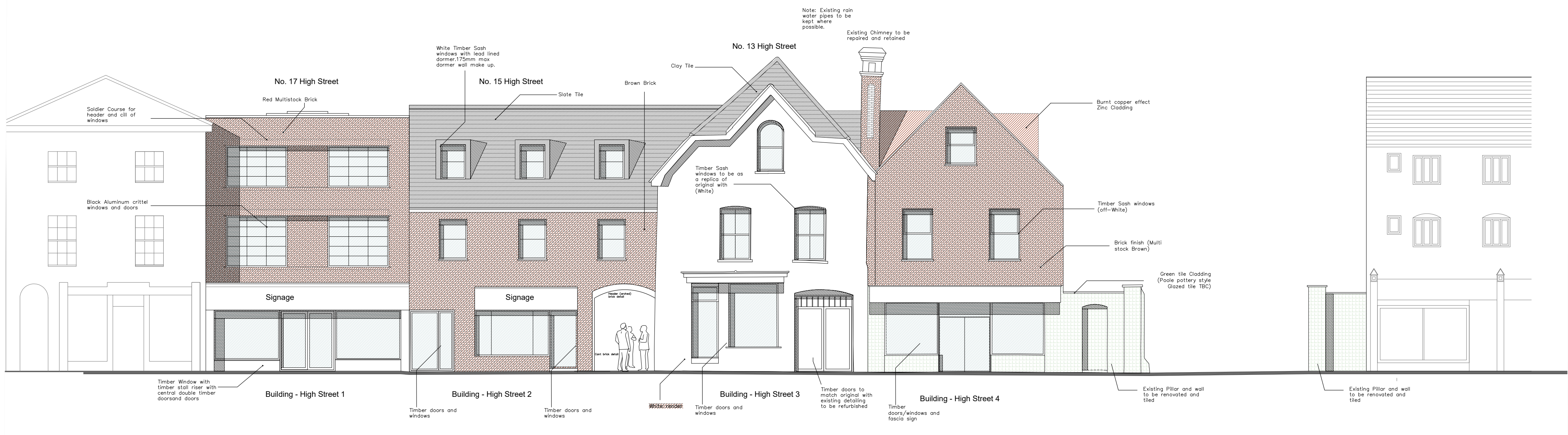
10 High Street, Poole, Dorset, BH15 1BP

Web - www.shorearchitecture.co.uk

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These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.

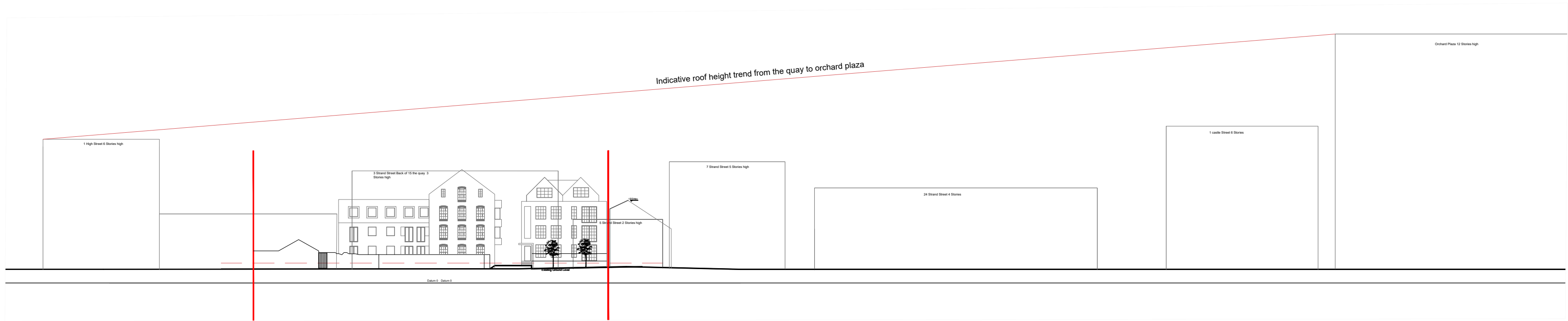




Proposed High Street Scene Scale 1:100



Proposed Strand Street Scene Scale 1:100



Proposed Strand Street Indicative Building Heights Scale 1:200

Project.	13 High Street, Poole
Client.	Shore Holdings Ltd
Drawing Title.	Proposed Street Scenes

