

# Notice of Western BCP Planning Committee

Date: Monday, 30 June 2025 at 10.00 am

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



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## Membership:

### Chair:

Cllr M Le Poidevin

### Vice Chair:

Cllr J Clements

Cllr C Adams  
Cllr J Challinor  
Cllr A Chapmanlaw

Cllr M Dower  
Cllr B Hitchcock  
Cllr G Martin

Cllr S McCormack  
Cllr K Salmon  
Cllr P Sidaway

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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=6587>

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](mailto:democratic.services@bcpCouncil.gov.uk)

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

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

20 June 2025

**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](mailto: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. 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.

## 4. 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 Friday 27 June [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.bcpccouncil.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.

Anyone who has registered to speak by the deadline may, as an alternative to speaking/for use in default, submit a written statement to be read out on their behalf. This must be provided to Democratic Services by 10.00am of the working day before the meeting, 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.

## **5. 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, please use the following link:

<https://www.bcpCouncil.gov.uk/planning-and-building-control/search-and-comment-on-planning-applications>

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.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>



<p>a)     <b>National Trust, Ferry Way, Poole BH13 7QN</b></p> <p>Canford Cliffs ward</p> <p>24/00744/F</p> <p>Removal and replacement of existing jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.</p>	<p>15 - 78</p>
<p>b)     <b>33 East Avenue, Bournemouth BH3 7BT</b></p> <p>Talbot and Branksome Woods ward</p> <p>P-5513-200125</p> <p>Use of swimming pool for private swimming lessons including associated facilities (Existing unauthorised use) and also used ancillary to the residential use of the property.</p>	<p>79 - 94</p>

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.

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## **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](mailto: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](mailto: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](mailto: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](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	National Trust, Ferry Way, Poole, BH13 7QN
Proposal	Removal and replacement of existing jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
Application Number	24/00744/F
Applicant	National Trust, Brownsea Island
Agent	WSP UK
Ward and Ward Member(s)	Canford Cliffs  Cllr Gavin Wright Cllr John Challinor
Report Status	Public
Meeting Date	30/06/2025
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	Originally called-in by Cllr Wright due to concerns regarding industrial nature and additional noise.  It is now being brought back to Committee for the reasons identified in the report.
Case Officer	Mrs Shelley Edwards
Is the proposal EIA Development?	No

## Background

1. At the Planning Committee of 5 December 2024, Members considered APP/24/00744/F; National Trust Jetty, Ferry Way, Sandbanks, Poole for the removal and replacement of a Jetty and associated facilities.
2. Planning Committee resolved that planning permission be approved subject to the inclusion of a condition to limit the times of use of the proposed telehandler within the site from 7am to 8pm due to concerns by the neighbour regarding potential noise nuisance. The committee report is appended to this report along with the Agenda addendum and Minutes to enable Members to be able to note and have regard to the content of the previous report and the decision of Members.
3. Prior to a decision notice being issued, a letter was received from a neighbour's solicitor raising concerns regarding the decision. Matters identified included the factual accuracy of certain information provided to members and ultimately, as a consequence, whether concerns of noise disturbance on the amenity of adjoining neighbour at no 130 Panorama Road had been adequately addressed having regard to relevant Local Plan policy, in particular policy

PP27. Specifically, it was suggested that a noise report should be secured and assessed to enable the matter to be fully considered.

4. Having had opportunity to review the factual situation relevant to this application and following discussion with the applicant, it was agreed that a Noise Impact Assessment would be carried out. The Noise Impact Assessment (NIA) Ref: AC01B by WSP was received on 07/02/2025. The neighbour at 130 Panorama Road has since provided a separate Acoustician review of the NIA and WSP has provided a further rebuttal. The Council's Environment Health Officer has had the opportunity to consider all these additional submissions and their conclusions are identified in this report. To the extent that specific issues relating to information in the original report and presented to members were highlighted in the letter of 6<sup>th</sup> December 2024, these have also been taken on board in preparing the assessment below.
5. This application is therefore being brought back before the Planning Committee following the submission of the Noise Impact Assessment and to respond to the findings of the report which is set out and assessed below. Bringing the application back to Planning Committee in full also enables the application to be reassessed by Planning Committee Members who may or may not have been present at the 5<sup>th</sup> December Committee Meeting.
6. In November 2024, a significant portion of the jetty collapsed due to the erosion of the sandy seabed. This has led to the suspension of the large visitor ferries from this location to Brownsea Island. As a result, the old jetty has now been closed to the public and sections of the wooden structure has been dismantled and removed and all that remains is the navigation marker and pile. Therefore, demolition has taken place and this application is now a hybrid application to include part retrospective and part proposed development. The conditions have therefore, been worded accordingly.
7. For clarity, the lawful use of the site has not ceased and whilst the Jetty itself has been demolished; the site is still able to be used as a storage compound and for car parking and boats can still be moored along the quayside.
8. In addition to this, on Sunday 23<sup>rd</sup> March 2025 a sink hole opened up on the southern section of the site in the area proposed for the visitor centre. The applicant has confirmed that a temporary repair to the sink hole is taking place this month and that the proposed development will address this as the backfilling and sheet piling method planned for the quay extension will include this area also.

### **Description of Proposal**

9. Removal and replacement of existing timber jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
10. The proposals would extend the quayside and provide replacement of a section of existing sheet piling. The proposal would replace and provide a new extended fixed jetty landing structure and introduce a new vehicle access ramp, a fixed walkway and new berthing provisions. The existing bike store and NT Store unit will be replaced and repositioned along the rear boundary in addition to a new bin enclosure. A new visitor shelter is proposed adjacent to the entrance of the site and security gates and barriers will be introduced to enclose the site. The proposal would reconfigure the car parking layout and provide electric vehicle charging provision. With regards to accessibility the proposed visitor shelter would be DDA compliant and the jetty itself would have a compliant gradient for wheelchair use.

### **Description of Site and Surroundings**

11. The site is on the southern tip of the Sandbanks Peninsular and at the entrance to Poole Harbour; an SPA and Ramsar Site and SSSI. The area is mixed in character as the site is adjacent to Poole



Harbour, the Sandbanks Chain Ferry Slipway and Terminal and the residential premises at 130 Panorama Road. The wider character of the Sandbanks Peninsular is predominantly residential with varying commercial premises. In the immediate vicinity there is The Haven Hotel and a row of commercial premises including a shop, café and other business uses.

### **Relevant Planning History:**

12. **September 2023** – Pre-application advice was provided for the Removal and replacement of existing jetty with new berthing provisions and vehicle ramp, including land reclamation and enhanced shoreside facilities and improved security. The advice concluded that it is likely that the proposals would be acceptable in principle, however further information would be required to fully assess the proposals in regard to the impact on trees, the impact on Poole Harbour SSSI, SPA and Ramsar Site, flood risk, and sustainability issues. Additionally, any formal planning application would need to address the concerns raised by the Transportation Officer. Ref: PREA/23/00065.
13. **2019** – Planning permission for the Demolition and removal of existing ticket office (on land leased from the National Trust) and replacement with a new office/first aid post on the site of existing building/store was **Granted**. Ref: APP/19/01557/F.
14. **January 2005** – Planning permission to alter and repair hammerhead to departure quay was **Granted**. Ref: APP/04/18023/009/F.
15. **February 1998** – Planning permission to replace the existing jetty with new jetty constructed from second hand timber was **Granted**. Ref: 98/09248.

### **Constraints**

16. Following planning constraints apply to the application site:
  - TPO trees in adjacent site
  - The application site falls within flood Zones 2 and 3
  - Within a Site of Specific Interest (SSSI) of Poole Harbour
  - Poole Harbour (SPA) which is a Special Protection Area (SPA) and a Ramsar Site
  - The site is within the Tourism Zone

### **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. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) 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. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective.”

20. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

## Consultations

Consultee	Date of Response and Comments
BCP Highways Authority	26/07/2024 - No objection subject to conditions regarding electric vehicle charging and ensuring no obstructions are located within the annotated 'Loading and Turning Area'.
BCP Emergency Planning and Resilience Officer	18/06/2025 – Supports the restoration of the jetty to improve response times and access by emergency services and to support operations.
BCP Environmental Health Officer (EHO)	<p>04/06/2025 in response to the Objector's Agent – <i>"As stated in my submission, while the ACL review of the WSP assessment raises valid arguments, I have considered the points outlined in the original assessment, the review, and the rebuttal. However, I remain of the opinion that noise from activities related to the proposal will not result in any material change to the living conditions of nearby residents. In my view, the WSP report considered the situation using the appropriate guidance including BS4142, in the context of timing, duration, and frequency of events and specific to this location on the Sandbanks Peninsula."</i></p> <p>20/05/2025 – Following further comments and rebuttals; <i>"I remain of the opinion that the noise from activities connected to the proposal will not result in any material change to the living conditions of nearby residents"</i>.</p> <p>15/04/2025 – Following the review of Acoustic Consultants Limited review of the WSP NIA (14/03/25) and WSP's rebuttal (01/04/25); No objection subject to conditions regarding an Operational Noise Management Plan for Telehandler use, and a condition to limit the hours of use of the proposed Telehandler.</p> <p>10/02/2025 – Agree with conclusions of WSP NIA. Support Planning Committee's inclusion of condition restricting the hours of operation for the Telehandler. Suggest the addition of a condition regarding the provision of an Operational Noise Management Plan.</p> <p>30/09/2024 – Following the removal of the crane from the proposal; No objection to the development subject to a condition requiring a Demolition and Construction Environmental Management Plan.</p>
BCP Arboricultural Officer	22/07/2024 – No objection. TPO tree group to the north east are outside of the development site and protected by the site boundary.
BCP Urban Design Officer	02/08/2024 – No objection. However, concerns are raised with regards to the scale, design and siting of the proposed buildings.
BCP Biodiversity Officer	06/11/2024 – No objection subject to S106 to secure 'significant' Biodiversity Net Gain (vertipools).
BCP Flooding Officer	29/07/2024 - No comment
BCP Emergency Planning Officer	No response received
BCP Waste Authority	No response received
Natural England	01/08/2024 - No objection subject to condition requiring the implementation of the vertipools as proposed. Natural England advised that whilst the application is within Poole Harbour SSSI, SPA and Ramsar, the particular location is not of

	great sensitivity and there will not be a likely significant effect on the habitats sites and an Appropriate Assessment is not required.
Environment Agency	29/08/2024 – Withdraw objection as visitor shelter is non-habitable. No objection subject to flood resistant and resilient construction techniques and finishes to visitor shelter and conditions and informative regarding confirmation of the materials to be used to infill behind the sheet piling and a Construction Environment Management Plan. 07/08/2024 – Objection as current FRA is inadequate
Poole Harbour Commissioners	05/07/2024 - No objection. They are already aware of the proposal and have no comment to make. <i>“Harbour Works Licences (HWL) are progressed after consultation with Natural England and confirmation of MMO approval. Construction cannot begin until the HWL is in place”.</i>
Poole Harbour Association	No response received
The Crown Estate Commissioners	No response received
Dorset Wildlife Trust	No response received
Amphibian and Reptile Conservation	No response received
Sandbanks Neighbourhood Forum	27/09/2024 - No objection. <i>“We believe the public benefits of its provision are welcome and much appreciated”.</i>

## **Representations**

21. A site notice was posted outside the site on 17 July 2024 with an expiry date for consultation of 10 August 2024.
22. Four representations have been received, one supporting the proposal and three raising objections.
23. The supporting comments stated that the proposals include benefits such as updated facilities including a safer transfer to and from vessels and better protection in the shelter when waiting in bad weather. The opportunity for contractors to take a vehicle or plant over to Brownsea Island is considered a necessity to ensure that the business prospers. The majority of volunteers who support the National Trust and Dorset Wildlife Trust on the Island access the Island via the Sandbanks Jetty and whilst it is unavailable it is more challenging for the volunteers to access due to the longer passage from Poole Quay and increased costs associated with parking.
24. The objections comprise the following:
  - Noise disturbances from the proposed telehandler use (initial concern was noise disturbance from crane – which has been omitted), noise associated with the intensification of site use, roller metal cycle store door, bin location, EV charging.
  - Overbearing new buildings
  - Over development of the site by the introduction of the visitor shelter
  - Insufficient bike storage
  - Assessment of potential impact on the sea bed and from the piling installation on the Chain Link Ferrys slipway requested
25. The Society for Poole – Objections. *“Fails to respect the significant locality by proposing the construction of superstructures that architecturally dominate the relatively acceptable surroundings at the entrance to a valued and special harbour entrance”.*

26. Cllr Gavin Wright – Concerned regarding the industrial nature of the proposal in a residential and tourist area. The increase in noise and potential for residents to be overlooked by static plant. Impact on residential amenity.

### **Key Issues**

27. The key issues involved with this proposal are:
- Impact on the character and the appearance of the area
  - Impact on Tourism Offer and Economy
  - Impact on Poole Harbour SSSI, SPA and Ramsar Site
  - Residential privacy and amenity
  - Highway Safety
  - Trees and Landscaping
  - Biodiversity
  - Flood Risk
  - Sustainability
  - Section 106
28. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

29. 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) and the National Planning Policy Framework (December 2013).

#### Poole Local Plan (2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP23 Tourism and the evening / night-time economy
- PP27 Design
- PP31 Poole's coast and countryside
- PP32 Poole's important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk

#### Supplementary Planning Documents

- Parking Standards SPD (adopted January 2021)
- Shoreline Character Areas SPG (Adopted June 2004)

#### Sandbanks Peninsula Neighbourhood Plan

- SAND1 Landscape Character
- SAND2 Views
- SAND4 Biodiversity
- SAND5 Design
- SAND6 Beaches Open Spaces & Harbour



- SAND7 Public Realm
- SAND8 Gateways

### Emerging Local Plan

The Council submitted its Draft BCP Local Plan to the Secretary of State in 2024 which sought to replace the existing Local Plans from the predecessor authorities. However, in March 2025, following stage 1 of the examination hearings into the Plan, the Council was advised by the appointed Inspectors that they were unlikely to consider that the Council had complied with various requirements regarding its Duty to Cooperate. The Council is currently considering its next steps and whether to withdraw the draft plan from examination. Having regard to the current position, at this time, the weight to be afforded to the policies in the draft BCP Local Plan is therefore negligible, although the background papers created in support of the Draft Local Plan provides latest information on various topics and can be afforded some weight.

### 30. National Planning Policy Framework ("NPPF" / "Framework") (as amended)

The National Planning Policy Framework (NPPF) was updated in December 2024.

The introduction of Paragraph 109 (f) within Section 9 Promoting Sustainable transport states; *'identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'.*

The National Planning Policy Framework has an underlying presumption in favour of sustainable development. Paragraph 11 states that,

*"Plans and decisions should apply a presumption in favour of sustainable development.*

*.....*

*For **decision-taking** this means:*

- (c) *approving development proposals that accord with an up-to-date development plan without delay; or*
  - (d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - (i) *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
    - (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
- Section 2 – Achieving Sustainable Development
  - Section 6 – Building a strong, competitive economy
  - Section 8 – Promoting health and safe communities
  - Section 9 – Promoting sustainable transport
  - Section 12 – Achieving well-designed and beautiful places
  - Section 14 – Meeting the challenge of climate change, flooding and coastal change
  - Section 15 – Conserving and enhancing the natural environment

The Noise Policy Statement for England (NPSE) March 2010

## Planning Assessment

### Principle of development

31. Poole Local Plan Policy PP27 (c) requires that development; *“is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive”*.

With regards to PP27; the compatibility of the proposal to the surrounding uses would be similar to the existing relationship whereby the residential property abuts the variety of tourism uses within Ferry Way; to include the National Trust Jetty to Brownsea Island and the Sandbanks Chain Ferry and their associated noises. As such, the proposal would not conflict with local plan policy in that respect. The impact of noise, is addressed in the noise section below.

#### Impact on the character and appearance of the area

32. Poole Local Plan policy PP31 (3) Boating, mooring and jetties states *“The loss of any existing boat yards and boat storage will not be permitted. Any proposals for additional marina, jetty, slipway, boatyard or other boating or mooring facilities will be permitted provided that it does not: (a) fall within one of the Harbour edge protection zones as shown on the Policies Map; (b) visually detract from the shoreline character; and (c) cause harm to European and internationally important sites unless this can be satisfactory mitigated.”*
33. The replacement jetty would be larger than existing and would include an additional access vehicle ramp with associated entrance gates, handrails and barriers. The building structures proposed include a bike store, storage unit housing the freezers and storage of other products required to be transported to Brownsea Island and a bin compound all positioned along the rear boundary of the site and a new visitor shelter is proposed along the extended quay side on the southern corner (front) of the site.
34. PP27 (1) requires; *“Development will be permitted provided that, where relevant, it: (a) reflects or enhances local patterns of development and neighbouring buildings in terms of: (i) layout and siting, including building line and built site coverage; (ii) height and scale; (iii) bulk and massing, including that of the roof; (iv) materials and detailing; (v) landscaping; and (vi) visual impact.”*
35. Policy SAND1 of Sandbanks Peninsula Neighbourhood Plan requires that development does not have an adverse impact on the highly valued and important landscape characteristics of the area; *“a) strong horizontal emphasis largely unaffected by development, accentuated by the expansive views out to sea, low-lying landform, wide-open skies and distant views in all directions”*. This is further supported by Policy SAND2; which requires development to enhance where possible, locally valued public viewpoints. Policy SAND5 of Sandbanks Peninsula Neighbourhood Plan requires that development demonstrates a high standard of design. The development should; *“a) respond to the height, scale and character of buildings in the surrounding area generally and of adjacent properties in particular”*.
36. SAND6 requires that development affecting recreation assets and open amenity spaces must demonstrate; *“a) improves the area as a high-quality visitor destination... b) enhances the character and appearance of beaches, open spaces and slipways with well-designed amenities suitable for all visitors; c) is sensitively designed for an exposed coastal environment...”*
37. The proposed buildings would replace an existing store, visitor shelter and bike store currently along the rear boundary. The proposed buildings are larger in scale; the store building being approx. 0.6m higher than the existing store and the bike store having the same ridge height; resulting in a continuous roof line along the rear boundary. The proposed bin compound would not have a roof and the elevations would have a height of 1.8m which allows the built form to step down towards the northern boundary. The resultant buildings would provide sufficient capacity to support the requirements of the business and the increase in scale would not detract from the visual amenity of the site and would retain their subservient position along the rear boundary in accordance with policies SAND1, 2, 5 and 6, PP27 and PP31.

38. The proposed visitor shelter would replace an existing open shelter which is currently situated at the rear of the site. The new shelter would be sited adjacent to the quayside to the front of the site and would be an enclosed unit to protect users from bad weather and would enable passengers to move directly through the shelter onto the vessels.
39. The proposed visitor shelter would be in a prominent position in this gateway location, however, structures supporting local tourism are commonplace in tourist locations and due to the single storey scale of the proposed visitor shelter it is considered acceptable in this location and its visual impact would not detract from the surroundings and its shoreline character in accordance with policies PP27 and PP31 and SAND5 and SAND6.
40. The proposed buildings would be finished in Siberian larch timber boarding to their elevations and either profiled metal decking or zinc covering to their roof. The existing store and bike store buildings within the site are finished in a wooden cladding material and they sit subserviently into the landscape. The proposed materials would therefore continue this subservient appearance and would respect the mixed character of the site and its natural surroundings.
41. The proposed jetty would be of timber and concrete construction and would be sited in a similar position to the existing jetty. The lighting proposed would be non-intrusive and low level, low energy bulkhead lights on the building walls similar to existing. As such, no additional impact on the visual amenity of the area is anticipated.
42. Policy SAND8 of Sandbanks Peninsula Neighbourhood Plan requires that development within these focal points on Sandbanks; should *"Improve their physical appearance and access for those on foot and bicycle, and strengthen their identity and sense of place"*. The proposals would provide much needed improvements and enhancements to the facilities at the National Trust Jetty; and the scale, design and contemporary finishing materials would respect the landscape in which it sits. The proposed shelter and its location would provide better protection for those on foot when utilising the site and the proposed bike store will provide enhanced capacity for cyclists in accordance with SAND8.
43. The proposed replacement jetty would project approximately an additional 5m into Poole Harbour in a south westerly direction. The ramp proposed is a vehicle ramp slipway to enable the occasional use to transfer a vehicle to Brownsea Island. The proposed Jetty with fixed walkway and adjacent vehicular ramp would respect the marine character of the site when viewed from Poole Harbour and the proposed buildings would respect the mixed character of the Ferry terminal location in accordance with PP27, PP31 and SAND1, 2, 5 and 6.
44. The site is located within the identified coastal zone and shoreline character area where, in accordance with Policy PP31(c) of the Poole Local Plan (November 2018), development will be required to *"protect the undeveloped nature of the Sandbanks beachline, with only minor, ancillary structures permitted within 25 metres of the landward edge of the beachline."*
45. The Shoreline Character Areas SPG (Adopted June 2004) describes this location; *"Houses of a low-density layout characterise the stretch of shoreline north-west of the Sandbanks Ferry and the modest scale of the buildings, the gaps between them, the substantial cover of trees, and the generally unobtrusive nature of jetties and sea walls are all important aspects of this part of the coast."*
46. The preamble to PP31 (para. 9.36) comments; *"that the policy seeks to protect the beach from over-development by only permitting minor ancillary structures such as single storey boathouses, shelters, slipways, groins and beach nourishment works, within 25m of the landward edge of the beach"*. In this instance, the proposed buildings would clearly be located within 25 metres of the landward edge of the Sandbanks Beachline; and are introducing an increase in footprint and height, however the buildings are replacing existing structures and are single storey and ancillary to the use of the site; offering storage units and a shelter which is considered to be in accordance with PP31 and would not detract from the landscape features defined in the Shoreline Character SPG.

47. The proposals would be visible along the shoreline, with long distance views from areas of Studland and Brownsea Island, though only in any detail from the water, the proposed works whilst larger in scale than other jetties along this part of the coast the impact on the shoreline would be similar in appearance to the existing jetty, and its adjacent location to the Chain Ferry terminal; this would not appear at odds with its surroundings, and would sit well with the sea wall, proposed ramp and associated works and therefore the proposed design and choice of materials is considered to fit comfortably with the established character and appearance of this stretch of the shoreline which is a mix of residential and commercial uses.
48. Overall, the proposed development would maintain and enhance the visual quality and mixed character of the area, satisfying policies PP27, PP31 of the Poole Local Plan and Policies SAND5, SAND6 and SAND 8 of the Sandbanks Peninsula Neighbourhood Plan.

#### Impact on Tourism Offer and Economy

49. PP23 (1) Tourism zones and attractions states that; *“The tourism zones and attractions identified on the Policies Map will be the focus for tourism activities in Poole... Proposals within Poole’s tourist attractions will be permitted provided that they support high quality, well-designed new or improved facilities that complement the primary use, and avoid significant harm to environmental and amenity objectives, unless such harm can be mitigated...”*
50. The proposed improvements to the facilities on the Jetty would be supporting the growth and enhancement of the established Brownsea Island tourist attraction within the Tourism Zone at Sandbanks, in accordance with the requirements of PP23 (1).

#### Impact on Poole Harbour SSSI, SPA and Ramsar Site

51. The proposed new jetty, berths and ramp would be located within Poole Harbour which is a designated Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) and as such any formal application will need to address this and provide information to demonstrate that the proposals will not harm any birds, flora or fauna relating to these designations.
52. The works proposed will require a licence from the Marine Management Organisation (MMO) under the Marine and Coastal Access Act 2009. Natural England, The Environment Agency and the BCP Biodiversity Officer do not object to the proposals and biodiversity enhancements (vertipools) are proposed and conditions (Construction and Environmental Management Plan) are attached for the construction of the development to ensure that the proposal does not result in any harm.

#### Impact on Residential Privacy and Amenity

##### Noise

53. PP27 (c) requires that development *“is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.”* SAND5 b) requires that development should; *“not significantly negatively impact on the reasonable use and enjoyment of neighbouring residential properties in terms of daylight, sunlight or overlooking...”*

The Noise Policy Statement for England (NPSE) March 2010 sets out descriptors of noise in terms of their level of harm.

NOEL – No Observed Effect Level – is the level below which no effect can be detected, and therefore there is no detectable effect on health and quality of life due to noise.

LOEL – Lowest Observed Adverse Effect Level – this is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level – is the level above which significant adverse effects on health and quality of life occur.

In paragraph 2.24 the NPSE states that where noise impacts lie between LOAEL and SOAEL, it requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

54. The proposed extensions and improvements to the Jetty would enable it to be used for a greater variety of uses, and in doing so would increase its frequency of use. It would;
  - Continue the National Trust and John Lewis workboats to and from Brownsea Island, operated between 7am and 11pm
  - Continue the pickups and drop offs by the Brownsea Island passenger Ferries which generally operate between 10am – 5pm (daily).
  - The proposals would enable the accommodation of disabled passengers - who are currently picked up from the Sandbanks Yacht Company (as they have a ramp)
  - Enable it to be used to transport cargo. (expected once a day)
  - Enable it to transport skips and building materials which are currently transported from Poole Quay. (Approximately 12 skips and a few pallets of materials over a year).
55. The National Trust currently utilise the facilities at both Royal Motor Yacht Club and Sandbanks Yacht Company to transport cargo via their 'Sea-horse' mini-RoRo vessel to Brownsea Island. Instead, the new improved facilities at the Sandbanks Jetty will enable the National Trust to transfer directly from Sandbanks. The new Jetty would also enable Contractors' vans to be transported for building repairs when required to undertake repairs which would introduce an additional 2 or 3 journeys per day whilst work is being undertaken.
56. A small 4-wheel drive telehandler is proposed to assist in the loading at both Sandbanks and Brownsea Island and this would be stored on the Ro-ro Seahorse vessel or on Brownsea Island but would not be stored at Sandbanks as there is not sufficient space. The proposed telehandler (a reach forklift) is required to reduce the manual handling within the site for the transport of cargo, and the transport of provisions for the properties and business uses on Brownsea Island. The use of the telehandler is proposed to likely occur between the hours of 10am – 5pm, and for a maximum of 4 times per day and for a maximum duration of 20 mins in any hour period.
57. In addition to maintaining the current transhipments; skips and building materials which are currently transported from Poole Quay will be transported from Sandbanks; this is approximately 12 skips and a few pallets of materials from Brownsea Island over the period of a year. Larger construction equipment; for example excavators will continue to be transported from Poole Quay or other boat yards.
58. As such, the proposed jetty extension will be used in a similar manner to the existing, but in a more diverse manner.
59. Concerns have been raised from residents with regards to noise disturbances from the telehandler (reach forklift), the use of the vehicle ramp, and from the proposed bin compound, cycle store shutter and electric vehicle charging facilities.
60. Neighbours have raised during the consultation of this application existing noise disturbances experienced from the existing undertakings within the site; for example, vehicle movements and metal trolleys; however no formal noise complaints have been evidenced.
61. It is proposed to move the bin store further northwards within the site than existing, resulting in the need for the bins to be pulled a longer distance of approximately 7m for collection, which occurs once per week in the winter months and three times per week in the summer. Due to the frequency and that bin collections already exists at this site and is common in this locality; the additional distance of 7m is not considered to give rise to additional noise disturbance that would result in harm the amenity of the neighbouring occupiers.

62. The LPA does not consider that the proposed use of the bin compound, cycle store and electric vehicle charging, which are common features in a residential locations, would result in harmful levels of noise.
63. However, the applicants have amended the scheme to address some of the concerns of the neighbour, including introducing timber doors to replace the metal shutters to the bike store and NT store.
64. The use of the telehandler is likely to generate additional noise and this is assessed within the Noise Impact Assessment. Other predicted noise concerns raised by the objector to include the sound of the Seahorse mini Ro-Ro vessel scraping on the proposed vehicle ramp have been included within the sample measurements taken and were included within the predicted noise emissions that formed the model used for the Noise Impact Assessment (NIA).
65. The submitted Noise Impact Assessment, received on the 07/02/2025 was carried out by the Senior Acoustic Consultant of WSP, who is a Member of the Institute of Acoustics (MIOA). This report measured the existing ambient and background sound levels experienced at the nearest noise sensitive receptor; in the garden located to the rear of the property at 130 Panorama Road. As the Sandbanks Jetty is no longer fit for purpose since the storm in November in 2024 it was not possible to measure the existing sound levels at this point and measurements have been taken from Poole Quay and Brownsea Island to provide a sample of anticipated sound levels for the likely activities and operations.
66. A resident employed Acoustics Consultants Ltd (AC) to conduct a review on the validity of the submitted NIA by WSP, notably the level of background noise applied and the data used for the telehandler. WSP were commissioned to review the critique along with the Council's own Environmental Health Officer. WSP and the Council's Environmental Health Officer (EHO) consider that their findings regarding the background levels are representative, and demonstrate the worst-case scenario, and the telehandler modelling is also sound, conservative and reasonable, given that it was modelled on a telehandler twice the size of the one proposed to be used and the noise assessment was taken out of season when it was quieter. Therefore, the noise report relied upon in the assessment of the noise impacts of the proposal is considered sound and reasonable to rely upon.
67. As set out in section 5.3.7 of the WSP NIA, noise arising from the proposed development is predicted to be above the measured background sound level at the nearest property during hours when the telehandler is operating. During hours when the telehandler is not operating, all other noise from the proposed development is expected to fall below the background noise level. As such, it is the noise from the telehandler that would cause the greatest relative impact in terms of noise.
68. The table in Section 5.3.3 of the NIA calculates that the increase in noise disturbance from the proposed development when experienced from the interior of the neighbouring property at 130 Panorama Road (when the windows are partially open) is predicted to increase by circa 1 dB (decibel) which is an increase that would be imperceptible to human hearing. The initial impact estimation for the telehandler noise impact resulted in a rating of 51 dB, resulting in an increase of 10dB from the background level, resulting in a 'Significant Observed Adverse Effect'.
69. It is also important to understand the impact of 51dB on the amenity of gardens. The British Standard (BS 8233:2014) is a material consideration in the assessment of noise and sets out recommended noise levels for residential gardens. It states that "For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB..., with an upper guideline value of 55 dB... which would be acceptable in noisier environments. The proposed use of the telehandler would result in a noise level 1dB higher than the 'desirable' set by the BS, and below the ceiling also specified. As such, the noise impacts resulting from the development would not exceed these advised limits.

70. The NIA concluded that taking into account the contextual considerations on the site advised that ; *“the proposed development would fall short of the Significant Observed Adverse Effect Level (SOAEL) and will comprise a relatively low impact at the assessment location”*. The NPSE defines the SOAEL as ‘the level above which significant adverse effects on health and quality of life occur’, and as such the proposal would fall within the ‘LOAEL’ – The Lowest Observed Adverse Effect Level – where adverse impacts on health and quality of life can be detected.
71. Paragraph 2.24 sets out that where noise impacts lie between the LOAEL and SOAEL, that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life, whilst also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.
72. Harm to health and quality of life is considered to be low, given the low frequency of such noise events – mitigating its impact. The proposed activities, notably the telehandler, causing the largest contribution to the overall noise level from the proposed development are understood to only occur a maximum of 4 times a day, for 20 minutes, and predominantly between the hours of 10am and 5pm. At all times, when the telehandler is not expected to occur, the rating level is predicted to be in the order of 9dB below residual sound level. As a result, the WSP NIA report, as supported by BCP’s EH officer, advises a downward modification of that initial impact estimation.
73. The WSP NIA and BCP Environmental Health Officer recommended and endorsed conditions to provide some control over noise levels, to ensure that they stay minimal. The WSP NIA recommended an Operational Noise Management plan to minimise noise impacts from the telehandler, providing information, training and measures to reduce noise within the site. The Council’s Environmental Health Officer suggested an Operational Noise Management Plan, that considered the wider operations of the jetty and seeking to ensure noise remained within reasonable levels. The Environmental Health Officer also endorsed the condition limiting the hours of use of the telehandler by Planning Committee in December. Plans have been received to show alternative openings to the NT Store and Cycle Store; replacing the metal shutters with timber doors to further reduce noise inconvenience within the site. The amended plans have also swapped the locations of the NT Store and Cycle Store; positioning the NT Store closer to the access and Jetty ramp where the telehandler would manoeuvre and at the furthest point from the neighbouring property. Securing such management plans and alterations would minimise adverse effects of noise, in accordance with the second aim of the NPSE, whilst providing social, economic and environmental benefits as set out within this report.
74. The test in PP27 (c) requires that development *“is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of ... noise.”* Therefore, the additional noise as a result of the proposal would be compatible with the surrounding use of the tourism zone including in particular that of the existing Chain Ferry which travels across the Harbour every 20 minutes (3 times per hour) from 7am until 11pm. By limiting the use of the proposed telehandler to between the hours of 7am and 8pm, and by securing an Operational Noise Management Plan it is considered that the proposal would not result in a harmful impact upon the amenity of local residents.
75. Taking the above into account, the proposal is not considered to conflict with development plan Policy PP27, the NPPF or the NPSE.
76. For clarity; the trees to the rear garden of 130 Panorama Road are to the southern corner along the rear boundary whereas the western section of the garden is open and therefore does not have the benefit of a sound barrier in the form of a tree screen to reduce any impact of noise from the application site. Questions were raised regarding this following the meeting and at the time may have caused a degree of confusion.
77. In terms of overshadowing, overlooking and overbearing impacts, the proposed bike store, National Trust store and bin enclosure would be situated along the boundary with no. 130 Panorama Road and would be less than 1m above the garden wall. This southern section of the neighbouring garden



is well screened by the mature trees within the neighbouring site and therefore views of the proposed buildings would not be overly prominent from the neighbouring property. Due to their scale, siting and design the proposals would not result in overlooking, overshadowing or be overbearing to the neighbouring occupants at no. 130. The proposed jetty development would also not give rise to a significant increase in vibrations, emissions or light pollution that would be significantly greater than that already occurring due to its location within the Tourism zone and the existing use by National Trust of the site. The proposal would therefore be in accordance with the provisions of PP27 (c).

### Highway Safety

- 78. The proposal retains eight car parking spaces and provides a more efficient car parking layout to the site than existing as it improves turning provision; allowing vehicles to turn onsite and exit the site in forward gear. The loading and turning area annotated on the Layout Drawing will be secured by condition to remain unobstructed and operational at all times.
- 79. The enclosed cycle store proposed would provide cycle parking for 20 bikes and would utilise a two tiered system which would be an improvement on the existing vertical storage mechanism provision that requires the lifting of bikes.
- 80. The BCP Highways Officer has reviewed the proposal and raises no objections. Electric vehicle charging points are annotated on the plans and these details will be secured by condition. It is considered that subject to conditions the proposal would comply with policies Policy PP34 and PP35 of the Poole Local Plan (2018) and the BCP Parking Standards SPD (2021).

### Trees and landscaping

- 81. PP27 (b) requires that development; *“responds to natural features on the site and does not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area. Any scheme that requires the removal of trees should, where appropriate, include replacement trees to mitigate their loss.”*
- 82. The site is made up of hardstanding and there is no existing landscaping or trees within the application site. The site is located immediately adjacent to the residential curtilage of No.130 Panorama Road that contains several mature trees, one of which (T1 – Monterey Pine) is the subject of a Tree Preservation Order. Another group of trees closest to the site boundary consists of 1 Fig and 3 Holm Oaks, but these are not protected.
- 83. The submitted Arboricultural Impact Assessment concludes that the trees to the neighbouring site will be unaffected by the development due to the boundary walls and hard structures forming a barrier to the tree roots. No tree works are proposed as part of this application and due to the proposed scale and design it would not materially impact the trees within the neighbouring site. The BCP Arboricultural Officer has reviewed the scheme and no objection is raised. The proposal is considered to comply with the requirements of policy PP27 (b) of Poole Local Plan (2018).

### Biodiversity

- 84. NPPF, Para 185, sub-paragraph (b) states that “To protect and enhance biodiversity and geodiversity, plans should: identify and pursue opportunities for securing measurable net gains for biodiversity.” The Local Plan Policy PP33 – Biodiversity and geodiversity sets out policy requirements for the protection and where possible, a net gain in biodiversity.
- 85. PP33 (1) requires that; Proposals for development that affects biodiversity... *“c) seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks.”*
- 86. In this location of Poole Harbour which is within the SSSI, SPA and Ramsar Site; Natural England have commented that the particular location of the application site is not of great sensitivity; due to

the lack of protected bird species and the lack of mudflats around the ferry terminal which they use for feeding and foraging. The proposed vertipools mitigation to encourage marine life on the new sheet piled wall of the scheme would be a positive addition to the scheme and are supported in accordance with PP33. A vertipool is a vertical artificial rock pool that creates new wildlife habitats when fitted on marine infrastructure; i.e. sea walls, timber groynes, sheet piling.

87. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains. BNG came into effect on the 14th of February 2024 for major applications and for smaller applications it came into effect on the 2nd of April 2024.
88. Under the statutory framework for biodiversity net gain (BNG), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). The biodiversity gain objective is a minimum of a 10% gain as measured against the pre-development biodiversity value of the on-site habitat for the development. This increase can be achieved in strict accordance with the BNG Hierarchy.
89. The BNG Hierarchy emphasises that on-site biodiversity gains should be considered first, followed by registered off-site biodiversity gains and as a last resort biodiversity credits. The BNG Hierarchy means the following actions in the following order of priority:
- avoiding adverse effects of the development on on-site habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than six.
  - where adverse impacts cannot be avoided, mitigation measures shall then be used to reduce the impacts.
  - where adverse impacts cannot be mitigated, habitat enhancement of on-site habitat shall then be implemented.
  - where suitable habitat enhancement cannot be implemented, new habitats shall then be created on-site.
  - so far as no habitats can be created on-site, then off-site habitat creation from a registered source.
  - where off-site habitat creation cannot be secured, purchasing of biodiversity credits will be allowed.
90. When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and/or section 106 planning obligations to secure the minimum 10% biodiversity gain via an ongoing management and monitoring mechanism over a 30-year period.
91. Once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by the local planning authority prior to development commencing. Following the approval of the Biodiversity Gain Plan and following the commencement of development; there will be an important role for local planning authorities to monitor the implementation of the BNG Plan and, where appropriate, take enforcement action if commitments relating to the Plan are not met.
92. A Habitat Condition Assessment and Statutory Biodiversity Metric has been submitted with the application. The Biodiversity Officer has reviewed the submitted information and agrees with the conclusion.
93. As the 10% biodiversity net gain has been demonstrated as being achievable, the proposal is compliant with the relevant legislation and Policies in the Local Plan.

94. As such, with a suitably worded condition in place the proposal will comply with Policy PP33 with regards to protecting species and the Statutory BNG requirements to achieve a minimum of 10% BNG on-site.

### Flood Risk

95. The application site is partially within the existing flood zones (Flood Zones 2 and 3) and fully within the identified predicted future flood zones up to 2133. The application is for a replacement jetty and replacement store and bike store with the addition of a bin compound and new repositioned visitor shelter.
96. The proposed (replacement) buildings would therefore be at risk of flooding during the period of their lifetime. The buildings proposed are not habitable and are for storage purposes; the visitor shelter is an enclosed non-habitable area to wait in wet and windy weather; in the event of extreme adverse weather this will not be in use.
97. The Environment Agency have requested that the floor level of the visitor shelter is raised by 0.6m and/or the use of flood resistant and resilient construction techniques and finishes are implemented. Due to the prominent location of the visitor shelter raising the building a further 0.6m is not considered a desired outcome in this location and alternatively the use of flood resilient and resistance materials is more appropriate and has been conditioned.

### Sustainability

98. Para. 166 of the NPPF states that; *"In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*
99. PP37 requires; 'where appropriate' that new commercial development incorporates a 10% proportion of future energy use through renewable sources and that commercial buildings under 1,000 sq.m (net) floor space should meet the 'Very Good' BREEAM rating.
100. The proposal is for a replacement Jetty and the replacement ancillary buildings; which will not be heated. The energy use of the site is similar to that of the existing; to power the existing freezers. There will be no piped water to or on the site and the buildings will include only lighting sensors and construction enhancements to control condensation through material selection. Therefore, due to the relatively small scale and nature of the uses of these proposed ancillary structures there would be limited scope to achieve these standards, and it is not considered feasible or 'appropriate' to enforce an onerous condition requiring that they are met. PP37 states 'where appropriate' and Para. 166 supports this pragmatic approach.

### Other Matters

101. In response to the concerns raised by the adjacent Chain-link Ferry with regards to the impact on the sea bed from the development; these would be addressed through the marine licensing process by the Marine Management Organisation (MMO). These activities require a license under the Marine and Coastal Access Act 2009 and therefore it is not appropriate to condition.

### Planning Balance / Conclusion

102. Paragraph 8 of the NPPF defines the three dimensions of sustainable development as performing economic, social and environmental objectives. The proposed development, by enhancing and improving the facilities will contribute to the tourism and cultural facilities within the Borough, in accordance with policy PP23 (1) that will result in economic benefits. The development, by reason

of its appropriate design and selection of materials would respect the mixed character of the site and the shoreline character in accordance with policies PP27 and PP31.

103. The proposal will have some additional build development and intensification of use which will result in additional noise to the site; however following the findings of the Noise Impact Assessment conditions are attached to ensure that it will not have a detrimental impact on neighbouring residential properties and the improved access to accommodate wheelchair accessibility and disabled parking bays will contribute to the social objectives of the proposal.
104. In term of environmental benefits, the proposal will result in over 18% of Biodiversity Net gain, which is greater than the compulsory 10%. The proposal will also provide biodiversity enhancements in accordance with PP33.
105. The Council encourages sustainable development. Overall, it is considered that whilst the proposal may result in more prominent structures along the quayside; and additional noise experienced by the neighbouring properties; any harm that may be attributed to this is not considered to significantly and demonstrably outweigh the benefits of the proposal as set out above. Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan taken as a whole. Consequently, the application is recommended for approval.

### **Recommendation**

106. It is recommended that the Committee provides power to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to **Grant planning permission** subject to completion of s106 agreement as suggested in the officer report.
107. A deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified:

#### ***Heads of Terms;***

- To secure 'significant' Biodiversity Net Gain (vertipools).

108. The conditions as set out below (and any amendments to those conditions as deemed necessary).

### **Conditions**

#### **1. Condition 1 – Time Expiry**

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. Condition 2 – Plans List**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (1:1250) – P03 received 01/07/2024

Proposed Layout - Drg No. 2301.20.0 01 Rev B received 05/03/2025

Proposed Elevations - Drg No. 2301.20.0 02 Rev B received 05/03/2025

Visitor Shelter Elevations - Drg No. 2301.20 05 Rev C received 10/09/2024  
 Visitor Shelter Plan and Section – Drg No. 2301.20.04 Rev B received 01/07/2024  
 Bike Store Elevations - Drg No. 2301.20.3 02 Rev B received 05/03/2025  
 NT Store Plan & Sections - Drg No. 2301.20.08 Rev B received 01/07/2024  
 NT Store Elevations - Drg No. 2301.20.2 02 Rev B received 05/03/2025  
 Wheelie Bin Screening – Drg No. 2301.20.4 01 Rev B received 28/11/2024  
 Proposed General Arrangement - Drg No. 4733-WSP-XX-XX-DR-S-0301 Rev P10 received 01/05/2025  
 Proposed Elevation on Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0321 Rev P07 received 01/07/2024  
 Proposed Cross Section Through Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0322 Rev P04 received 01/07/2024  
 Proposed Elevation - Ferry Berth - Drg No. 4733-WSP-XX-XX-DR-S-0325 Rev P03 received 10/09/2024  
 Proposed Ramp Elevation - Drg No. 4733-WSP-XX-XX-DR-S-0333 Rev P05 received 01/07/2024  
 Arboricultural Impact Assessment - Ref: 70104733-ARB-001 received 01/07/2024

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

### 3. Condition 3 – Sheet piling

Before commencement of development (excluding demolition), details of the materials to be used to in fill behind the new sheet piled wall shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the protection of marine water quality.

### 4. Condition 4 – Demolition and Construction Environmental Management Plan

Prior to the commencement of development, (including demolition of what remains of the Jetty), a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:

- a. A Dust Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.
- b. A Construction Environmental Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions and potential ground and/or water pollution resulting from the site preparation, demolition, and groundwork and construction phases of the development. This must include safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.
- c. A Construction Logistics Plan that identifies the steps that will be taken to minimise the impacts of deliveries and waste transport vehicles.

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

Reason: To ensure the development does not create local environmental impacts and prevents pollution of the water environment in line with paragraph 180 of the National Planning Policy Framework.

### 5. Condition 5 – Materials

All external facing and roofing materials to be used shall be in accordance with the details submitted on the application form and shown on the approved plans.

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).

#### 6. Condition 6 – Visitor Shelter

Notwithstanding the approved plans, prior to the commencement of development of the visitor shelter hereby approved, details of the materials to be used for the construction of the visitor shelter including details of the flood resistant and resilience materials and features shall first be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the visitor shelter shall be built in accordance with the approved details.

Reason – To ensure that the development provides sufficient flood resistant and resilient measures in accordance with PP38 of the Poole Local Plan (November 2018).

#### 7. Condition 7 - Parking/Layout

The development hereby permitted shall not be brought into use until the access, turning space, 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. The 'Loading and Turning Area' as annotated on the approved plan shall remain available for the use as a loading and vehicle turning area at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within this area.

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

#### 8. Condition 8 - EV Charging

Within 3 months of the commencement of the development (excluding demolition) details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the first use of the development hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason - In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan (November 2018).

#### 9. Condition 9 - Habitat Management and Monitoring Plan (HMMP)

- a. No part of the development hereby permitted (excluding demolition) shall be commenced, unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority.
- b. The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted.
- c. The HMMP shall in particular include:
  - A. a background section; including:
    - i. a high level summary of all relevant matters identified in the HMMP;
    - ii. details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
    - iii. the metric used for the purposes of the HMMP; and
  - B. a section setting out all planned habitat activities, including:

- i. overarching aims and objectives;
  - ii. design principles informed by all relevant baseline information;
  - iii. full details of the Habitat Provision;
  - iv. a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
  - v. details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
  - vi. details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
- C. a monitoring schedule section including:
- i. a monitoring strategy;
  - ii. details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
  - iii. details of how Adaptive Management will be incorporated into meeting every Condition Target; and
- D. plans and details reasonably necessary for each section.
- d. No part of the development shall be occupied or otherwise brought into use unless the local planning authority has approved in writing the Completion of Development Report.
- e. The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.
- f. Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:
- i. a progress summary;
  - ii. details of the person(s) responsible for compiling the information in the monitoring report;
  - iii. details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
  - iv. progress toward every Condition Target including any identified barrier(s) to such progress;
  - v. any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
  - vi. a register of activity; and
  - vii. any identified need to vary the approved HMMP together with relevant explanation.

For the purposes of this condition:

“Adaptive Management” means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained.

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

“Completion of Development” means the date on which the local planning authority issue an approval of the Completion of Development Report;

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

“Habitat Provision” means all habitat situated on the application site to which this permission relates to be retained, created and enhanced *including: the vertipools*

“Monitoring Report” means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for

undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason - To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

**10. Condition 10 – Hours of Use**

The use hereby permitted shall not operate, to include the leaving and docking of vessels and no deliveries taken at or despatched from the site otherwise than between the hours of 7am and 11pm on Mondays to Sundays inclusive.

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).

**11. Condition 11 – Telehandler Use**

The use of the telehandler within the site shall be restricted to between the hours of 7am and 8pm on Mondays to Sundays inclusive.

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).

**12. Condition 12 – Operational Noise Management Plan**

Prior to the commencement of the use of the telehandler at the proposed site, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared by a suitably qualified person and shall detail measures to minimise noise impacts on surrounding properties and ensure compliance with relevant noise standards. The approved plan shall be implemented in full and maintained thereafter.