Scale.	1:100 / 1:200 @ A1
Drawing No.	122.1 GA.06c

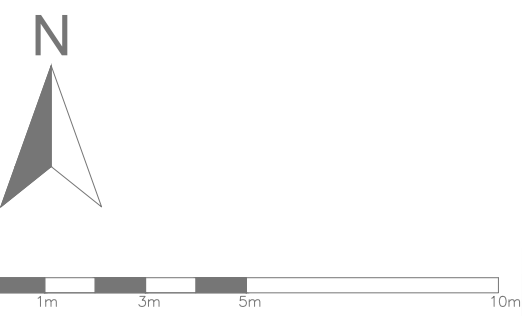
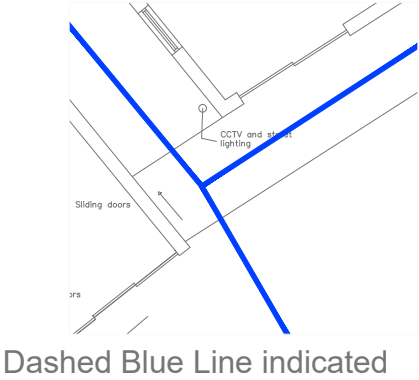
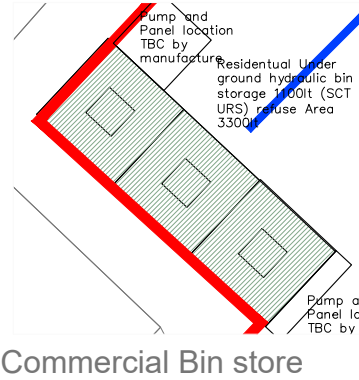
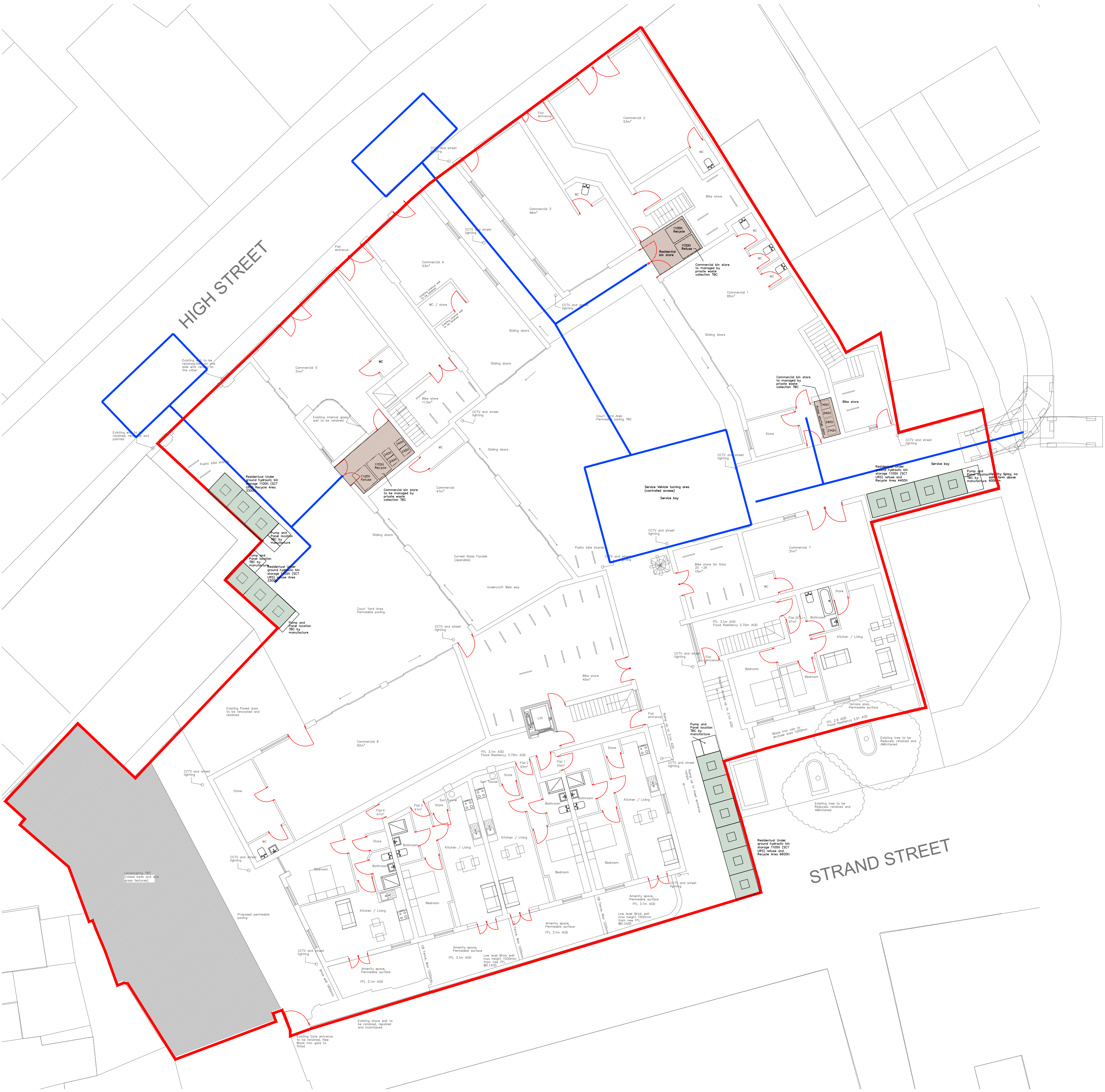
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Schedule of Accommodation.

Unit Type	Beds	Area (Average) (m²)
Commercial		
C1	N/A	51
C2	N/A	53
C3	N/A	46
C4	N/A	53
C5	N/A	85
C6		92
C7		31
Sub-Total		421m²
Flats		
1	1	45
2	1	43
3	1	41
4	1	47
5	1	45
6	1	43
7	1	41
8	1	47
9	1	42
10	1	46
11	2	65
12	1	45
13	1	41
14	1	39
15	1	42
16	1	41
17	2	65
18	2	64
19	1	51
20	1	57
21	2	62
22	1	50
23	2	62
24	1	50
25	1	40
26	1	40
27	2	68
28	1	51
29	1	38
30	1	43
31	1	51
32	1	44
33	2	68
34	2	68
35	2	69
36	1	52
37	1	45
38	2	68
39	2	69
40	1	50
Sub-Total	40	2038 m²

Totals	Unit No.	Area (m²)	Area (ft²)
Commercial	6	421	4525
Residential	40	2038	21908

Project.	13 High Street, Poole
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Client.	Shore Holdings Ltd
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Drawing Title.	Proposed Servicing Plan
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Scale.	1:150 @ A1
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Drawing No.	122.1 GA.02.01c
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Addendum Sheet
Planning Committee – 4 October 2022

PLANNING APPLICATIONS		
Item No.	Application No.	Additional Information
5a)	APP/21/01199/F 13-15 High Street Poole	<p>Reword to the description of the development to state 'Redevelopment of the site to form 40 apartments and 424sqm of Class E space, following partial demolition of existing buildings'</p> <p>Additional conditions:</p> <p>Highways:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall not be brought into use until the access, turning space, garaging, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. <p>Reason - In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).</p> <ol style="list-style-type: none"> 2. A Travel Plan shall be agreed prior to first occupation of the development . The Travel Plan shall include measures to encourage sustainable travel use amongst residents of the development and timeline for introduction of those measures. The Travel Pack shall include the following measures, but not be limited to these measures: <p><i>Residential Travel Information Pack</i></p> <p>A Travel Information Pack will be provide to each residential unit upon first occupation of that unit and shall contain the following information:</p> <ul style="list-style-type: none"> • An explanation of the purpose and benefits of the Travel Plan and the benefits of sustainable travel; • Maps of walking and cycling routes to key destinations; • Timetables, route maps and ticketing information for public transport relevant to the site location; <p><i>Public Transport and Beryl Bikes</i></p>