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).

**Informative Notes:**

1. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act to be secured as part of the Condition to secure Biodiversity Net Gain in relation to this development.
2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:  
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
  - i. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
3. 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.

In this case, the applicant was provided with pre-application advice, and this has reflected in the proposals. Additionally, the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.

*“Documents uploaded to that part of the Council’s website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.*

*Notes:*

*This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.*

*Reference to published works is not included.”*

Case Officer Report Completed  
Officer: Shelley Edwards  
Date: 19/06/2025

Agreed by: Katie Herrington  
Date: 20/06/2025  
Comment:

## **Appendices**

Appendix 1 – Committee Report for 5<sup>th</sup> December 2024 – Agenda Item 6b ([Public Pack](#))[Agenda Document for Western BCP Planning Committee, 05/12/2024 10:00](#)

Appendix 2 – Planning Committee Addendum for 5<sup>th</sup> December 2024; Agenda Item 6b ([Public Pack](#))[Planning Committee Addendum Agenda Supplement for Western BCP Planning Committee, 05/12/2024 10:00](#)

Appendix 3 – Planning Committee Minutes for 5<sup>th</sup> December 2024; [Minutes Template](#)



# Planning Committee

Application Address	National Trust, Ferry Way, Poole, BH13 7QN
Proposal	Removal and replacement of existing jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
Application Number	24/00744/F
Applicant	National Trust, Brownsea Island
Agent	WSP UK
Ward and Ward Member(s)	Canford Cliffs  Cllr Gavin Wright Cllr John Challinor
Report Status	Public
Meeting Date	05/12/2024
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	Called in unconditionally by Cllr Wright for the reasons below: <ul style="list-style-type: none"> <li>• Industrial nature of proposal in residential and tourist area</li> <li>• Increase in noise</li> </ul>
Case Officer	Mrs Shelley Edwards
Is the proposal EIA Development?	No

## Description of Proposal

1. Removal and replacement of existing timber jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
2. The proposals would extend the quayside and provide replacement of a section of existing sheet piling. The proposal would replace and provide a new extended fixed jetty landing structure and introduce a new vehicle access ramp, a fixed walkway and new berthing provisions. The existing bike store and Storage unit will be replaced and repositioned along the rear boundary in addition to a new bin store. A new visitor shelter is proposed adjacent to the entrance of the site and security gates and barriers will be introduced to enclose the

site. The proposal would reconfigure the car parking layout and provide electric vehicle charging provision. With regards to accessibility the proposed visitor shelter would be DDA compliant and the jetty itself would have a compliant gradient for wheelchair use.

### **Description of Site and Surroundings**

3. The site is on the southern tip of the Sandbanks Peninsular and at the entrance to Poole Harbour; an SPA and Ramsar Site and SSSI. The area is mixed in character as the site is adjacent to Poole Harbour, the Sandbanks Chain Ferry Slipway and Terminal and the residential premises at 130 Panorama Road. The wider character of the Sandbanks Peninsular is predominantly residential with varying commercial premises. In the immediate vicinity there is The Haven Hotel and a row of commercial premises including a shop, café and other businesses.

### **Relevant Planning History:**

4. **September 2023** – Pre-application advice was provided for the Removal and replacement of existing jetty with new berthing provisions and vehicle ramp, including land reclamation and enhanced shoreside facilities and improved security. The advice concluded that it is likely that the proposals would be acceptable in principle, however further information would be required to fully assess the proposals in regard to the impact on trees, the impact on Poole Harbour SSSI, SPA and Ramsar Site, flood risk, and sustainability issues. Additionally, any formal planning application would need to address the concerns raised by the Transportation Officer. Ref: PREA/23/00065.
5. **2019** – Planning permission for the Demolition and removal of existing ticket office (on land leased from the National Trust) and replacement with a new office/first aid post on the site of existing building/store was **Granted**. Ref: APP/19/01557/F.
6. **January 2005** – Planning permission to alter and repair hammerhead to departure quay was **Granted**. Ref: APP/04/18023/009/F.
7. **February 1998** – Planning permission to replace the existing jetty with new jetty constructed from second hand timber was **Granted**. Ref: 98/09248.

### **Constraints**

8. Following planning constraints apply to the application site:
  - TPO trees in adjacent site
  - The application site falls within flood Zones 2 and 3
  - Within a Site of Specific Interest (SSSI) of Poole Harbour
  - Poole Harbour (SPA) which is a Special Protection Area (SPA) and a Ramsar Site
  - The site is within the Tourism Zone
  - Public Right of Way

### **Public Sector Equalities Duty**

9. 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**

10. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations) 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.
11. 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.
12. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

### **Consultations**

13. BCP Highways Authority – No objection subject to conditions regarding electric vehicle charging and ensuring no obstructions are located within the annotated 'Loading and Turning Area'.
14. BCP Environment Officer – No objection subject to condition regarding a Demolition and Construction Environmental Management Plan.
15. BCP Arboricultural Officer – No objection. TPO tree group to the north east are outside of the development site and protected by the site boundary.
16. BCP Urban Design – No objection. However, concerns are raised with regards to the scale, design and siting of the proposed buildings.
17. BCP Biodiversity Officer – No objection subject to S106 to secure Biodiversity Net Gain.
18. BCP Flooding Officer – No comment
19. BCP Emergency Planning Officer – No response received
20. BCP Waste Collection Authority – No response received
21. Natural England – No objection subject to condition requiring the implementation of the vertipools as proposed. Natural England advised that whilst the application is within Poole Harbour SSSI, SPA and Ramsar, the particular location is not of great sensitivity and there will not be a likely significant effect on the habitats sites and an Appropriate Assessment is not required.

22. Environment Agency – No objection subject to conditions and informative regarding confirmation of the materials to be used to infill behind the sheet piling and a Construction Environment Management Plan.
23. Poole Harbour Commissioners – No objection. They are already aware of the proposal and have no comment to make. *“Harbour Works Licences (HWL) are progressed after consultation with Natural England and confirmation of MMO approval. Construction cannot begin until the HWL is in place”.*
24. Poole Harbour Association – No response received
25. The Crown Estate Commissioners – No response received
26. Dorset Wildlife Trust – No response received
27. Amphibian and Reptile Conservation – No response received
28. Sandbanks Neighbourhood Forum – No objection. *“We believe the public benefits of its provision are welcome and much appreciated”.*

## **Representations**

29. A site notice was posted outside the site on 17 July 2024 with an expiry date for consultation of 10 August 2024.
30. Four representations have been received, one supporting the proposal and three raising objections.
31. The supporting comments stated that the proposals include benefits such as updated facilities including a safer transfer to and from vessels and better protection in the shelter when waiting in bad weather. The opportunity for contractors to take a vehicle or plant over to Brownsea Island is considered a necessity to ensure that the business prospers.
32. The objections comprise the following:
  - Noise disturbances from the proposed crane, intensified use, cycle store door, bin location, EV charging.
  - Overbearing new buildings
  - Over development of the site by the introduction of the visitor shelter
  - Insufficient bike storage
  - Assessment of potential impact on the sea bed and from the pilling installation on the Chain Link Ferrys slipway requested
33. The Society for Poole – Objections. *“Fails to respect the significant locality by proposing the construction of superstructures that architecturally dominate the relatively acceptable surroundings at the entrance to a valued and special harbour entrance”.*
34. Cllr Gavin Wright – Concerned regarding the industrial nature of the proposal in a residential and tourist area. The increase in noise and potential for residents to be overlooked by static plant. Impact on residential amenity.

## **Key Issues**

35. The key issues involved with this proposal are:

- *Impact on the character and the appearance of the area*
- *Impact on Tourism Offer and Economy*
- *Impact on Poole Harbour SSSI, SPA and Ramsar Site*
- *Residential privacy and amenity*
- *Highway Safety*
- *Trees and Landscaping*
- *Biodiversity*
- *Flood Risk*
- *Sustainability*
- *Section 106*

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

### **Policy context**

#### **Local documents:**

37. 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) and the National Planning Policy Framework (December 2013).

#### **38. Poole Local Plan (2018)**

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP23 Tourism and the evening / night time economy
- PP27 Design
- PP31 Poole's coast and countryside
- PP32 Poole's important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk

#### **39. Supplementary Planning Documents**

- Parking Standards SPD (adopted January 2021)
- Shoreline Character Areas SPG (Adopted June 2004)

#### **40. Sandbanks Peninsula Neighbourhood Plan**

- SAND1 Landscape Character
- SAND2 Views
- SAND4 Biodiversity
- SAND5 Design
- SAND6 Beaches Open Spaces & Harbour
- SAND7 Public Realm

- SAND8 Gateways

41. The Council is currently undergoing a Local Plan review which aims to deliver a new Local Plan for the BCP wide area to replace the three existing legacy plans. The draft local plan has been submitted to the Planning Inspectorate for examination. The emerging local plan has limited weight for the purpose of decision-making and will carry more weight as the new Local Plan progresses.

42. **National Planning Policy Framework (“NPPF” / “Framework”) (December 2023)**

43. The National Planning Policy Framework has an underlying presumption in favour of sustainable development. Paragraph 11 states that,

*“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 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting health and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

## **Planning Assessment**

### **Impact on the character and appearance of the area**

44. Poole Local Plan policy PP31 (3) Boating, mooring and jetties states *“The loss of any existing boat yards and boat storage will not be permitted. Any proposals for additional marina, jetty, slipway, boatyard or other boating or mooring facilities will be permitted provided that it does not: (a) fall within one of the Harbour edge protection zones as shown on the Policies Map; (b) visually detract from the shoreline character; and (c) cause harm to European and internationally important sites unless this can be satisfactory mitigated.”*

45. As the proposed works include the replacement of an existing jetty, there is no in-principle objection to the proposed development provided other material considerations do not indicate otherwise. The replacement jetty would extend the existing jetty. The application also includes an additional access vehicle ramp with associated entrance gates, handrails and barriers.

The building structures proposed include a bike store, storage unit housing the freezers and storage of other products required to be transported to Brownsea Island and a bin compound all positioned along the rear boundary of the site and a new visitor shelter is proposed along the quay side on the southern corner (front) of the site.

46. PP27 (1) requires; *“Development will be permitted provided that, where relevant, it: (a) reflects or enhances local patterns of development and neighbouring buildings in terms of: (i) layout and siting, including building line and built site coverage; (ii) height and scale; (iii) bulk and massing, including that of the roof; (iv) materials and detailing; (v) landscaping; and (vi) visual impact.”*
47. Policy SAND5 of Sandbanks Peninsula Neighbourhood Plan requires that development demonstrates a high standard of design. The development should; *“a) respond to the height, scale and character of buildings in the surrounding area generally and of adjacent properties in particular”*.
48. SAND6 requires that development affecting recreation assets and open amenity spaces must demonstrate; *“a) improves the area as a high-quality visitor destination... b) enhances the character and appearance of beaches, open spaces and slipways with well-designed amenities suitable for all visitors; c) is sensitively designed for an exposed coastal environment...”*
49. The proposed buildings would replace an existing store, visitor shelter and bike store currently along the rear boundary. The proposed buildings are larger in scale; the store building being approx. 0.6m higher than the existing store and the bike store having the same ridge height; resulting in a continuous roof line along the rear boundary. The proposed bin compound would not have a roof and the elevations would have a height of 1.8m which allows the built form to step down towards the northern boundary. The resultant buildings would provide sufficient capacity to support the requirements of the business and the increase in scale would not detract from the visual amenity of the site and would retain their subservient position along the rear boundary in accordance with SAND5, SAND6 and PP27.
50. The proposed visitor shelter would replace an existing open shelter which is currently situated at the rear of the site. The new shelter would be sited adjacent to the quayside to the front of the site and would be an enclosed unit to protect users from bad weather and would enable passengers to move directly through the shelter onto the vessels.
51. The proposed visitor shelter would be in a prominent position in this gateway location, however, structures supporting local tourism are common place in tourist locations and to the single storey scale of the proposed visitor shelter it is considered acceptable in this location and its visual impact would not detract from the surroundings and its shoreline character in accordance with policies PP27 and PP31 and SAND5 and SAND6.
52. The proposed buildings would be finished in Siberian larch timber boarding to their elevations and either profiled metal decking or zinc covering to their roof. The existing store and bike store buildings within the site are finished in a wooden cladding material and they sit subserviently into the landscape. The proposed materials would therefore continue this subservient appearance and would respect the mixed character of the site and its natural surroundings.
53. The proposed jetty would be of timber and concrete construction and would be sited in a similar position to the existing jetty. The lighting proposed would be non-intrusive and low level, low energy bulkhead lights on the building walls similar to existing. As such, no additional impact on the visual amenity of the area is anticipated.



54. Policy SAND8 of Sandbanks Peninsula Neighbourhood Plan requires that development within these focal points on Sandbanks; should *“Improve their physical appearance and access for those on foot and bicycle, and strengthen their identity and sense of place”*. The proposals would provide much needed improvements and enhancements to the facilities at the National Trust Jetty; and the scale, design and contemporary finishing materials would respect the landscape in which it sits. The proposed shelter and its location would provide better protection for those on foot when utilising the site and the proposed bike store will provide enhanced capacity for cyclists in accordance with SAND8.
55. The proposed replacement jetty would project approximately an additional 5m into Poole Harbour in a south westerly direction. The ramp proposed is a vehicle ramp slipway to enable the occasional use to transfer a vehicle to Brownsea Island. The proposed Jetty with fixed walkway and adjacent vehicular ramp would respect the marine character of the site when viewed from Poole Harbour and the proposed buildings would respect the mixed character of the Ferry terminal location in accordance with PP27, PP31 and SAND6.
56. The site is located within the identified coastal zone and shoreline character area where, in accordance with Policy PP31(c) of the Poole Local Plan (November 2018), development will be required to *“protect the undeveloped nature of the Sandbanks beachline, with only minor, ancillary structures permitted within 25 metres of the landward edge of the beachline.”*
57. The Shoreline Character Areas SPG (Adopted June 2004) describes this location; *“Houses of a low-density layout characterise the stretch of shoreline north-west of the Sandbanks Ferry and the modest scale of the buildings, the gaps between them, the substantial cover of trees, and the generally unobtrusive nature of jetties and sea walls are all important aspects of this part of the coast.”*
58. The preamble to PP31 (para. 9.36) comments; *“that the policy seeks to protect the beach from over-development by only permitting minor ancillary structures such as single storey boathouses, shelters, slipways, groins and beach nourishment works, within 25m of the landward edge of the beach”*. In this instance, the proposed buildings would clearly be located within 25 metres of the landward edge of the Sandbanks Beachline; and are introducing an increase in footprint and height, however the buildings are replacing existing structures and are single storey and ancillary to the use of the site; offering storage units and a shelter which is considered to be in accordance with PP31 and would not detract from the landscape features defined in the Shoreline Character SPG.
59. The proposals would be visible along the shoreline, with long distance views from areas of Studland and Brownsea Island, though only in any detail from the water, the proposed works whilst larger in scale than other jetties along this part of the coast the impact on the shoreline would be similar in appearance to the existing jetty, and its adjacent location to the Chain Ferry terminal; this would not appear at odds with its surroundings, and would sit well with the sea wall, proposed ramp and associated works and therefore the proposed design and choice of materials is considered to fit comfortably with the established character and appearance of this stretch of the shoreline which is a mix of residential and commercial uses.
60. Overall, the proposed development would maintain and enhance the visual quality and mixed character of the area, satisfying policies PP27, PP31 of the Poole Local Plan and Policies SAND5, SAND6 and SAND 8 of the Sandbanks Peninsula Neighbourhood Plan.

#### Impact on Tourism Offer and Economy

61. PP23 (1) Tourism zones and attractions states that; *“The tourism zones and attractions identified on the Policies Map will be the focus for tourism activities in Poole... Proposals within Poole’s tourist attractions will be permitted provided that they support high quality, well-designed new or improved facilities that complement the primary use, and avoid significant harm to environmental and amenity objectives, unless such harm can be mitigated...”*
62. The proposed improvements to the facilities on the Jetty would be supporting the growth and enhancement of the established Brownsea Island tourist attraction within the Tourism Zone at Sandbanks, in accordance with the requirements of PP23 (1).

#### Impact on Poole Harbour SSSI, SPA and Ramsar Site

63. The proposed new jetty, berths and ramp would be located within Poole Harbour which is a designated Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) and as such any formal application will need to address this and provide information to demonstrate that the proposals will not harm any birds, flora or fauna relating to these designations.
64. The works proposed will require a licence from the Marine Management Organisation (MMO) under the Marine and Coastal Access Act 2009. Natural England, The Environment Agency and the BCP Biodiversity Officer do not object to the proposals and biodiversity enhancements (vertipools) are proposed and conditions (Construction and Environmental Management Plan) are attached for the construction of the development to ensure that the proposal does not result in any harm.

#### Impact on Residential Privacy and Amenity

65. PP27 (c) requires that development *“is compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.”*
66. Proposed Usage of the extended Jetty for Passengers – The proposed extensions and improvements to the Jetty would enable the National Trust and John Lewis to continue the passenger workboats to and from Brownsea Island and the pickups and drop offs by the Brownsea Island Ferries to continue daily and generally operating between 10am and 5pm. The proposals would enable the disabled passengers who currently get picked up from the Sandbanks Yacht Company (as they have a ramp) to be picked up from the new proposed accessible Jetty. These activities are not significantly dissimilar to the existing use of the jetty and therefore would not have additional neighbour impact in terms of noise disturbance.
67. Proposed Usage of the extended Jetty for Cargo – The National Trust currently utilise the facilities at both Royal Motor Yacht Club and Sandbanks Yacht Company to transport cargo via their ‘Sea-horse’ mini-RoRo vessel to Brownsea Island. Instead, the new improved facilities at the Sandbanks Jetty will enable the National Trust to transfer directly from Sandbanks. On average this would be once a day and generally before the passenger ferry commences at 10am. The new Jetty would also enable Contractors’ vans to be transported for building repairs when required to undertake repairs which would introduce an additional 2 or 3 journeys per day whilst work is being undertaken. A small 4-wheel drive telehandler is proposed to assist in the loading at both Sandbanks and Brownsea Island and this would be stored on the vessel or on Brownsea Island but would not be stored at Sandbanks as there is not sufficient space. In addition to maintaining the current transhipments; skips and building materials which are currently transported from Poole Quay will be transported from

Sandbanks; this is approximately 12 skips and a few pallets of materials from Brownsea Island over the period of a year. Larger construction equipment; for example excavators will continue to be transported from Poole Quay or other boat yards.

68. The proposed jetty extension will be used in a similar manner to the existing, however it is acknowledged that the use is intensified with regards to the addition of extra journeys from Sandbanks for the transhipments and contractor vans transportation when work is being undertaken. Additionally, the telehandler and other vehicles accessing the site are likely to generate a degree of noise; however, due to the volume of additional trips proposed and the existing character of the site and the wider ferry terminal it would not result in significant noise disturbance to warrant refusal of the scheme. Furthermore, the operating times of the Jetty would match those of the adjacent chain ferry, i.e., 7am to 7pm as night time movements are not required, and it is considered reasonable to secure this by condition to preserve the amenity of neighbouring occupants.
69. Government Guidance (Noise Nuisances: how councils deal with complaints) defines 'night time' as being between 11pm and 7 am. It is considered that subject to a condition securing the operating hours outside of the 'night time', the proposed usage would not have significant additional noise impact.
70. Concerns have been raised with regards to noise disturbances from the proposed bin compound, cycle store shutter and electric vehicle charging facilities. The occupants of the neighbouring residential property have also highlighted the existing noise disturbances experienced from the existing undertakings within the site; for example, vehicle movements and metal trolleys; however no formal noise complaints have been evidenced. The LPA does not anticipate any significant additional noise disturbance from the use of the proposed bin compound, cycle store and electric vehicle charging which are common features in a residential location. The use of the telehandler may introduce a degree of noise impact which is addressed by restricting the hours of operation to minimise the impact on neighbouring residential amenity.
71. In terms of overshadowing, overlooking and overbearing impacts, the proposed bike store, National Trust store and bin enclosure would be situated along the boundary with no. 130 Panorama Road and would be less than 1m above the garden wall. This southern section of the neighbouring garden is well screened by the mature trees within the neighbouring site and therefore views of the proposed buildings would not be overly prominent from the neighbouring property. Due to their scale, siting and design the proposals would not result in overlooking, overshadowing or be overbearing to the neighbouring occupants at no. 130 and would therefore be in accordance with the provisions of PP27 (c).

#### Highway Safety

72. The proposal retains eight car parking spaces and provides a more efficient car parking layout to the site than existing as it improves turning provision; allowing vehicles to turn onsite and exit the site in forward gear. The loading and turning area annotated on the Layout Drawing will be secured by condition to remain unobstructed and operational at all times.
73. The enclosed cycle store proposed would provide cycle parking for 20 bikes and would utilise a two tiered system which would be an improvement on the existing vertical storage mechanism provision that requires the lifting of bikes.
74. The BCP Highways Officer has reviewed the proposal and raises no objections. Electric vehicle charging points are annotated on the plans and these details will be secured by

condition. It is considered that subject to conditions the proposal would comply with policies Policy PP34 and PP35 of the Poole Local Plan (2018) and the BCP Parking Standards SPD (2021).

### Trees and landscaping

75. PP27 (b) requires that development; *“responds to natural features on the site and does not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area. Any scheme that requires the removal of trees should, where appropriate, include replacement trees to mitigate their loss.”*
76. The site is made up of hardstanding and there is no existing landscaping or trees within the application site. The site is located immediately adjacent to the residential curtilage of No.130 Panorama Road that contains several mature trees, one of which (T1 – Monterey Pine) is the subject of a Tree Preservation Order. Another group of trees closest to the site boundary consists of 1 Fig and 3 Holm Oaks, but these are not protected.
77. The submitted Arboricultural Impact Assessment concludes that the trees to the neighbouring site will be unaffected by the development due to the boundary walls and hard structures forming a barrier to the tree roots. No tree works are proposed as part of this application and due to the proposed scale and design it would not materially impact the trees within the neighbouring site. The BCP Arboricultural Officer has reviewed the scheme and no objection is raised. The proposal is considered to comply with the requirements of policy PP27 (b) of Poole Local Plan (2018).

### Biodiversity

78. NPPF, Para 185, sub-paragraph (b) states that “To protect and enhance biodiversity and geodiversity, plans should: identify and pursue opportunities for securing measurable net gains for biodiversity.” The Local Plan Policy PP33 – Biodiversity and geodiversity sets out policy requirements for the protection and where possible, a net gain in biodiversity.
79. PP33 (1) requires that; Proposals for development that affects biodiversity... *“c) seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks.”*
80. In this location of Poole Harbour which is within the SSSI, SPA and Ramsar Site; Natural England have commented that the particular location of the application site is not of great sensitivity; due to the lack of protected bird species and the lack of mudflats around the ferry terminal which they use for feeding and foraging. The proposed vertipools mitigation to encourage marine life on the new sheet piled wall of the scheme would be a positive addition to the scheme and are supported in accordance with PP33.
81. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact (‘net gain’) on biodiversity. In England, Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This statutory framework is referred to as ‘biodiversity net gain’ in Planning Practice Guidance to distinguish it from other or more general biodiversity gains. BNG came into effect on the 14th of February 2024 for major applications and for smaller applications it came into effect on the 2nd of April 2024.
82. Under the statutory framework for biodiversity net gain (BNG), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”).

The biodiversity gain objective is a minimum of a 10% gain as measured against the pre-development biodiversity value of the on-site habitat for the development. This increase can be achieved in strict accordance with the BNG Hierarchy.

83. The BNG Hierarchy emphasises that on-site biodiversity gains should be considered first, followed by registered off-site biodiversity gains and as a last resort biodiversity credits. The BNG Hierarchy means the following actions in the following order of priority:
- avoiding adverse effects of the development on on-site habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than six.
  - where adverse impacts cannot be avoided, mitigation measures shall then be used to reduce the impacts.
  - where adverse impacts cannot be mitigated, habitat enhancement of on-site habitat shall then be implemented.
  - where suitable habitat enhancement cannot be implemented, new habitats shall then be created on-site.
  - so far as no habitats can be created on-site, then off-site habitat creation from a registered source.
  - where off-site habitat creation cannot be secured, purchasing of biodiversity credits will be allowed.
84. When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and/or section 106 planning obligations to secure the minimum 10% biodiversity gain via an ongoing management and monitoring mechanism over a 30-year period.
85. Once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by the local planning authority prior to development commencing. Following the approval of the Biodiversity Gain Plan and following the commencement of development; there will be an important role for local planning authorities to monitor the implementation of the BNG Plan and, where appropriate, take enforcement action if commitments relating to the Plan are not met.
86. A Habitat Condition Assessment and Statutory Biodiversity Metric has been submitted with the application. The Biodiversity Officer has reviewed the submitted information and agrees with the conclusion.
87. As the 10% biodiversity net gain has been demonstrated as being achievable, the proposal is compliant with the relevant legislation and Policies in the Local Plan.
88. As such, with a suitably worded condition in place the proposal will comply with Policy PP33 with regards to protecting species and the Statutory BNG requirements to achieve a minimum of 10% BNG on-site.

#### Flood Risk

89. The application site is partially within the existing flood zones (Flood Zones 2 and 3) and fully within the identified predicted future flood zones up to 2133. The application is for a replacement jetty and replacement store and bike store with the addition of a bin compound and new repositioned visitor shelter.

90. The proposed (replacement) buildings would therefore be at risk of flooding during the period of their lifetime. The buildings proposed are not habitable and are for storage purposes; the visitor shelter is an enclosed non-habitable area to wait in wet and windy weather; in the event of extreme adverse weather this will not be in use.
91. The Environment Agency have requested that the floor level of the visitor shelter is raised by 0.6m and/or the use of flood resistant and resilient construction techniques and finishes are implemented. Due to the prominent location of the visitor shelter raising the building a further 0.6m is not considered a desired outcome in this location and alternatively the use of flood resilient and resistance materials is more appropriate and has been conditioned.

#### Sustainability

92. Para. 162 of the NPPF states that; *“In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*
93. PP37 requires; ‘where appropriate’ that new commercial development incorporates a 10% proportion of future energy use through renewable sources and that commercial buildings under 1,000 sq.m (net) floor space should meet the ‘Very Good’ BREEAM rating.
94. The proposal is for a replacement Jetty and the replacement ancillary buildings; which will not be heated. The energy use of the site is similar to that of the existing; to power the existing freezers. There will be no piped water to or on the site and the buildings will include only lighting sensors and construction enhancements to control condensation through material selection. Therefore, due to the relatively small scale and nature of the uses of these proposed ancillary structures there would be limited scope to achieve these standards, and it is not considered feasible or ‘appropriate’ to enforce an onerous condition requiring that they are met. PP37 states ‘where appropriate’ and Para. 162 supports this pragmatic approach.

#### Other Matters

95. In response to the concerns raised by the adjacent Chain-link Ferry with regards to the impact on the sea bed from the development; these would be addressed through the marine licensing process by the Marine Management Organisation (MMO). These activities require a license under the Marine and Coastal Access Act 2009 and therefore it is not appropriate to condition.

#### **Planning Balance / Conclusion**

96. Paragraph 8 of the NPPF defines the three dimensions of sustainable development as performing economic, social and environmental objectives. The proposed development, by enhancing and improving the facilities will contribute to the tourism and cultural facilities within the Borough, in accordance with policy PP23 (1) that will result in economic benefits. The development, by reason of its appropriate design and selection of materials would respect the mixed character of the site and the shoreline character in accordance with policies PP27 and PP31.
97. The proposal will have some additional build development that will not have any detrimental impact on neighbouring residential properties and the improved access to accommodate

wheelchair accessibility and disabled parking bays will contribute to the social objectives of the proposal.

98. In term of environmental benefits, the proposal will result in over 18% of Biodiversity Net gain, which is greater than the compulsory 10%. The proposal will also provide biodiversity enhancements in accordance with PP33.
99. The Council encourages sustainable development. Overall, it is considered that whilst the proposal may result in more prominent structures along the quayside; any harm that may be attributed to this is not considered to significantly and demonstrably outweigh the benefits of the proposal as set out above. Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan taken as a whole. Consequently, the application is recommended for approval.

### **Recommendation**

100. It is recommended that the Committee grants delegated power to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to **Grant planning permission** subject to completion of s106 agreement and conditions as suggested in the officer report.
101. A deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified:

***The wording will be confirmed in the Addendum Sheet prior to Committee***

102. The conditions as set out below (and any amendments to those conditions as deemed necessary).

### **Conditions**

#### **1. Condition 1 – Time Expiry**

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. Condition 2 – Plans List**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (1:1250) – P03 received 01/07/2024

Proposed Layout - Drg No. 2301.20.01 Rev G received 10/09/2024

Proposed Elevations - Drg No. 2301.20.02 Rev B received 10/09/2024

Visitor Shelter Elevations - Drg No. 2301.20.05 Rev C received 10/09/2024

Bike Store Plan & Sections - Drg No. 2301.20.06 Rev B received 01/07/2024

Bike Store Elevations - Drg No. 2301.20.07 Rev B received 01/07/2024  
 NT Store Plan & Sections - Drg No. 2301.20.08 Rev B received 01/07/2024  
 NT Store Elevations - Drg No. 2301.20.09 Rev B received 01/07/2024  
 Proposed Elevation on Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0321 Rev P07 received 01/07/2024  
 Proposed Cross Section Through Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0322 Rev P04 received 01/07/2024  
 Proposed General Arrangement - Drg No. 4733-WSP-XX-XX-DR-S-0301 Rev P09 received 10/09/2024  
 Proposed Elevation (Sheet Pile), Shelter Plan and Sections - Drg No. 4733-WSP-XX-XX-DR-S-0325 Rev P03 received 10/09/2024  
 Proposed Ramp Elevation - Drg No. 4733-WSP-XX-XX-DR-S-0333 Rev P05 received 01/07/2024  
 Proposed Elevations - Drg No. 2301.20.02 Rev B received 10/09/2024  
 Arboricultural Impact Assessment - Ref: 70104733-ARB-001 received 01/07/2024

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

### 3. Condition 3 – Sheet piling

Before commencement of development, details of the materials to be used to in fill behind the new sheet piled wall shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the protection of marine water quality.

### 4. Condition 4 – Demolition and Construction Environmental Management Plan

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 include:

- a. A Dust Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.
- b. A Construction Environmental Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions and potential ground and/or water pollution resulting from the site preparation, demolition, and groundwork and construction phases of the development. This must include safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.
- c. A Construction Logistics Plan that identifies the steps that will be taken to minimise the impacts of deliveries and waste transport vehicles.



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

Reason: To ensure the development does not create local environmental impacts and prevents pollution of the water environment in line with paragraph 180 of the National Planning Policy Framework.

#### 5. Condition 5 – Materials

All external facing and roofing materials to be used shall be in accordance with the details submitted on the application form and shown on the approved plans.

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).

#### 6. Condition 6 – Visitor Shelter

Notwithstanding the approved plans, prior to the commencement of development of the visitor shelter hereby approved, details of the materials to be used for the construction of the visitor shelter including details of the flood resistant and resilience materials and features shall first be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the visitor shelter shall be built in accordance with the approved details.

Reason – To ensure that the development provides sufficient flood resistant and resilient measures in accordance with PP38 of the Poole Local Plan (November 2018).

#### 7. Condition 7 - Parking/Layout

The development hereby permitted shall not be brought into use until the access, turning space, 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. The 'Loading and Turning Area' as annotated on the approved plan shall remain available for the use as a loading and vehicle turning area at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within this area.

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

#### 8. Condition 8 - EV Charging

Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the first use of the development hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason - In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan (November 2018).

#### 9. Condition 9 – Biodiversity Net Gain condition

***The wording will be confirmed in the Addendum Sheet prior to Committee***

## 10. Condition 10 – Hours of Use

The use hereby permitted shall not operate, to include the leaving and docking of vessels and no deliveries taken at or despatched from the site otherwise than between the hours of 7am and 7pm on Mondays to Sundays inclusive.

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).

### Informative Notes:

1. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act to be secured as part of the Condition to secure Biodiversity Net Gain in relation to this development.
2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
  - i. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
3. 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.

In this case, the applicant was provided with pre-application advice, and this has reflected in the proposals. Additionally, the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.

*“Documents uploaded to that part of the Council’s website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.”*

#### Notes:

*This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.*

*Reference to published works is not included.”*

Case Officer Report Completed  
Officer: Shelley Edwards  
Date:14/11/2024

Agreed by:  
Date:  
Comment:

# Supplementary Papers for Western BCP Planning Committee

Date: Thursday, 5 December 2024



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## 6. Schedule of Planning Applications

3 - 6

Please refer to the Planning Committee Addendum set out on the following pages for any further updates on the planning applications listed on the agenda.

Published: 04 December 2024

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## Western BCP Planning Committee – 05 December 2024

### Addendum Sheet

- 6. a) Site Address: St Peters Church Hall, 10 Chapel Road, Poole BH14 0JU  
Planning Application Reference Number: APP/24/00287/P**

#### Amended Conditions

1. Amend Plans Listing, Condition 2 to include the following plan:

‘Existing Top Room Plan, Drawing No: 1000/100, received 25 November 2024’

2. Amend Condition 12 to include the above plan as follows:

‘No residential dwelling hereby permitted shall be occupied until such times as the first floor “upper room” within St Peters Church (as shown on Existing Top Room Plan, Drawing No: 1000/100, received 25 November 2024) is fully refurbished and made fully available for community use and staging and theatre lighting improvements are made to the ground floor of St Peters Church for the purposes of community use.

Reason:

The condition is required to ensure the measures to provide community benefit in the form of additional and improved community floor space in accordance with Policy PP26 are provided.’

#### Updated Consultation Responses

1. Updated comments from BCP Conservation Officer where they remove objection on heritage grounds as outlined below.

‘No objection. There is little harm to the setting of the designated Ashley Road Conservation Area from the housing development. All harm should be weighed against the public benefits of the proposal as advised in NPPF 205.

Revisions to the housing forms to a pair of semi-detached housing has created roofing forms, and fenestration that reflect the local character more closely. The development preserves the setting of the Ashley Cross Conservation Area and in so doing, is supported by NPPF 135 and PP30.’

2. Updated comments from Environmental Services (Waste) where they confirm bins can be pulled to the nearest curb and not the bin collection point.

“Yes, the houses can present their bins at the kerbside. The developer can then decide if they want to keep the bin collection point or not.”

**6. b) Site Address: National Trust, Ferry Way, Poole, BH13 7QN  
Planning Application Reference Number: APP/24/00744/F**

**Amended Conditions**

1. Amend Plans Listing, Condition 2 to include the following plan:

Wheelie Bin Screening, Drg No:2301.20.4 01 B received 28 November 2024

2. It is requested that the specific wording of Condition 9 to secure ‘significant’ habitats for Biodiversity Net Gain is delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such purpose) subject to the Western Planning Committee resolving to approve the planning application.
3. Amend Condition 10 to state the hours of use are between 7pm and 11pm to match the hours of use of the adjacent Sandbanks Chain Link Ferry to Studland. 7am until 7pm was also incorrectly stated within paragraph 68 of the Case Officers report and should read 7am – 11pm.

Condition 10 – Hours of Use

The use hereby permitted shall not operate, to include the leaving and docking of vessels and no deliveries taken at or despatched from the site otherwise than between the hours of 7am and 11pm on Mondays to Sundays inclusive.

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).

**Amended Recommendation**

1. It is recommended that, subject to the Western Planning Committee resolving to approve the planning application, it is delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to determine the planning application following the completion of a Section 106 Agreement to secure a financial contribution of £3,531.00 towards the management and monitoring over a 30-year period of the measures to be implemented to secure the provision of a minimum of 10% Biodiversity Net Gain, and subject to the conditions set out in the officer report and amended in this Addendum Sheet.

**Additional Representation**

1. Additional/Late representation in support of the application that reads as follows:

*A written submission to the Planning services concerning the above planning discussion. And represents the opinion of the NT volunteers forum.*

*"Brownsea Island is a high-value tourist asset for the county of Dorset and, within the Poole harbour, a globally significant natural asset. The volunteers supporting the National Trust and Dorset Wildlife Trust are essential to the island's roles.*

*For the NT, the volunteers give over 30000 hours per year. These are essential work hours in conservation and visitor experience support. The great majority of the volunteers access the island via the Sandbank Jetty. This jetty is no longer in service, and once the jetty is replaced, travel to/from the island will be much more challenging due to the long passage from Poole Quay and the cost of parking. It is also of concern to an ageing population that access to the mainland in case of illness, injury, or health appointments will be an issue.*

*For the volunteers' continued support of the island activities, the Sandbank Jetty should be promptly replaced and given prior to any other major building activities on the peninsula during this period."*



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**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**WESTERN BCP PLANNING COMMITTEE**

Minutes of the Meeting held on 05 December 2024 at 10.00 am

Present:-

Cllr M Le Poidevin – Chair

Cllr J Clements – Vice-Chair

Present: Cllr M Dower, Cllr G Martin (In place of Cllr P Cooper), Cllr K Salmon  
and Cllr P Sidaway

54. Apologies

Apologies were received from Cllr J Challinor, Cllr A Chapmanlaw, Cllr P Cooper, Cllr B Hitchcock, and Cllr S McCormack.

55. Substitute Members

Notification was received that Cllr G Martin was substituting for Cllr P Cooper for this meeting.

56. Declarations of Interests

Cllr P Sidaway declared an interest in the application for St Peter's Church Hall in that he was a personal friend of one of the applicants. He did not speak or vote on the item and left the meeting room during its consideration.

57. Confirmation of Minutes

The minutes of the meeting held on 7 November 2024 were confirmed as an accurate record for signing by the Chair.

58. Public Issues

The Chair advised that there were a number of requests to speak on applications before the Committee as detailed below.

59. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – B to these minutes in the Minute Book. A Committee Addendum Sheet was published on 4 December 2024 and appears as Appendix C to these minutes.

60. St Peters Church Hall, 10 Chapel Road, Poole, BH14 0JU

Parkstone ward

APP/24/00287/P

Outline application with some matters reserved (appearance and landscaping) to demolish Church Centre and erect 4no semi-detached houses with associated parking and access.

Public Representations

Objectors

- ❖ Emma Lidster
- ❖ Christine Law

Applicant/Supporters

- ❖ Ken Parke, on behalf of the applicant

Ward Councillors

- ❖ Cllr Emily Harman

**Resolved to GRANT permission in accordance with the recommendation set out in the officer's report as updated in the Committee Addendum dated 4.12.24 and subject to power being delegated to the Head of Planning Operations to agree final wording of the following amended/additional conditions requested by the Committee:**

- **Condition 11 (iv) to be amended to include identification of the steps which will be taken to ensure no obstruction to surrounding roads by way of vehicles, traffic and parking associated with the construction and demolition.**
- **An additional condition to require details of the management and maintenance of the external communal areas to be submitted and approved by the Local Planning Authority.**

Voting: For – 5, Against – 0, Abstain – 0

Notes:

In accordance with his declaration of interest, Cllr P Sidaway did not participate in this item.

Cllr C Adams was not in attendance for this item.

61. National Trust, Ferry Way, Poole, BH13 7QN

Canford Cliffs ward

24/00744/F

Removal and replacement of existing jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.

Public Representations

Objectors

- ❖ Stephen Bainbridge, on behalf of June Tweedie
- ❖ June Tweedie

Applicant/Supporters

- ❖ John Gatward, on behalf of the applicant

Ward Councillors

- ❖ None registered

**Resolved to GRANT permission in accordance with the recommendation set out in the officer's report as updated in the Committee Addendum dated 4.12.24 and subject to power being delegated to the Head of Planning Operations to agree final wording of an additional condition requested by the Committee to restrict the use of the telehandler to between the hours of 07:00am and 08:00pm**

Voting: For – 7, Against – 0, Abstain – 0

Note: The additional condition was proposed and seconded as an amendment to the move to grant and was carried as follows to be included in the substantive motion above:

Voting: For – 6, Against – 0, Abstain – 1

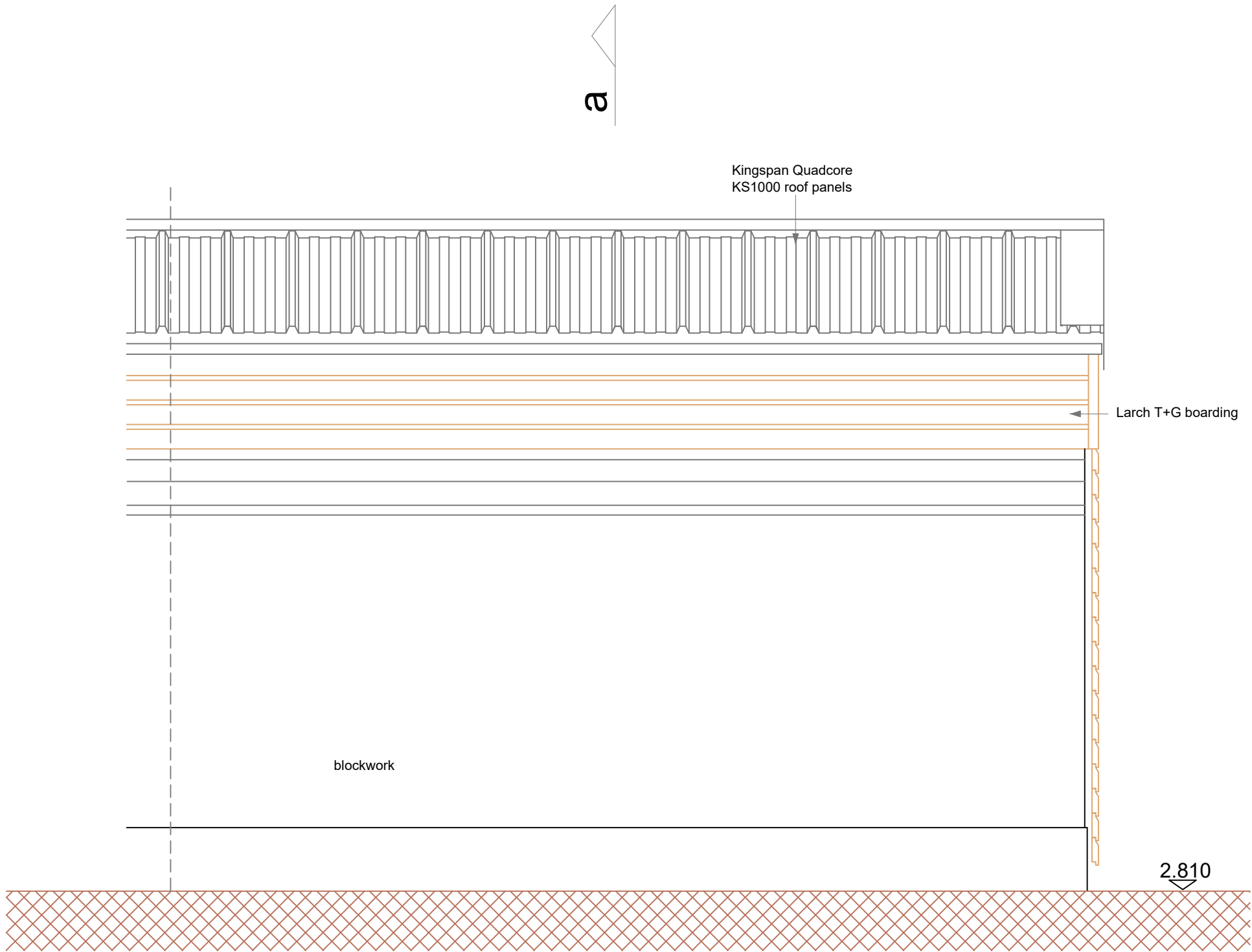
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CHAIR