		<p>In addition to the Travel Information Pack the following measures will be undertaken with regard to the promotion of public transport and Beryl Bike initiatives, and on first occupation each household to be provided with:</p> <ul style="list-style-type: none"> • Provision of a free three month public transport travel permit for each residential unit (valid for a minimum period of 90 days) • Provision of Beryl Bike scheme vouchers (valid for a minimum period of 90 days) <p>Reason - In the interests of highway safety and convenience and in accordance with Policy PP35 of the of the Poole Local Plan (2018).</p> <p>3. Prior to the commencement of the approved use, a delivery management plan shall be implemented and continued thereafter, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The delivery management plan shall include details of loading and delivery arrangements to the site for each of the approved commercial units, and the residential units, including timings of deliveries and vehicle waiting locations, vehicle tracking plans to demonstrate safe and efficient turning both within the site and on the highway, and pedestrian delivery routes through the site to each unit. The delivery management plan shall also set out delivery arrangements that address the access restrictions to High Street.</p> <p>Reason – In the interests of highway safety and to ensure that delivery to each commercial unit and any deliveries for residential units have been considered and planned for to avoid indiscriminate and inappropriate loading and manoeuvring around the site. In accordance with Policy PP35 of the Poole Local Plan (2018).</p> <p>4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order(s) revoking and re-enacting either order with our without modification, the development hereby approved shall only be used for purposes within Schedule 2, Part A,</p>
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		<p>Class E parts a, b, ci, cii, ciii, d, e, f and gi of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes whatsoever, including any other purpose in Class E.</p> <p>Reason – To secure the limitations of future appropriate uses for the site.</p>
5b)	<p>APP/22/00230/F</p> <p>29 Cynthia Road</p>	<p>Amend Recommendation to include the following;</p> <p>Approve subject to conditions and subject to the Head of Planning (or any other officer exercising management responsibilities within the Planning Unit) in their opinion being satisfied that such arrangements are in place as are necessary to appropriately address any adverse effect on the integrity of any relevant protected European sites associated with the recent identified concerns relating to phosphates together with delegated power to agree those arrangements.</p> <p>Para. 49. – amended for clarity as follows;</p> <p>The closest neighbouring dwellings to the proposed houses would be Nos.41 and 43 Jacqueline Road to the north. The window-to-window distances are a minimum of 21 metres to these neighbours, complying with the distances in the National Model Design Code (15 – 20 metres), retaining acceptable privacy for existing and proposed occupiers. The scale of development and distance to neighbours will mean acceptable living conditions would be preserved in terms of outlook, sunlight/daylight and dominance. The distance between the proposed houses and the parent properties on Cynthia Road is also sufficient so as not to cause material harm to the occupiers of those dwellings.</p>

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
PLANNING COMMITTEE

Minutes of the Meeting held on 04 October 2022 at 10.00 am

Present:-

Cllr D Kelsey – Chairman

Cllr T Johnson – Vice-Chairman

Present: Cllr S Baron, Cllr D Borthwick, Cllr M F Brooke (In place of Cllr M Le Poidevin), Cllr S Bull, Cllr P Hilliard, Cllr R Lawton, Cllr T O'Neill, Cllr Dr F Rice and Cllr T Trent

63. Apologies

Apologies were received from Cllrs M Davies, G Farquhar, P Hall, M Le Poidevin and S McCormack.

64. Substitute Members

Cllr M Brooke substituted for Cllr M Le Poidevin for this meeting.

65. Declarations of Interests

Cllr S Baron reported that in his role as Lead Member for Regeneration he'd had discussions with Historic England and various other interested parties in relation to the application for 13 – 15 High Street, Poole. He spoke as a non-committee councillor and then sat in the public gallery for the rest of the discussion and did not take part in the vote.

66. Public Issues

There were a number of requests to speak on planning applications considered by the Planning Committee. The Chairman exercised his discretion as permitted by the Protocol for Speaking/Statements to allow those who wished to address the committee directly, to do so virtually via Microsoft Teams if they preferred.

67. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A and B to these minutes in the Minute Book. There was an addendum sheet published on 3 October 2022 which appears as Appendix C to these minutes. The Committee considered the planning applications as set out below:

68. 13-15 High Street, Poole, BH15 1AB

Poole Town Ward

APP/21/01199/F

Redevelopment of the site to form 40 apartments and 424sqm of Class E space, following partial demolition of existing buildings'

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Giles Moir
- ❖ Mr Richardson (speaking on behalf of Jake Culley)

Ward Councillors

- ❖ Cllr Mark Howell, speaking in objection

RESOLVED that Planning Permission be granted in accordance with the recommendation and conditions set out in the Officer's report and in the addendum and with the following additions agreed by the Committee:

- "Overage clause to review affordable housing viability" to be included as an additional term in the list of terms under the Section 106 provision b) of the Recommendation
- Informative Note: The applicant should note and inform future residents of the approved scheme that they may be excluded by the Council from being able to purchase an on-street residents permit or visitors parking permits in the locality of the site. This is to reduce the transport impacts from the development due to the low levels of car parking provision being proposed.