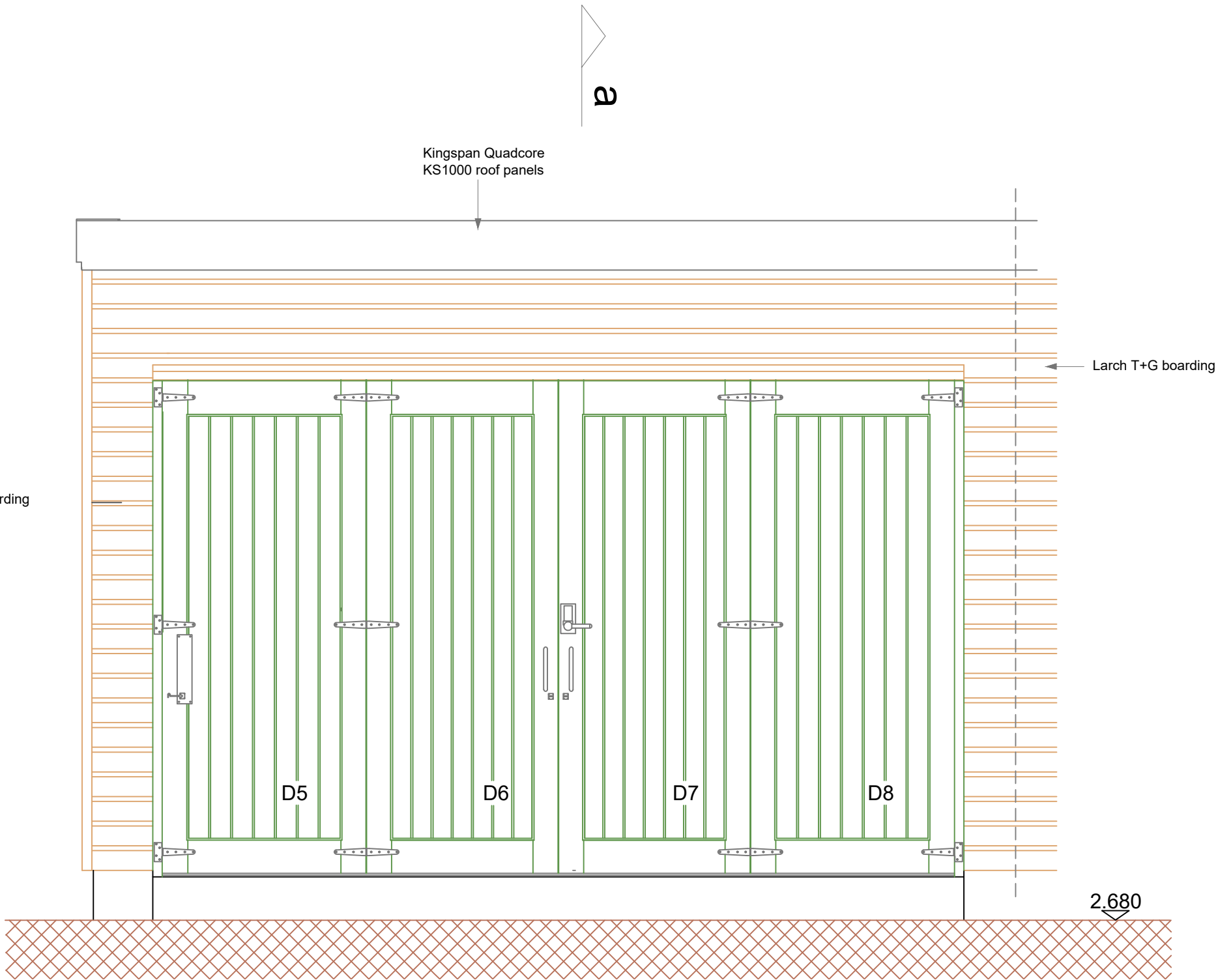
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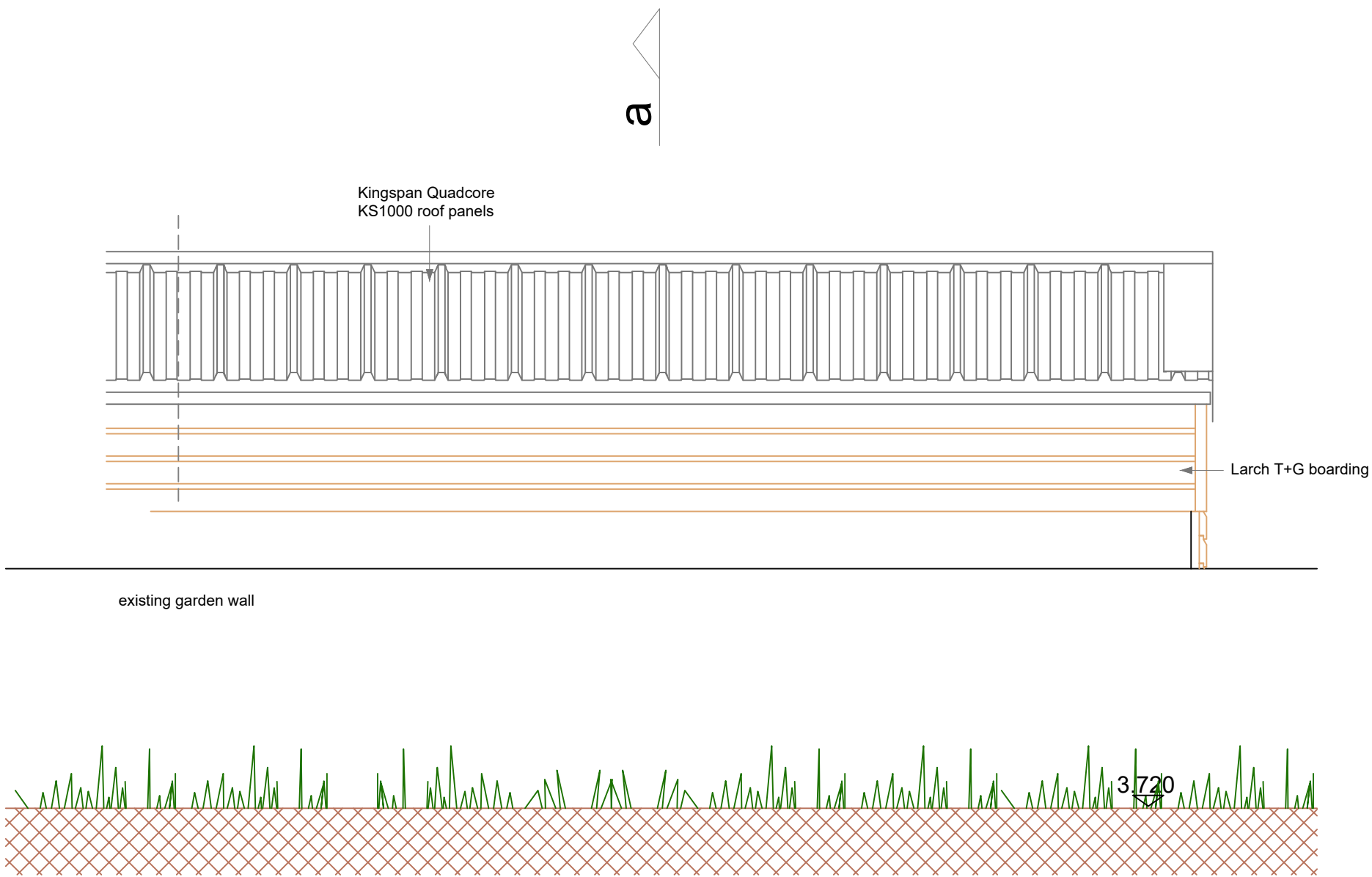
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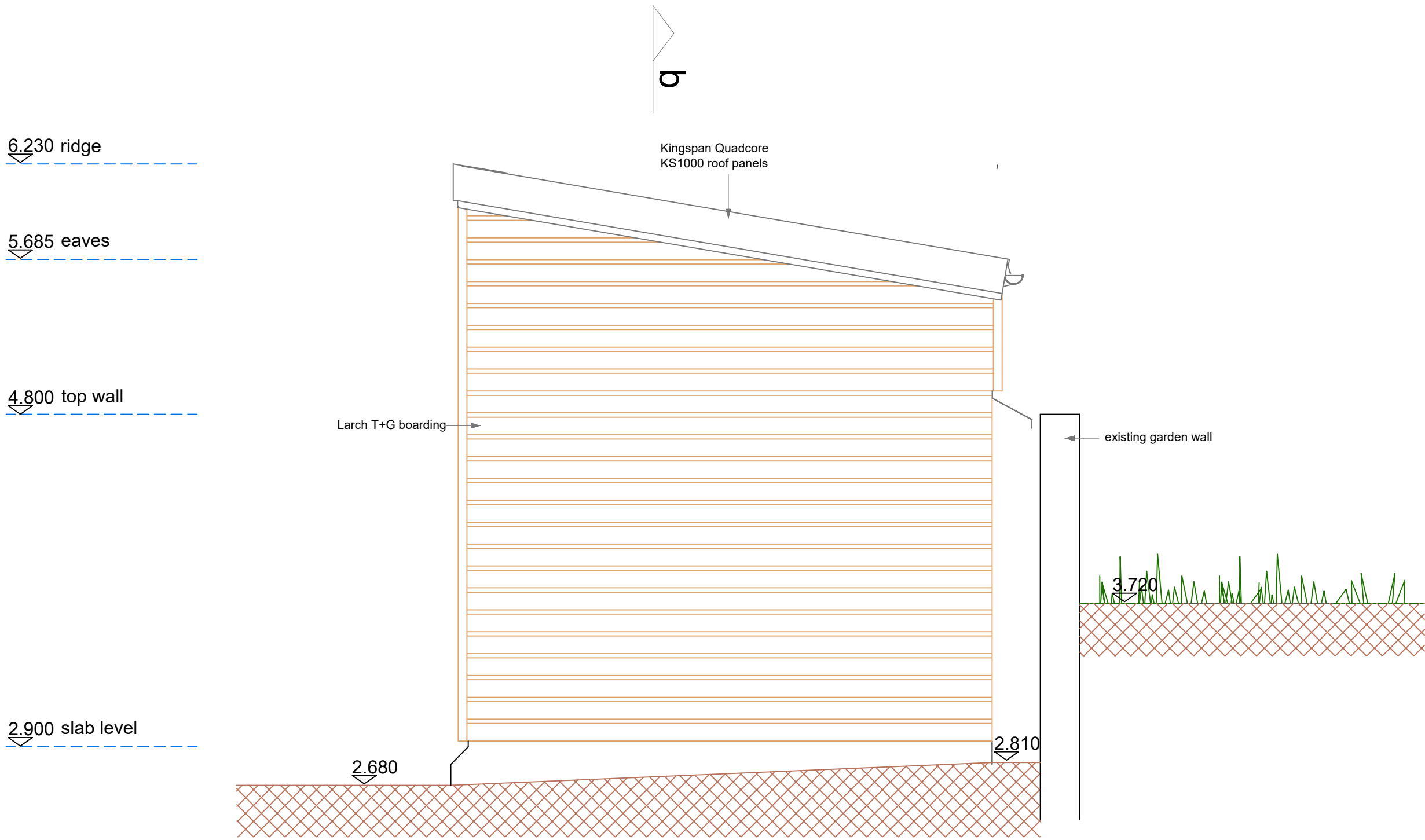
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side

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B	05.12.24	Handing and location of unit revised	cm	cm	cm

CLIENT

PROJECT  
SANDBANKS FERRY BERTH,  
POOLE, DORSET

TITLE  
SHORESIDE FACILITIES  
CYCLE STORE- ELEVATIONS

**CM**  
Clive Moore  
Architectural Services / Gwasanaethau Pensaerïol

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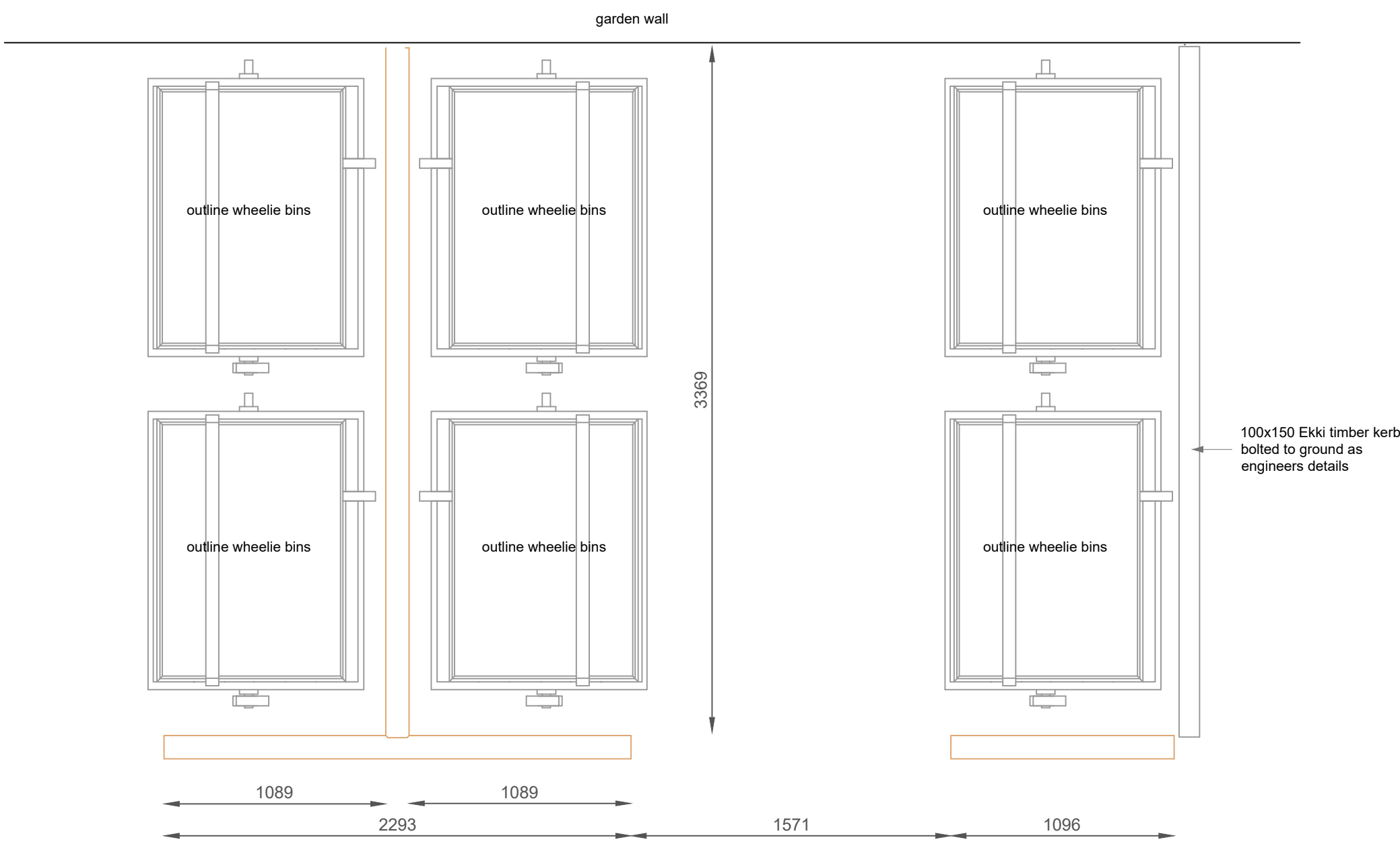
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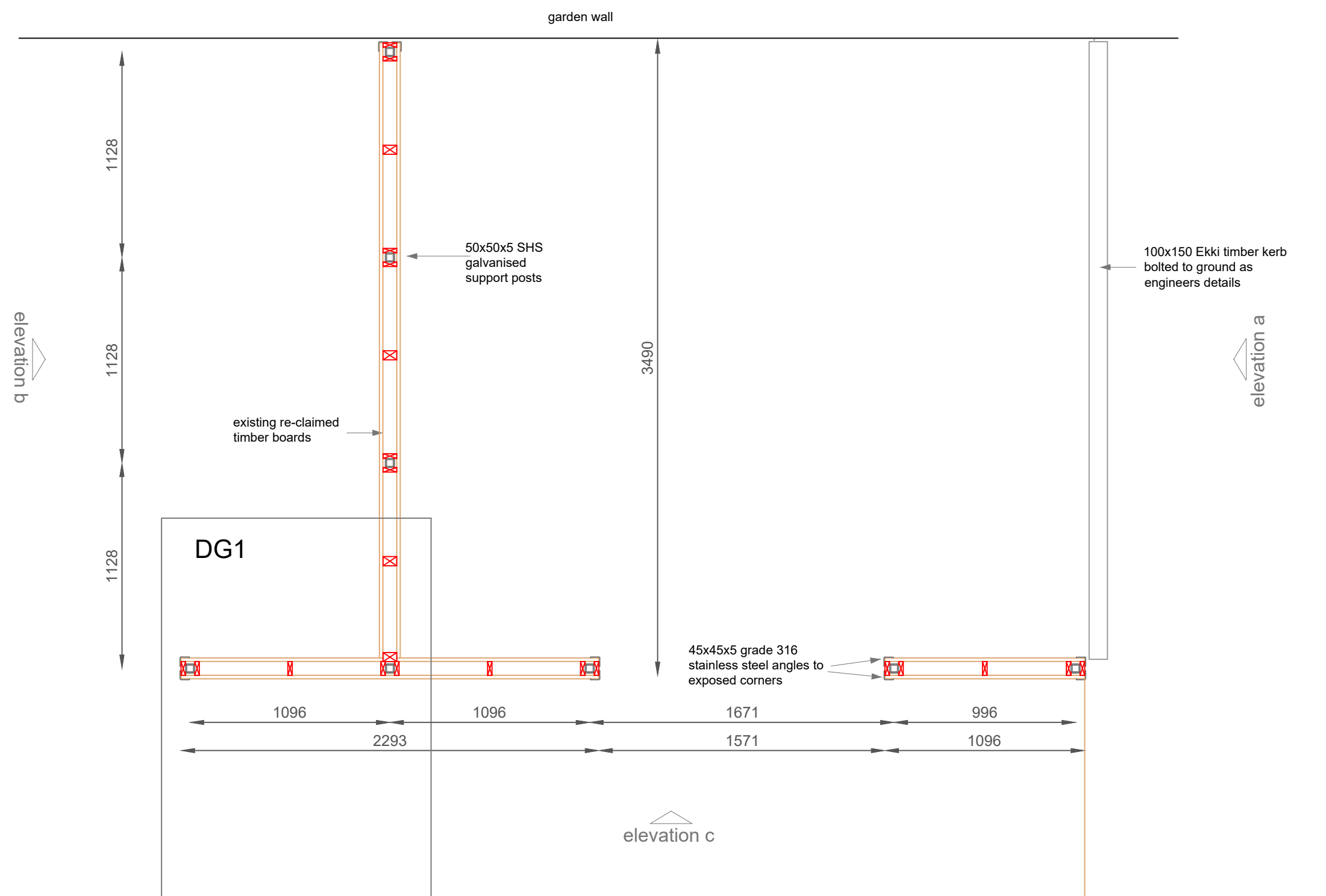
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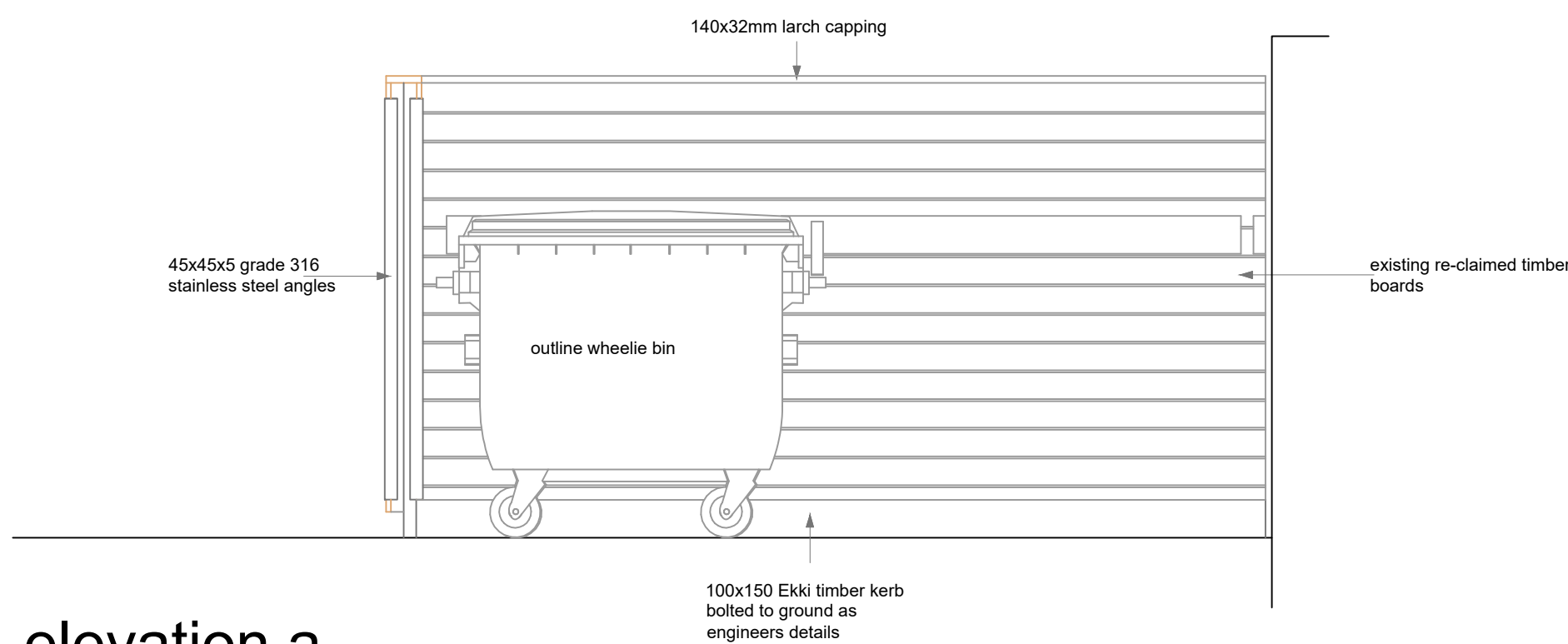
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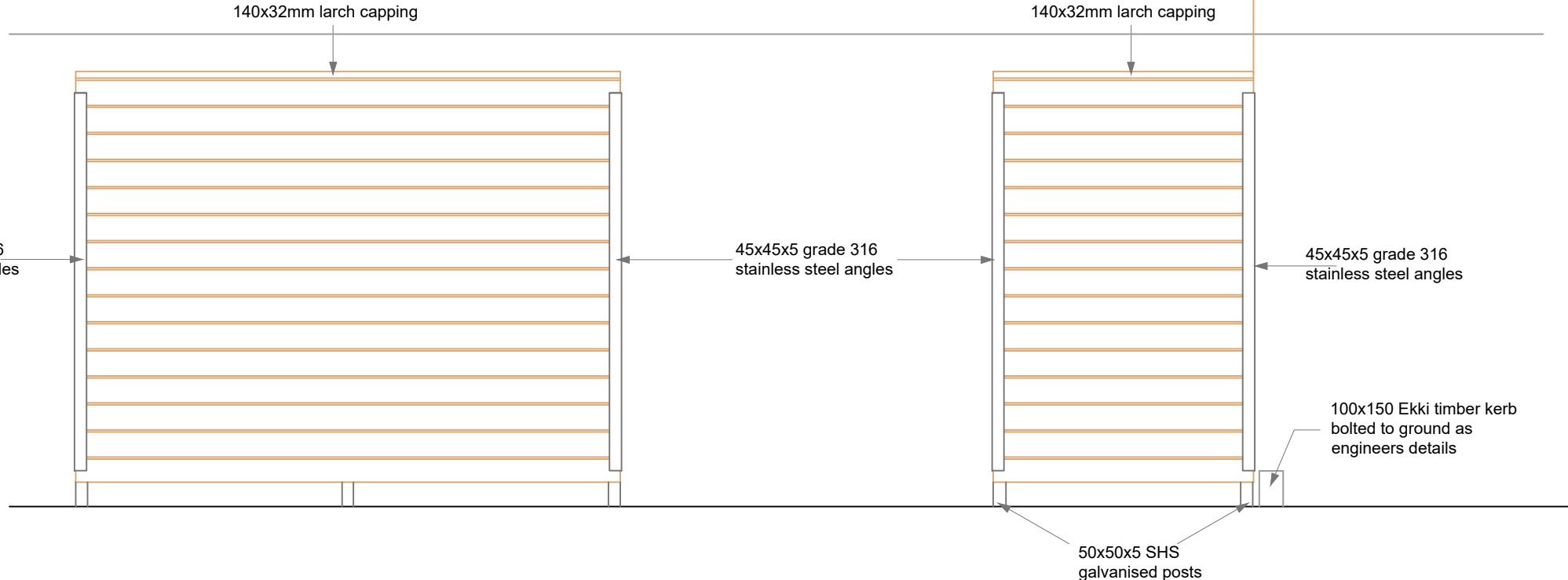
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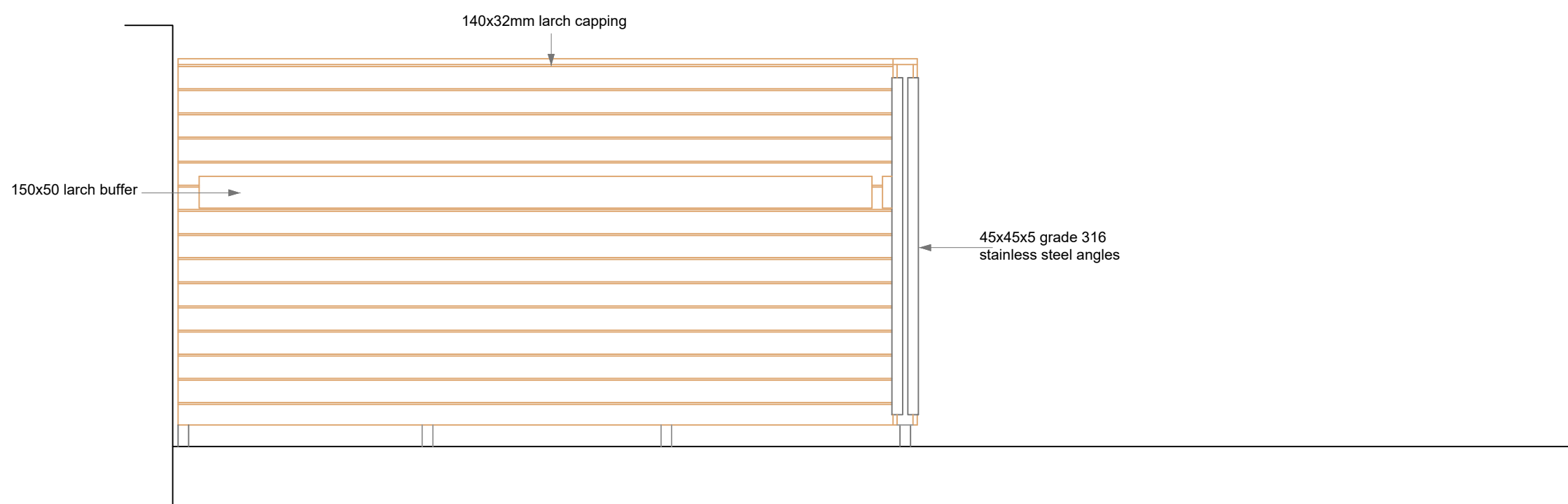
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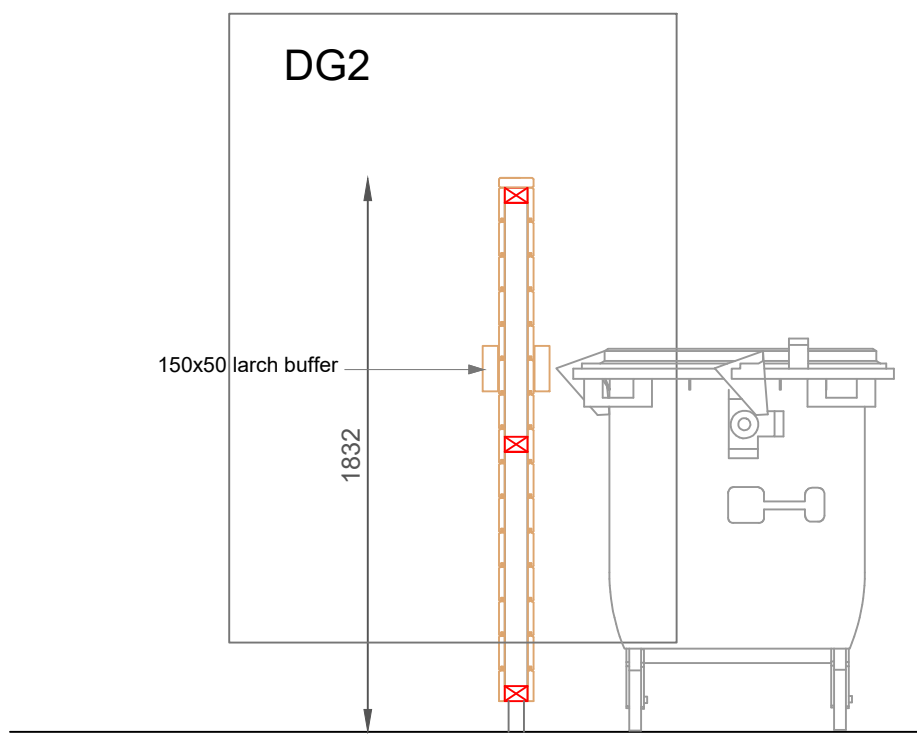
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section

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CLIENT

PROJECT
SANDBANKS FERRY BERTH, POOLE, DORSET

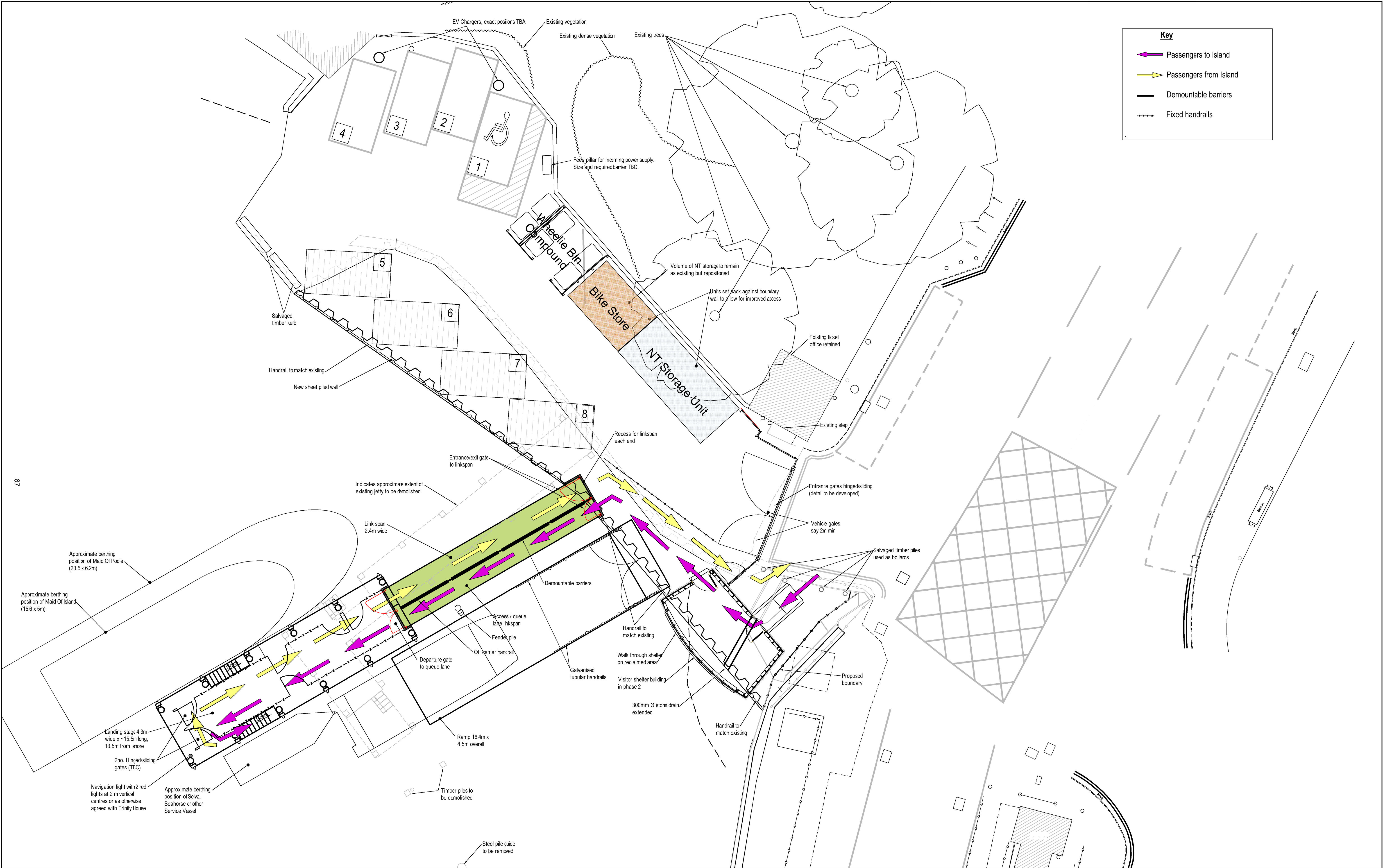
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SHORESIDE FACILITIES WHEELIE BIN SCREENING

 Clive Moore Architectural Services / Gwasanaethau Pensaerïol	Helyg, Yr Afa, Pwllheli Gwynedd LL53 5SL Tel +44 (0)1758701711 Mobile 07905651942 Email: clivemoore@macrate.me
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ARCHITECT:

Clive Moore

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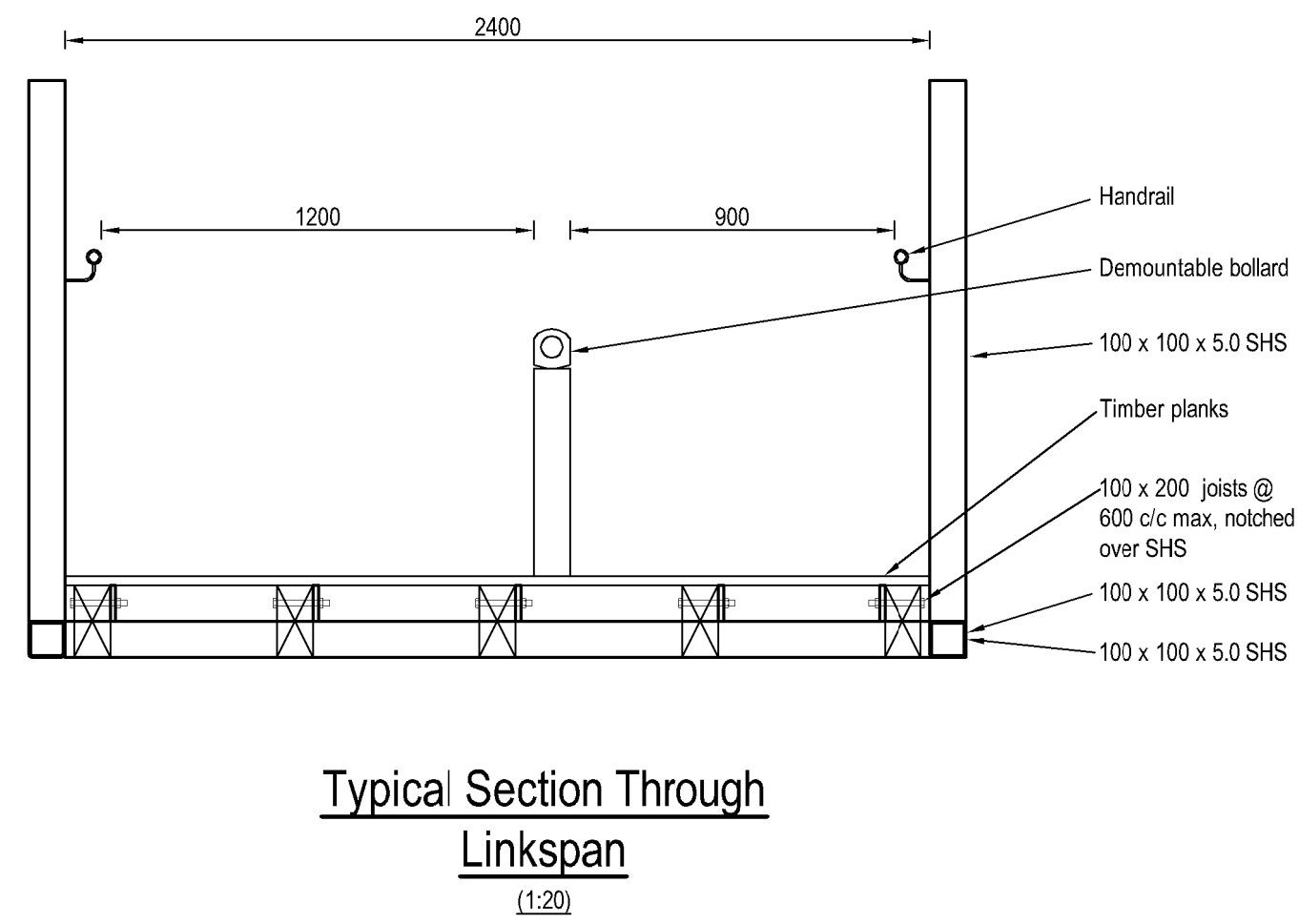
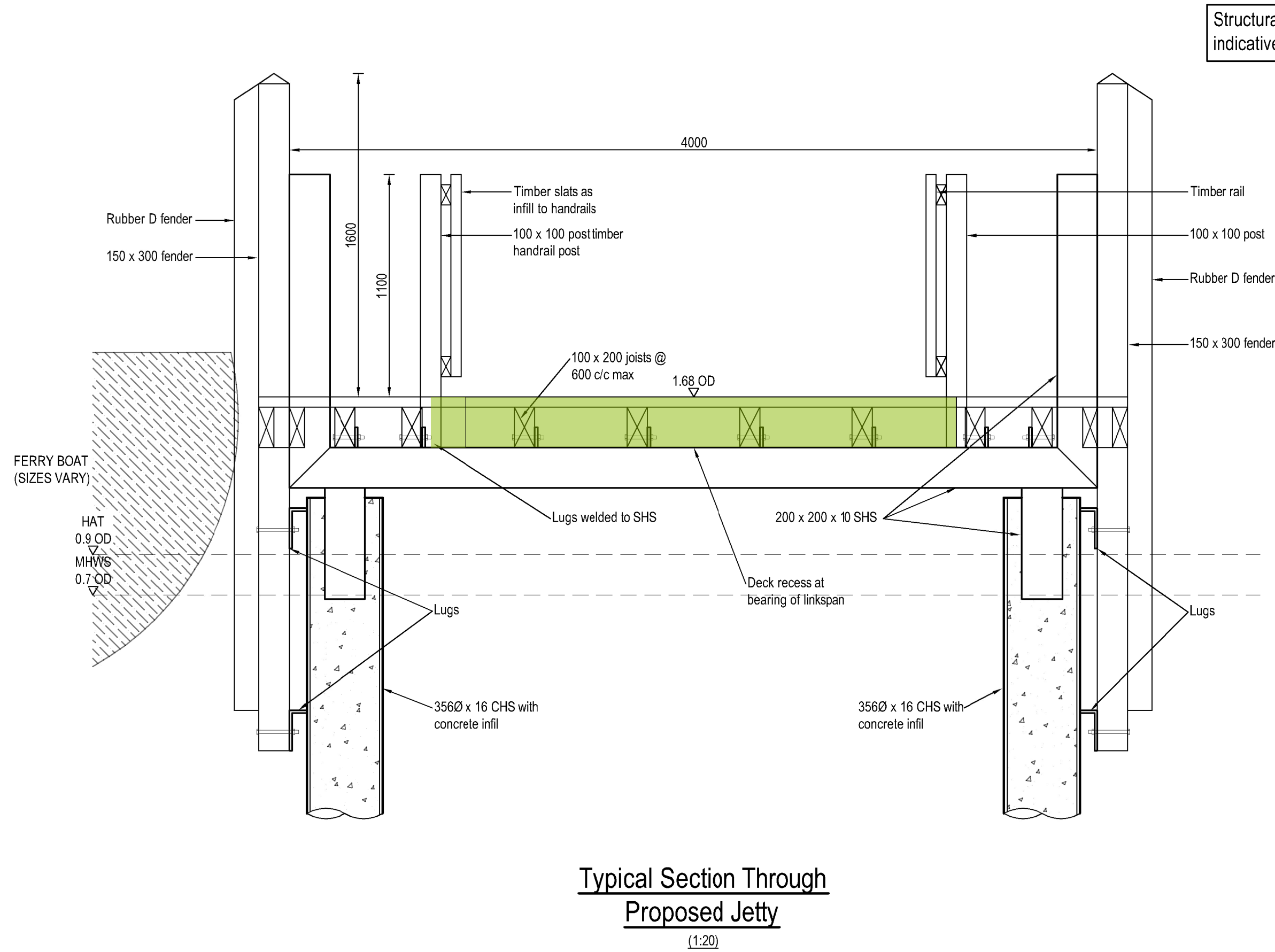
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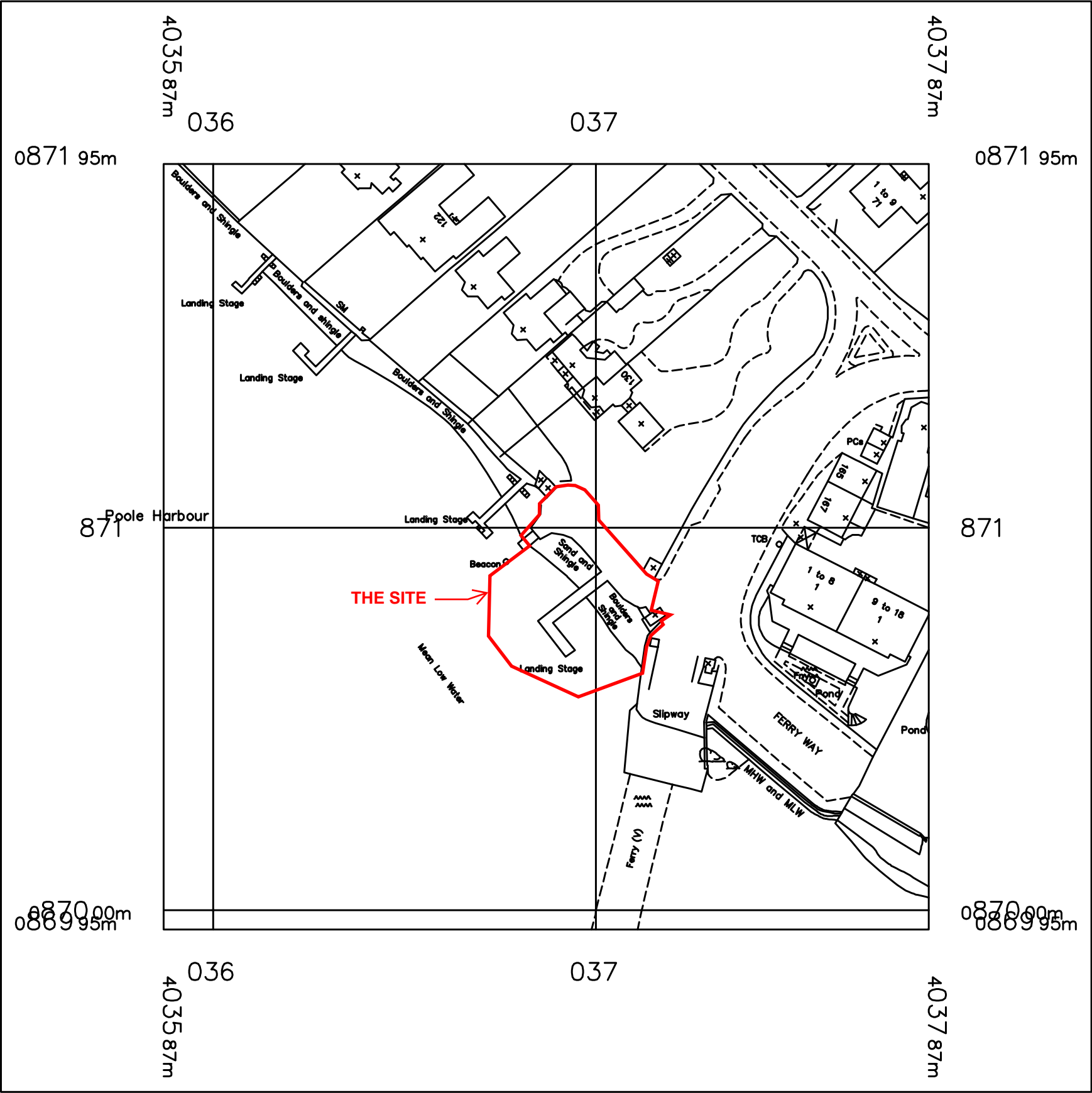
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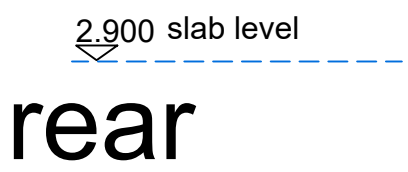
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Checked by. BH	Revision. P03	Page No. 1/1
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B	05.12.24	Handing and location of unit revised	cm	cm	cm	

CLIENT

PROJECT

SANDBANKS FERRY BERTH,  
POOLE, DORSET

TITLE

## SHORESIDE FACILITIES

### NT STORE- ELEVATIONS



**CM**  
Clive Moore  
Architectural Services / Gwasanaethau Pensaernïol

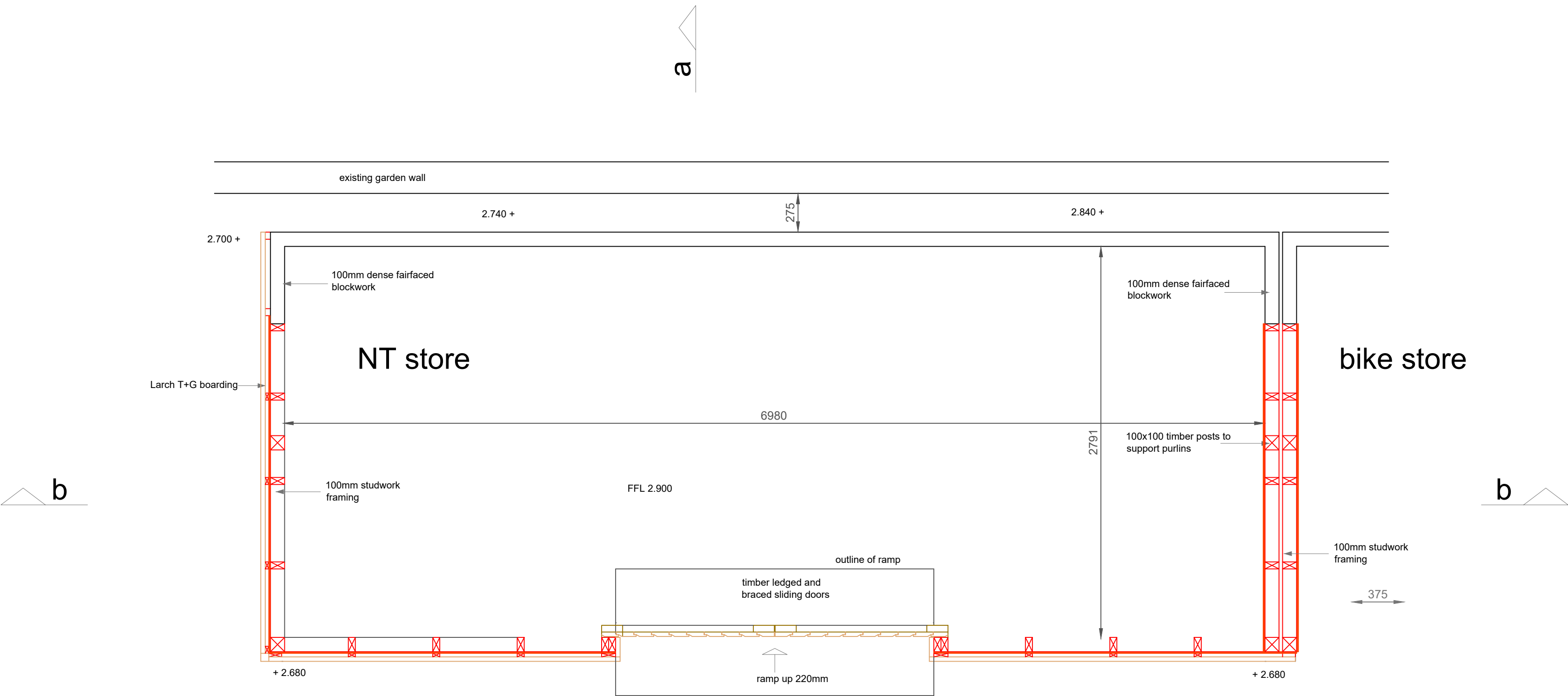
Helyg, Yr Ala, Ffrwd  
Gwynedd LL25 3JG  
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Mobile: 079095 11111  
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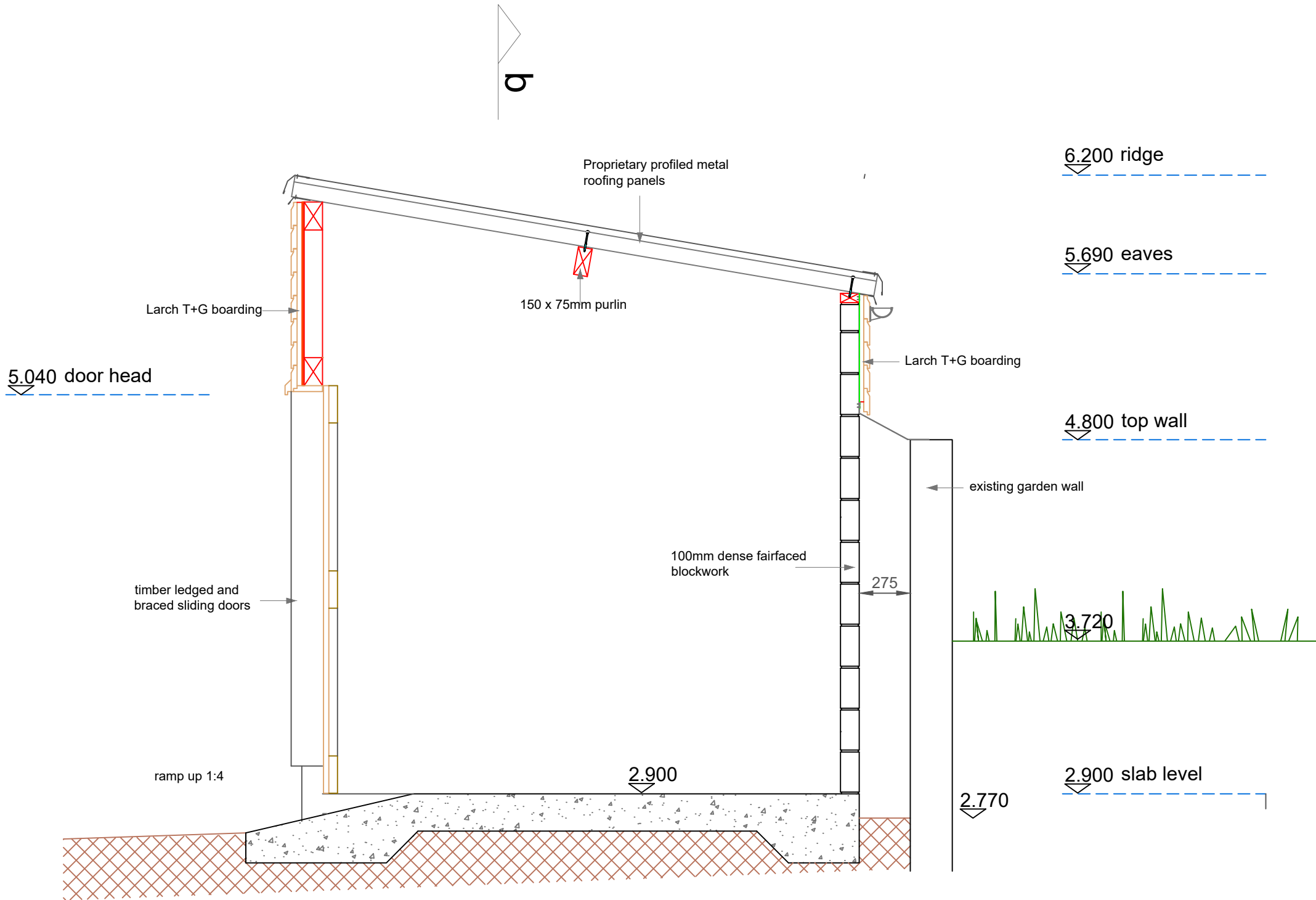
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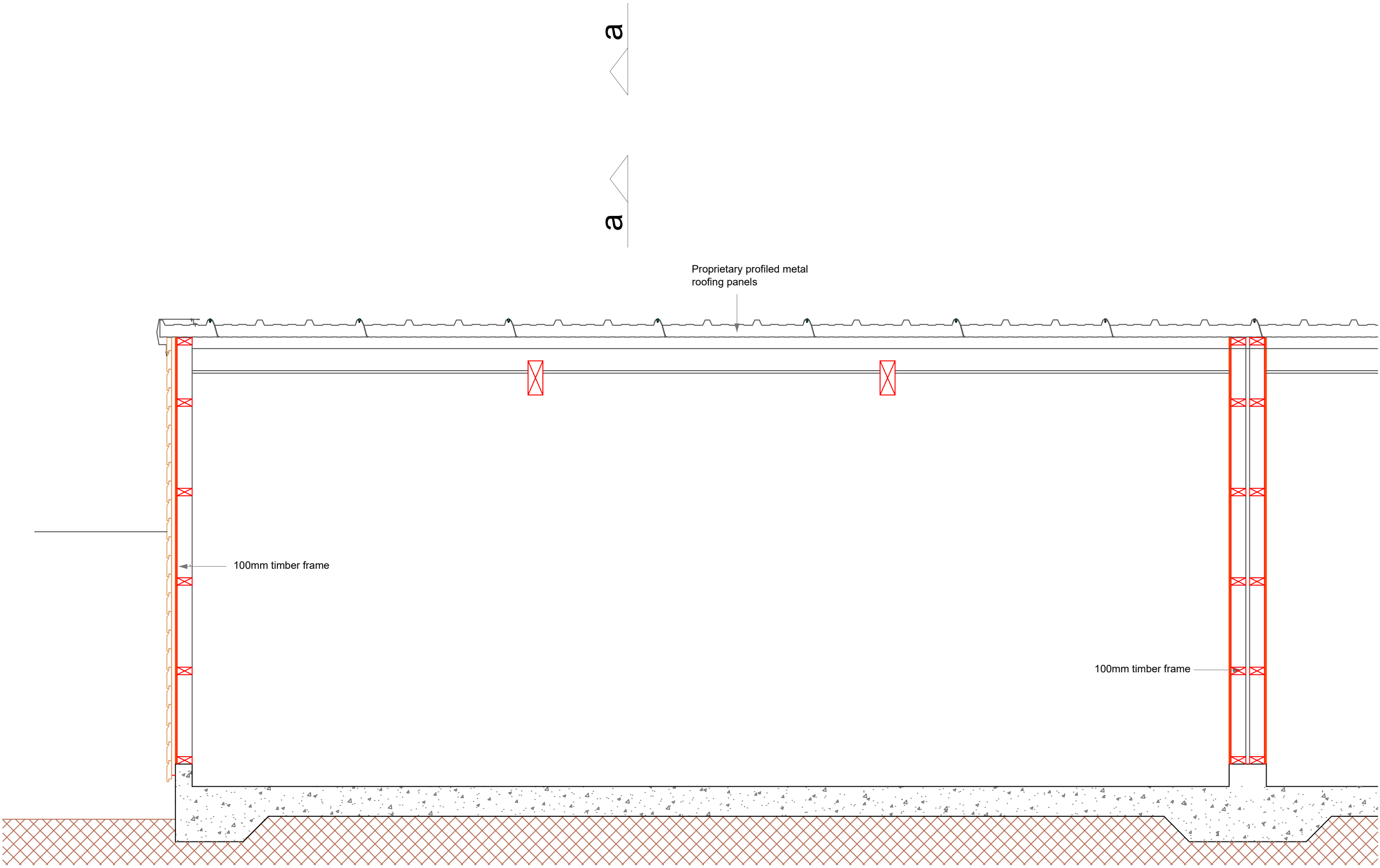
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section a-a