Voting:

For – 7 Against – 3 Abstain – 0

Note: Cllr S Baron did not take part in this item as a committee member and therefore did not take part in the vote.

69. 29 Cynthia Road, Poole, BH12 3JE

Newtown and Heatherlands Ward

APP/22/00230/F

Sever land, demolish existing buildings and erect 3 No 2 bed houses with parking

Public Representations

Objectors

- ❖ Written statement submitted by Jeff Puddy on behalf of residents of 39/41/43 Jacqueline Road

Applicant/Supporters

- ❖ Neil McKeon on behalf of the applicant

Ward Councillors

- ❖ Cllr Millie Earl (call in), speaking in objection

RESOLVED that Planning Permission be granted in accordance with the recommendation and conditions set out in the Officer's report as amended by the addendum and with the following additions agreed by the Committee:

- **Add “and thereafter retained” to the end of the current wording of Condition 9**
- **Add “The landscaping scheme shall make provision for the planting of *tilia cordata* in the rear gardens of the approved dwellings, adjacent to the northern boundary” at the end of the first paragraph and prior to the words “Upon Approval:” within Condition 13.**

Voting:

For – 6 Against – 5 Abstain – 0

70. Update on Pre application presentations

The Chairman advised members of the intention to include pre application presentations on the agenda for future Planning Committee meetings. It was explained that such presentations were intended to keep members informed of forthcoming applications and that all members of the Council would be welcome to attend. Following feedback from the Committee, members were assured that guidance would be provided on how such presentations would be dealt with by the Committee and that presentations would be timed to ensure that agenda did not become overloaded.

The meeting ended at 11.40 am

CHAIRMAN

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PLANNING COMMITTEE - SITE VISIT PROTOCOL

1. Purpose of the site visit

- 1.1. It is presumed that members of the Planning Committee will have familiarised themselves with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 1.2. In exceptional cases (such as the impact of the proposal is difficult to visualize from the plans and any supporting material, including photographs, as being unable to see the site from a public vantage point, or that there are other substantial benefits in carrying out a site visit), members of the Committee may suggest that the Planning Committee visit the site, or adjoining sites if relevant.

1. How decisions on a site visit are reached

- 1.1. Where prior to the Committee, and following release of the Planning Committee agenda papers, members of the Committee consider that exceptionally a site visit of the Planning Committee is necessary such requests should be made to Democratic Services prior to Chair's briefing. At the briefing the Chair, in consultation with officers, will consider whether this exceptional case is made, or alternatively seek further visual information from the officers to support the Committee in the absence of a formal Planning Committee site visit.
- 1.2. Where a site visit has not occurred prior to the Planning Committee meeting members of the Planning Committee can during the debate seek to adjourn or defer the decision on any given application until a site visit of the Planning Committee is arranged. In these cases, members of the Planning Committee will need to clearly set out firstly why a site visit is considered necessary when this was not identified prior to the Planning Committee meeting and secondly whether an adjournment or deferral can allow for officers to source additional information that would negate the need for a site visit.
- 1.3. The site visit by members of the Planning Committee forms part of the Planning Committee process, allowing Planning Committee members to view the site and where appropriate adjoining properties.

2. Arranging the Visit

- 2.1. Where a site visit has been agreed to be undertaken following the Chair's briefing this will be arranged to precede the Planning Committee and a schedule for the visit will be agreed between the Chair and officers. This will identify the timetable for the meeting and invited attendees.
- 2.2. Planning Services will then notify the applicant or their agent of the time and date of the proposed site visit and seek their authority for Members of the Planning Committee, Ward Councillors and officers to visit the site, where this cannot be achieved from a public point of access. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
- 2.3. All members of the Planning Committee will be invited to attend the site visit.

- 2.4. On occasion, officers of other services such as Transportation Services will be invited to attend a site visit to clarify factual matters.
- 2.5. Councillors have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and an officer has made contact on the site visit with the landowner/operator/applicant.
- 2.6. In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.
- 2.7. Where the Planning Committee adjourn or defer the decision on the application until a site visit is arranged any visit will be organised immediately prior to the next Planning Committee in accordance with the above criteria.

3. Conduct of the Visit

- 3.1. The purpose of the site visit is to enable members of the Planning Committee to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application at the Planning Committee. It is presumed that members of the Planning Committee will have familiarised themselves prior to the site visit with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 3.2. Whilst it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party (including Ward Councillors and other Councillors) should be avoided and they will be advised that lobbying of members of the Planning Committee is unacceptable. Presentations by applicants will not be permitted.
- 3.3. As the site visit is part of the process of the Planning Committee considering an application, it is chaired by the Chair and formally opened and closed. This will provide clarity as to when the site visit has formally commenced. Until the Chair closes the site visit this protocol and procedures will be adhered to.
- 3.4. At the request of the Chair, the planning officer will describe the application to the assembled Councillors and display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land, which will be material once the proposal, is debated.
- 3.5. Questions from Planning Committee members should be addressed to the planning officer and be of a factual nature, for example distances to adjoining or objectors' properties or the landscape features to be retained. If during the site visit it is necessary to seek information from the applicant or agent, at the discretion of the Chair an officer will undertake this.
- 3.6. At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal.

- 3.7. The role of the Ward Councillors (if not a member of the Planning Committee) will be limited to drawing attention to features of the site that he/she considers relevant to the committee in understanding the site, its surroundings and the proposal. The Councillors will not be permitted to make representations on the merits or otherwise of the application.
- 3.8. If members of the public attend the site visit they can only be allowed on the land with the permission of the land owner. Presentation or lobbying by members of the public will not be permitted.

4. General

- 4.1. Members of the Planning Committee should keep together, and it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
- 4.2. Members of the Planning Committee should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chair during the visit.
- 4.3. The Planning Committee will not make any formal decision at the site visit and no individual member of the Planning Committee should express a view of the merits of the application during the site visit.
- 4.4. The application will usually be one of the first items on the Agenda of the following Planning Committee meeting where the merits of the application will be debated.
- 4.5. Where it is considered that a site visit is necessary it is essential that all members of the Planning Committee are present and where members of the Planning Committee are unable to attend the site visit they will be unable to take part in the debate or vote on the application.
- 4.6. The decision of the Chair, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocol is final.

5. Record of the Visit

- 5.1. A record of the visit will be made by an officer and retained on the planning application file. The record will include the timetable for the meeting, attendees and what was viewed on site.

6. Notes:

- 6.1. Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- 6.2. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided for Councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- 6.3. In the interests of sustainability and highway safety, car-sharing will be available, and members are encouraged to make use of this.

- 6.4. If a Councillor attending the site visit has special access requirements or wishes the Committee to visit other addresses (eg. an objector's home), early notification to the case officer will allow arrangements to be made.

Adopted by the Planning Committee on 30 May 2019

PLANNING COMMITTEE - PROTOCOL IN RELATION TO PRE-APPLICATION PRESENTATIONS

1. Introduction

- 1.1. The early engagement of councillors in relation to a potential planning application can be a positive contributor to seeking to ensure the provision of sustainable development within the area that best meets the aspirations and needs of the community.
- 1.2. The purpose of this protocol is to provide guidelines and a framework within which the Planning Committee will entertain and consider a presentation prepared for councillors by a potential applicant relating to a possible planning application that has not yet been submitted to the Council ("pre-application presentation").

2. Guidelines for identifying a pre-application presentation that might be taken to Planning Committee

- 2.1. The focus for pre-application presentations is limited to significant proposals. In considering any request for a pre-application presentation regard should be had to the following criteria for the purposes of determining those that may be suitable i.e. whether the relevant senior planning officer considers that the proposal:
 - (a) is of strategic importance to the whole or part of the Council area;
 - (b) involves a matter of significant national importance that has not previously been the subject of consideration within the Council area;
 - (c) may have a significant impact on a wide number of businesses/people and/or more than one Council ward;
 - (d) is on an extant Development Plan allocation and is important to securing one or more key Development Plan objectives;
 - (e) would provide a major development of significant importance to its locality and relates to a planning application previously refused by the Planning Committee; and/or
 - (f) any other proposal whose special circumstances the Head of Planning considers would justify a pre-application presentation being allowed.

3. General principles relating to a pre-application presentation

- 3.1. No part of a pre-application presentation or subsequent consideration / questions raised in relation to it is binding on the Council. Every observation / opinion given by any councillor or officer should be treated as provisional and no question asked should be taken as an indication of pre-determination with regard to the consideration of any planning application.
- 3.2. As a pre-application presentation is not part of an extant planning application, there is no requirement for any councillor to attend or participate in the pre-

application presentation in order to be able to vote on any related planning application that may subsequently be submitted.

- 3.3. The Protocol for Speaking / Statements at Planning Committee does not apply to a pre-application presentation. Neither questions nor statements by members of the public will normally be permitted.

4. Proceedings relating to the consideration of a pre-application presentation at Planning Committee

- 4.1. A pre-application presentation should normally consist of a presentation only. No other documents should be provided to councillors for the purposes of the pre-application presentation without the prior agreement of the Head of Planning and an officer from Democratic Services.
- 4.2. Documentation provided as part of the pre-application presentation should include:
- (a) a description of the site location,
 - (b) a plan sufficient to enable councillors to easily identify its location; and
 - (c) a description of the proposal to which the pre-application presentation relates that clearly enables councillors to understand the nature and extent of the proposal.
- 4.3. An electronic copy of any documentation produced for the purposes of the pre-application presentation (including any slides to be used as part of the presentation itself), should be provided to and accepted by both the Head of Planning (or any officer nominated by the Head of Planning for the purpose), and the Democratic Services Unit at least five clear working days prior to the date of publication of the Planning Committee meeting agenda to which it relates. All such documentation will normally form, and be made public as, part of the publication of the agenda for the meeting at which the pre-application presentation is scheduled to occur.
- 4.4. A pre-application presentation may be accompanied by such other information as the Head of Planning considers of assistance to councillors in relation to the presentation.
- 4.5. No part of the pre-application presentation, whether visual, written or verbal, should contain information of a kind that might be libellous, slanderous, abusive to any party or might result in the disclosure of any personal information for which express consent has not been given. Electronic information provided to the Council will not be accepted if it is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 4.6. The Council's adopted Access to Information Procedure Rules apply to a pre-application presentation. The expectation is that a pre-application presentation will usually be presented in public. However, subject as provided for in the Council's adopted Local Code of Best Practice relating to Planning Matters and in accordance with the Access to Information Procedure Rules, may be held wholly or partly as part of a meeting at which the public are excluded.

- 4.7. A pre-application presentation will normally take place prior to the consideration of any planning application at the Planning Committee meeting at which it is to be presented.
- 4.8. A pre-application presentation should not exceed more than twenty minutes (excluding any time taken by the Chair and/or any officer to introduce the presentation). An additional period of up to forty minutes will normally be allowed for questions to be asked. Such timings may be varied at the discretion of the Chair.
- 4.9. Any BCP councillor whether appointed to the Planning Committee or otherwise will usually be given the opportunity to attend a pre-application presentation and ask questions.
- 4.10. A councillor who wishes to speak should aim to confine themselves to only asking questions that raise issues relevant to the pre-application presentation. No speeches, statements or expressions of opinion will normally be permitted.
- 4.11. The order of asking questions is at the discretion of the Chair. However, where more than one councillor wishes to ask questions, the Chair will usually aim to give initial priority to members sitting on the Planning Committee followed by any councillor in whose ward the land to which the pre-application presentation relates is situated. In the event that there is insufficient time for all questions to be asked, councillors will be invited to send their questions to the Head of Planning for consideration and referral on as appropriate.
- 4.12. A pre-application presentation to the Planning Committee may be deferred/withdrawn:
- (a) from a published agenda in accordance with any relevant provision in the Constitution; and/or by a decision of the Planning Committee; or
 - (b) in advance of publication of an agenda at the absolute discretion of the Head of Planning.
- 4.13. Failure to comply with the requirements of this protocol may in particular result in a pre-application presentation being withdrawn or deferred.
- 4.14. For the purposes of this protocol, references to the “Chair” and “Head of Planning” shall, unless the context otherwise requires, have the same meanings as in the Protocol for Speaking/Statements at Planning Committee.

Adopted by the Planning Committee on 17 November 2022

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