section b-b

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B	30.05.24	Revised following NT consultation	CM	CM	CM

CLIENT

PROJECT
SANDBANKS FERRY BERTH, POOLE, DORSET

TITLE
SHORESIDE FACILITIES NT STORE - PLAN +SECTIONS



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Architectural Services / Gwasanaethau Pensaerïol

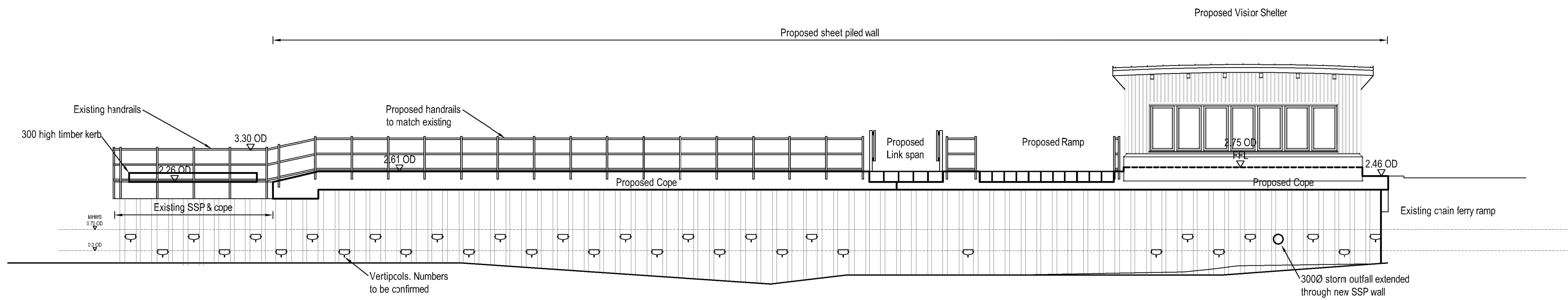
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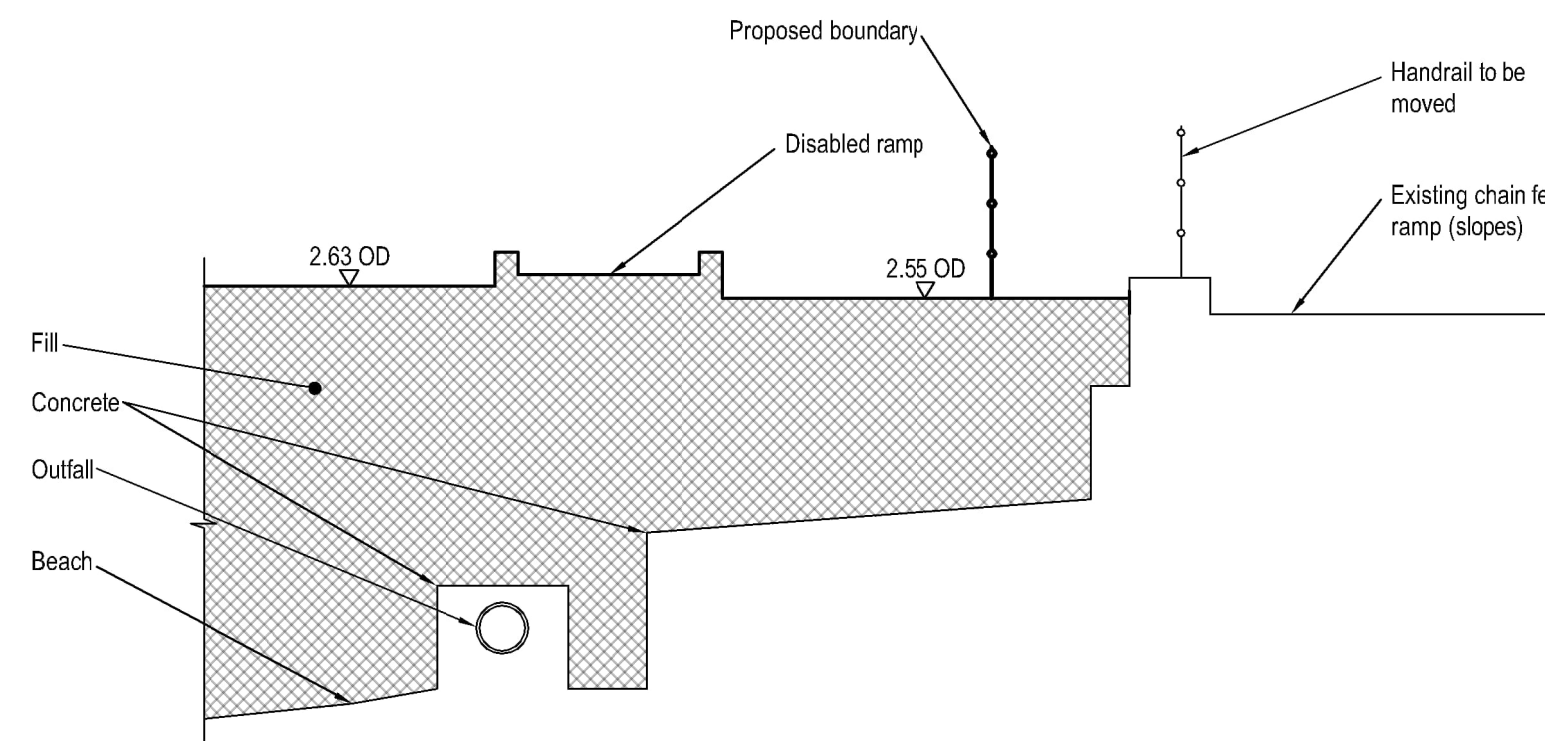


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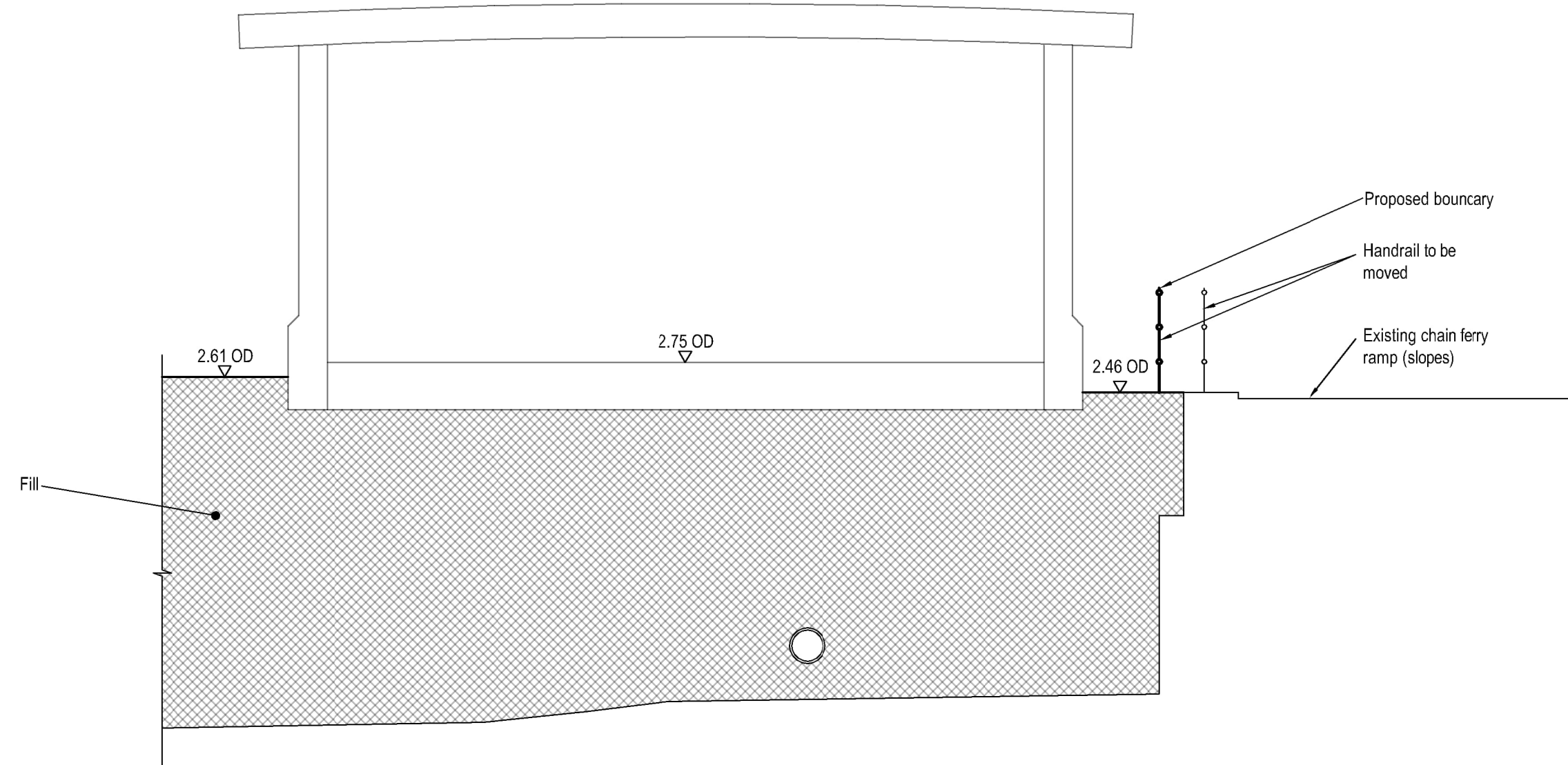
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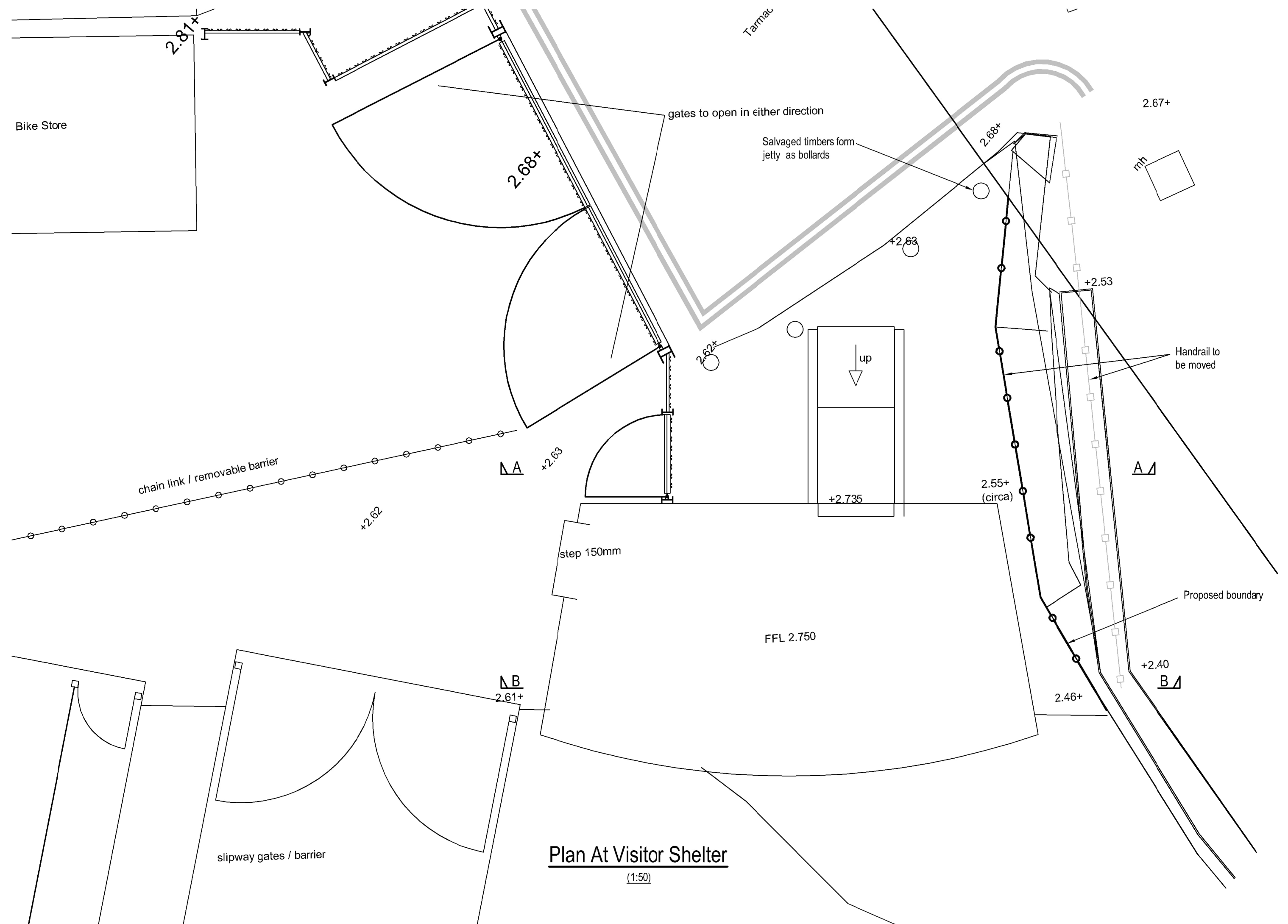
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(1:100)



Section A-A  
(1:50)



Section B-B  
(1:50)



Plan At Visitor Shelter  
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REV	DATE	BY	DESCRIPTION	CHK	APP

DRAWING STATUS:	S0 - WORK IN PROGRESS
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ARCHITECT:



PROJECT:

SANDBANKS FERRY BERTH

TITLE:

PROPOSED ELEVATION

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1:100, 1:50

CHECKED:

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APPROVED:

BAH

PROJECT No:

70104733

DESIGNED:

JEN

DATE:

April 24

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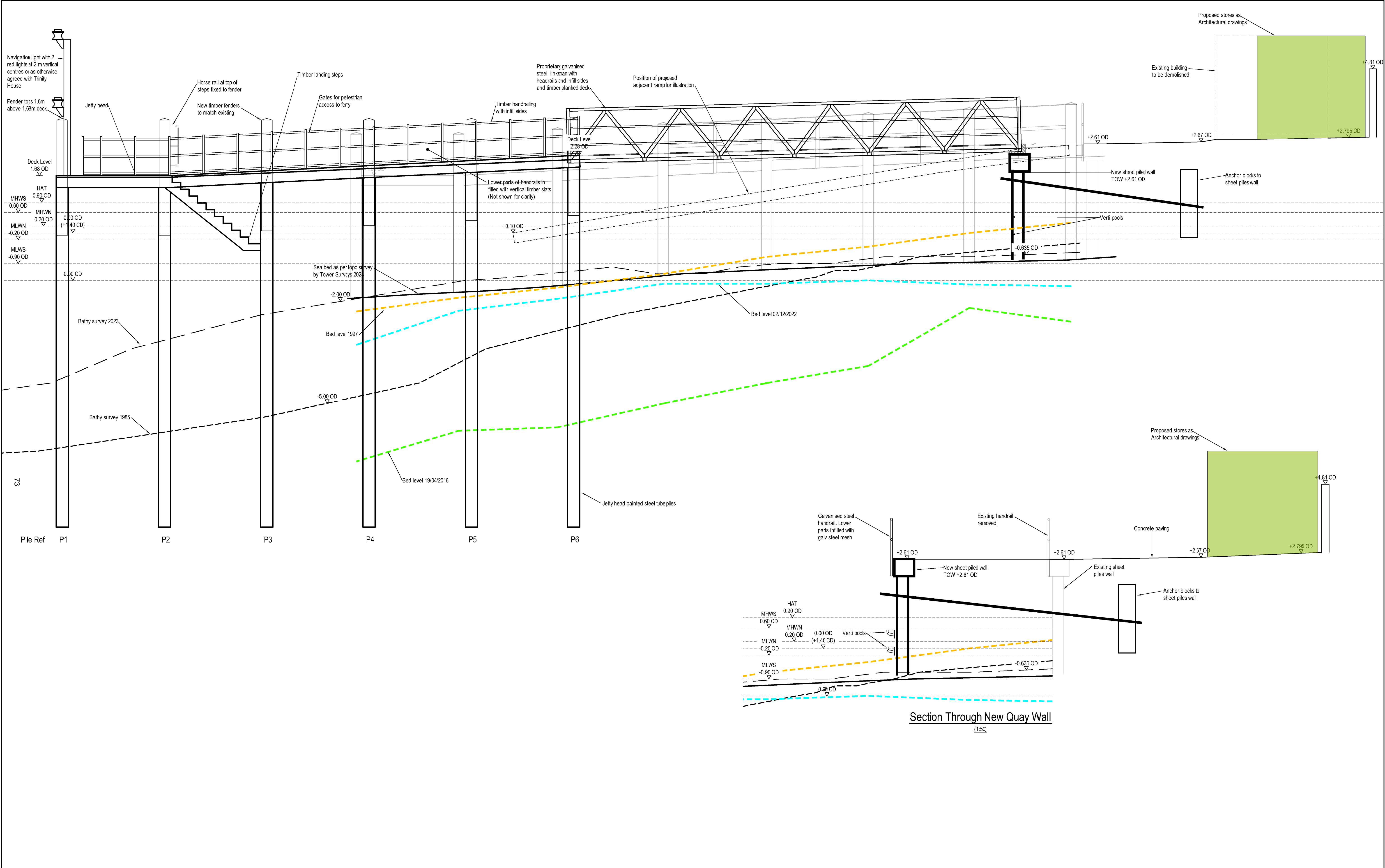
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REV:

P03

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P08	21/05/2024	JEN	UPDATED DRAWINGS SET	JG	BAH
P05	29/04/2024	JEN	TIMBER FENDERS EXTENDED	BAH	BAH
P04	17/04/2024	JEN	SLOPE START MOVED FROM PILE 4 TO PILE 2	BAH	BAH
P03	07/02/2024	JEN	UPDATED	BAH	BAH
REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: S0 - WORK IN PROGRESS					




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wsp.com

CLIENT:

NATIONAL TRUST

ARCHITECT:

Clive Moore

PROJECT:

SANDBANKS FERRY BERTH

TITLE:

PROPOSED ELEVATION ON JETTY

SCALE @ A1:

1:50

PROJECT No:

70104733

DRAWING No:

4733-WSP-XX-XX-DR-S-0321

CHECKED:

HW

DESIGNED:

JEN

DATE:

July 23

APPROVED:

BAH

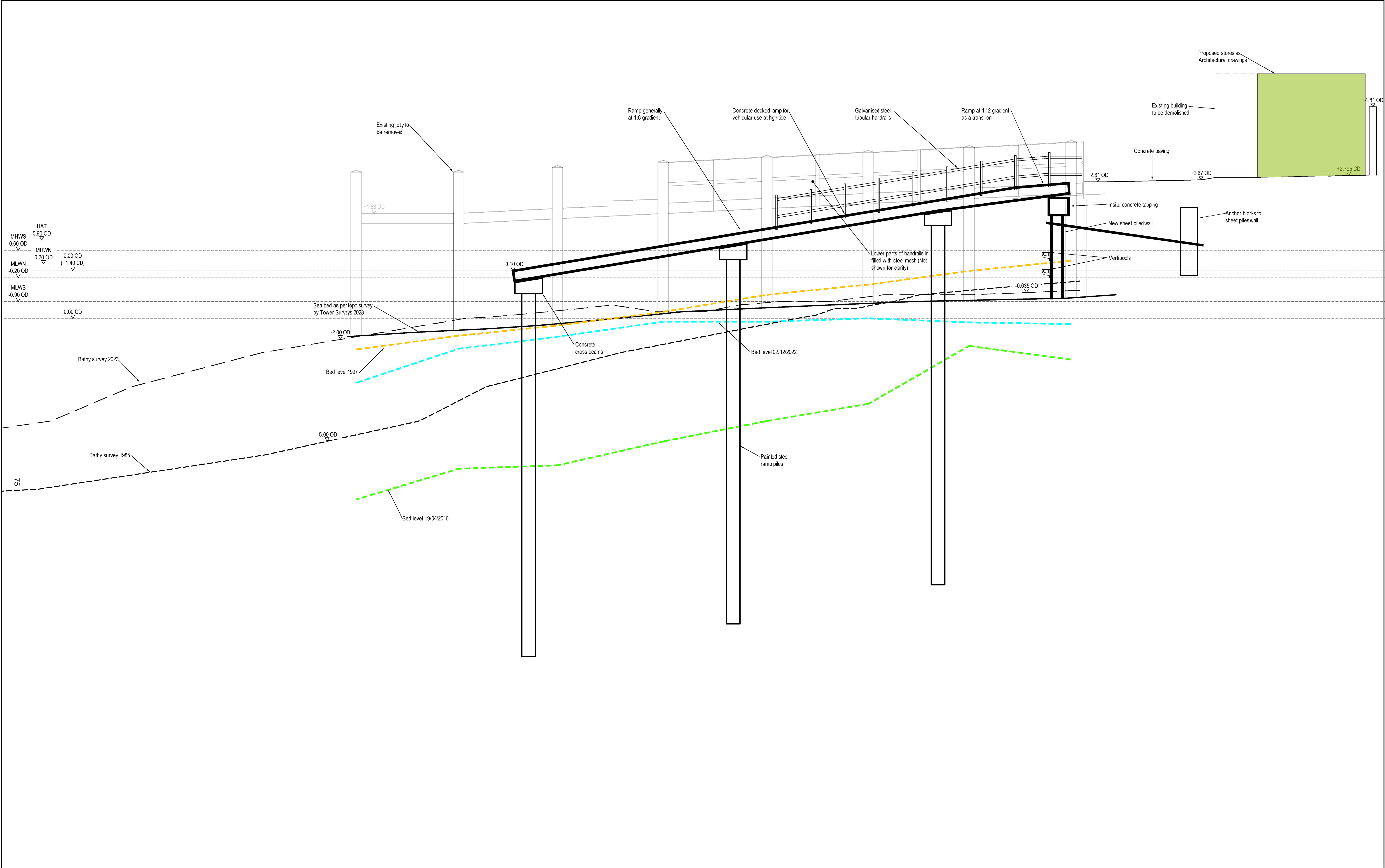
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DATE 05.12.24	SCALE 1:100	REF.	
DRAWING No.  2301.20.0		No 02	REVISION B



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P02	05/02/2024	JEN	UPDATED	BAH	BAH
P01	28/06/2023	JEN	PRELIMINARY ISSUE	BAH	BAH
REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS:					
S0 - WORK IN PROGRESS					



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CLIENT:



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ARCHITECT:



PROJECT:

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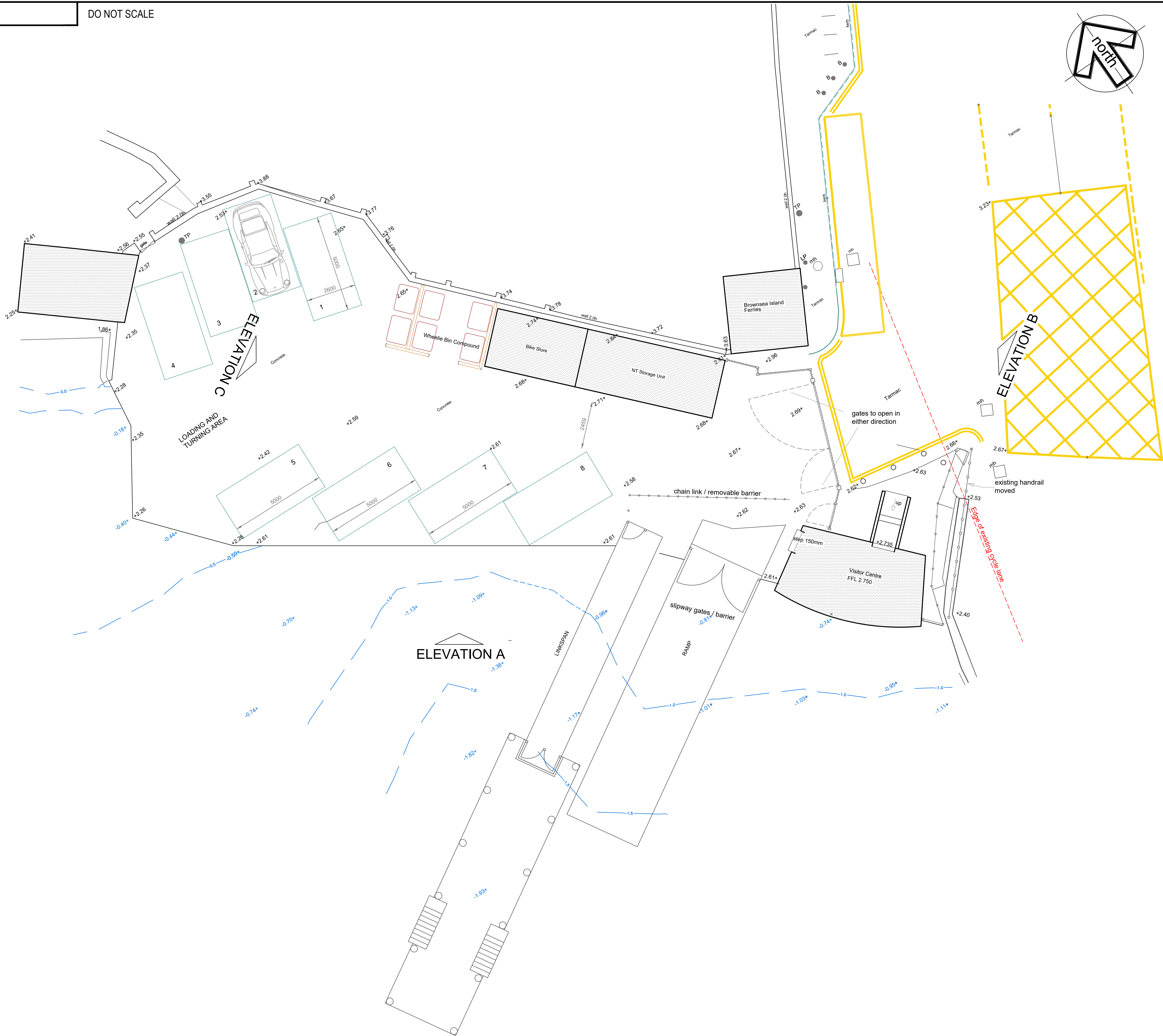
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RAMP ELEVATION

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PROJECT No: 70104733	DESIGNED: JEN	DATE: July 23
DRAWING No: 4733-WSP-XX-XX-DR-S-0333		REV: P05
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DO NOT SCALE



- NOTES
1. ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
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REVISIONS					
REV	DATE	DESCRIPTION	BY	CHK	APP
A	27.09.24	Gate details revised	cm	cm	cm
B	05.12.24	Location of Bike and NT Store mirrored	cm	cm	cm

CLIENT

PROJECT  
SANDBANKS FERRY BERTH,  
POOLE, DORSET

TITLE  
SHORESIDE FACILITIES  
PROPOSED LAYOUT



Clive Moore  
Architectural Services / Gwasanaethau Pensaeriol

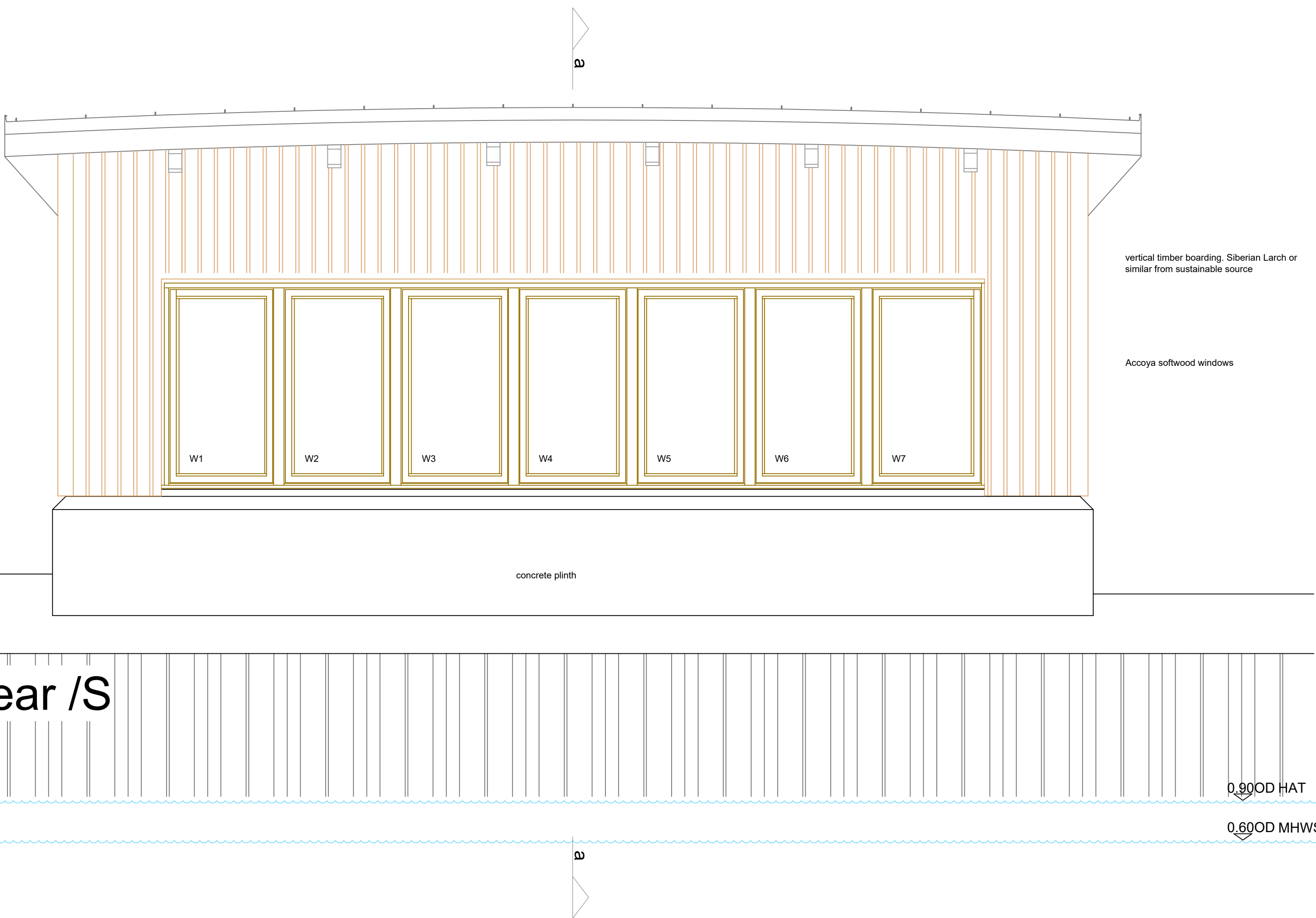
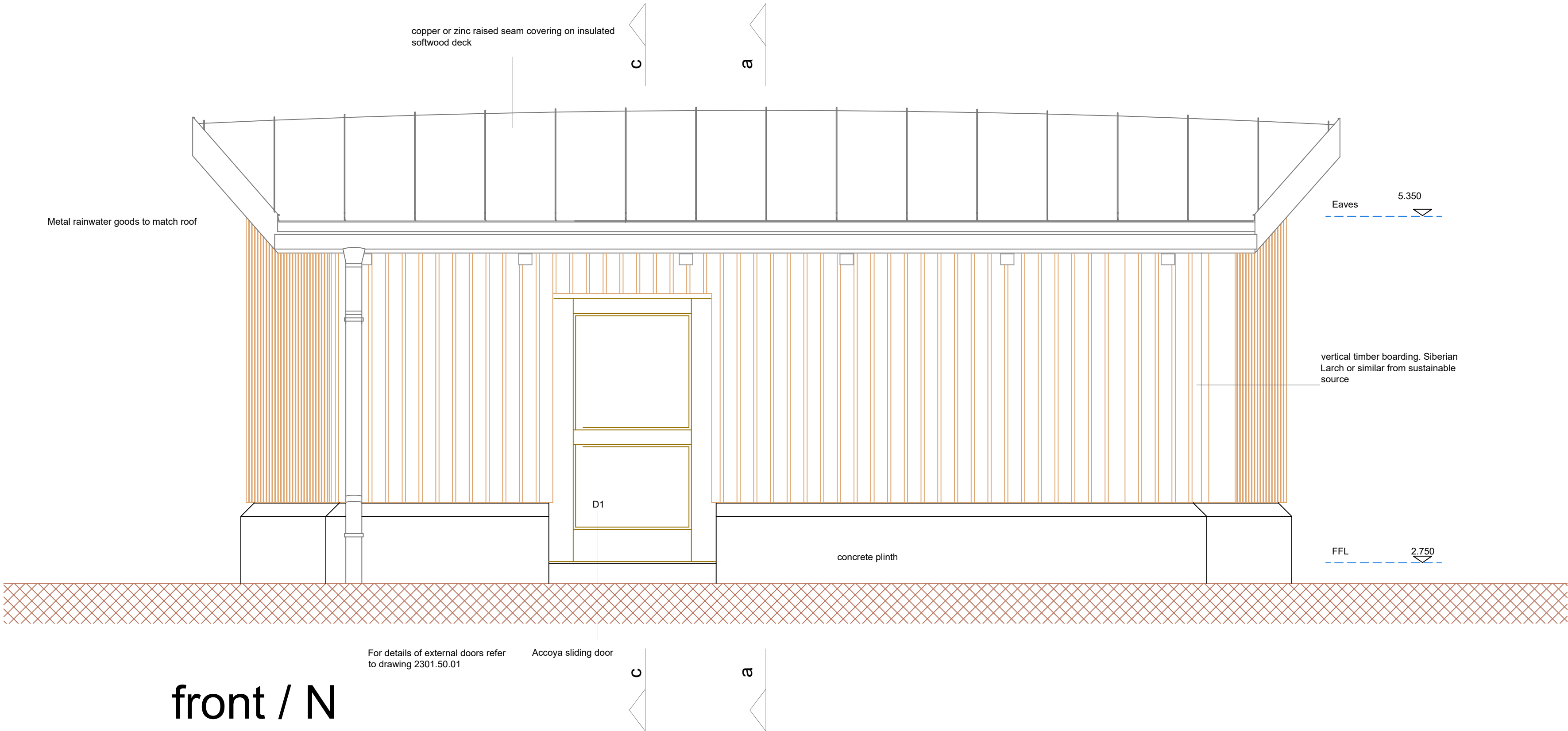
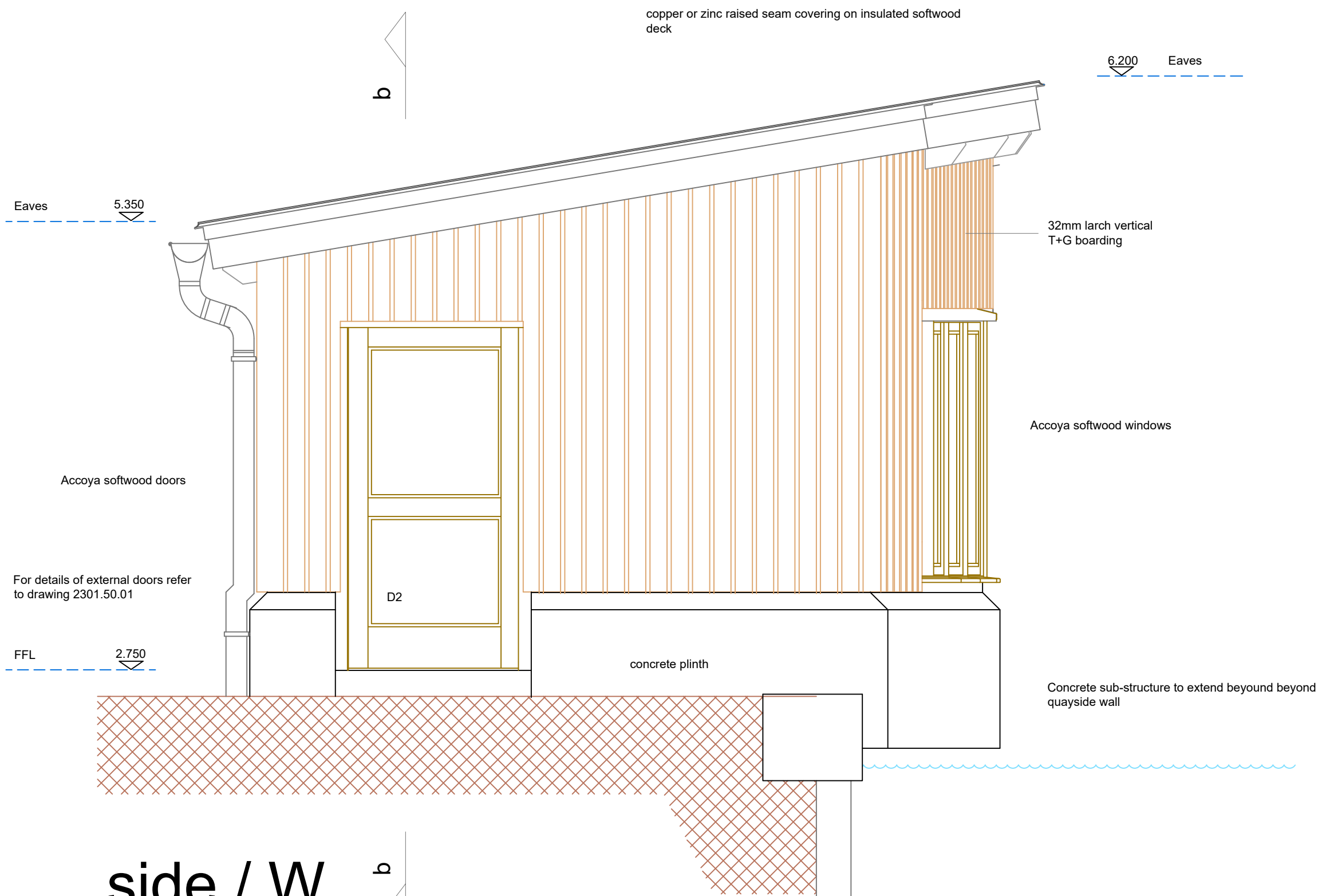
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Email: clivemoore@macrate.me

TENDER ISSUE					
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DATE		SCALE		REF.	
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2301.20.0				01	B

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NOTES

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REVISIONS					
REV	DATE	DESCRIPTION	BY	CHK	APP
B	26.05.24	Revised following consultation with NT	cm	cm	cm
C	27.08.24	Tide level corrected	cm	cm	cm


CLIENT

PROJECT

SANDBANKS FERRY BERTH,  
POOLE, DORSET

TITLE

SHORESIDE FACILITIES  
VISITOR SHELTER  
ELEVATIONS



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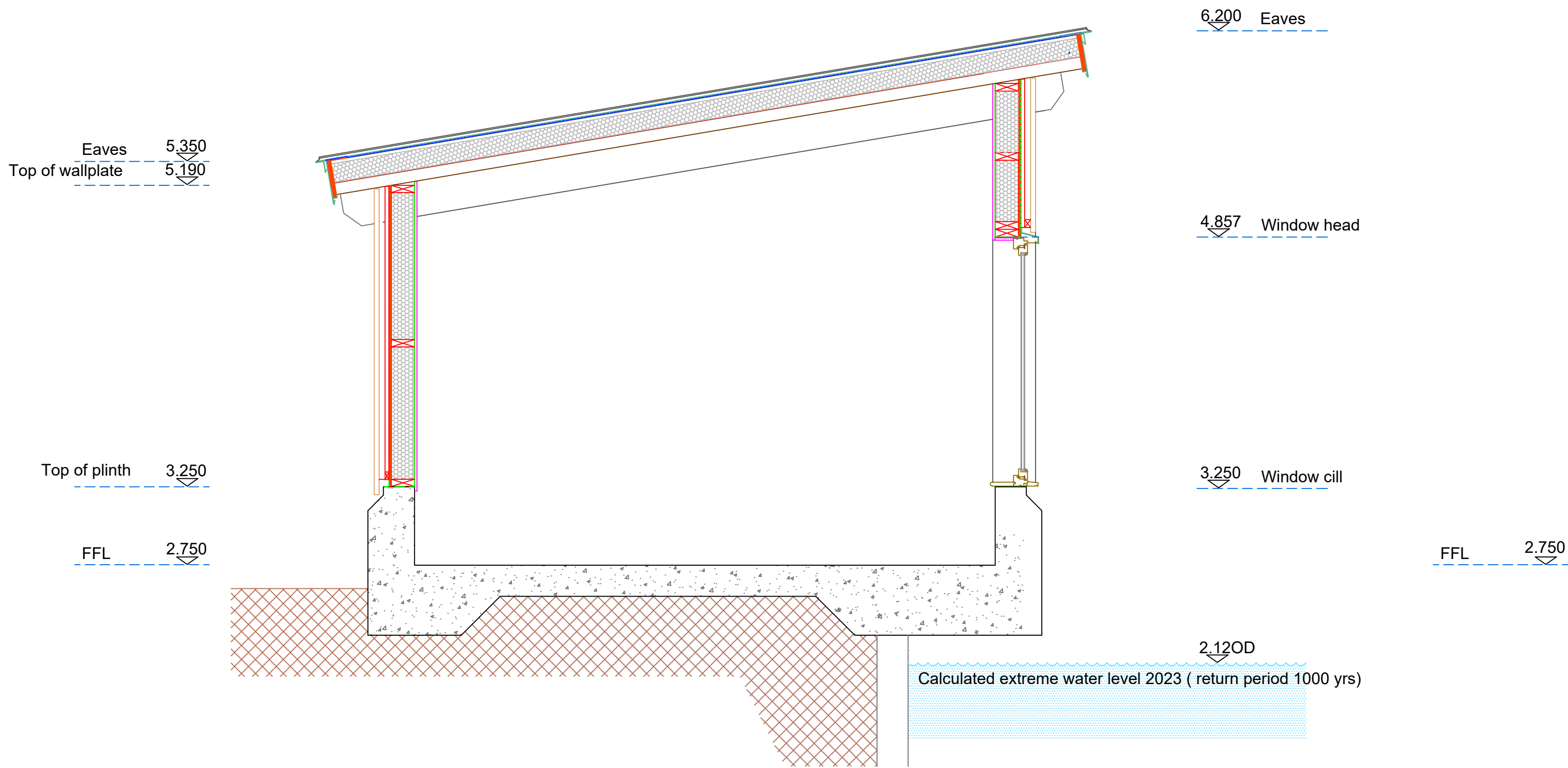
PLANNING ISSUE

DRAWN cm	CHECKED	APPROVED
DATE 27.08.24	SCALE 1:25	REF.
DRAWING Ref. 2301.20	No 05	REVISION C

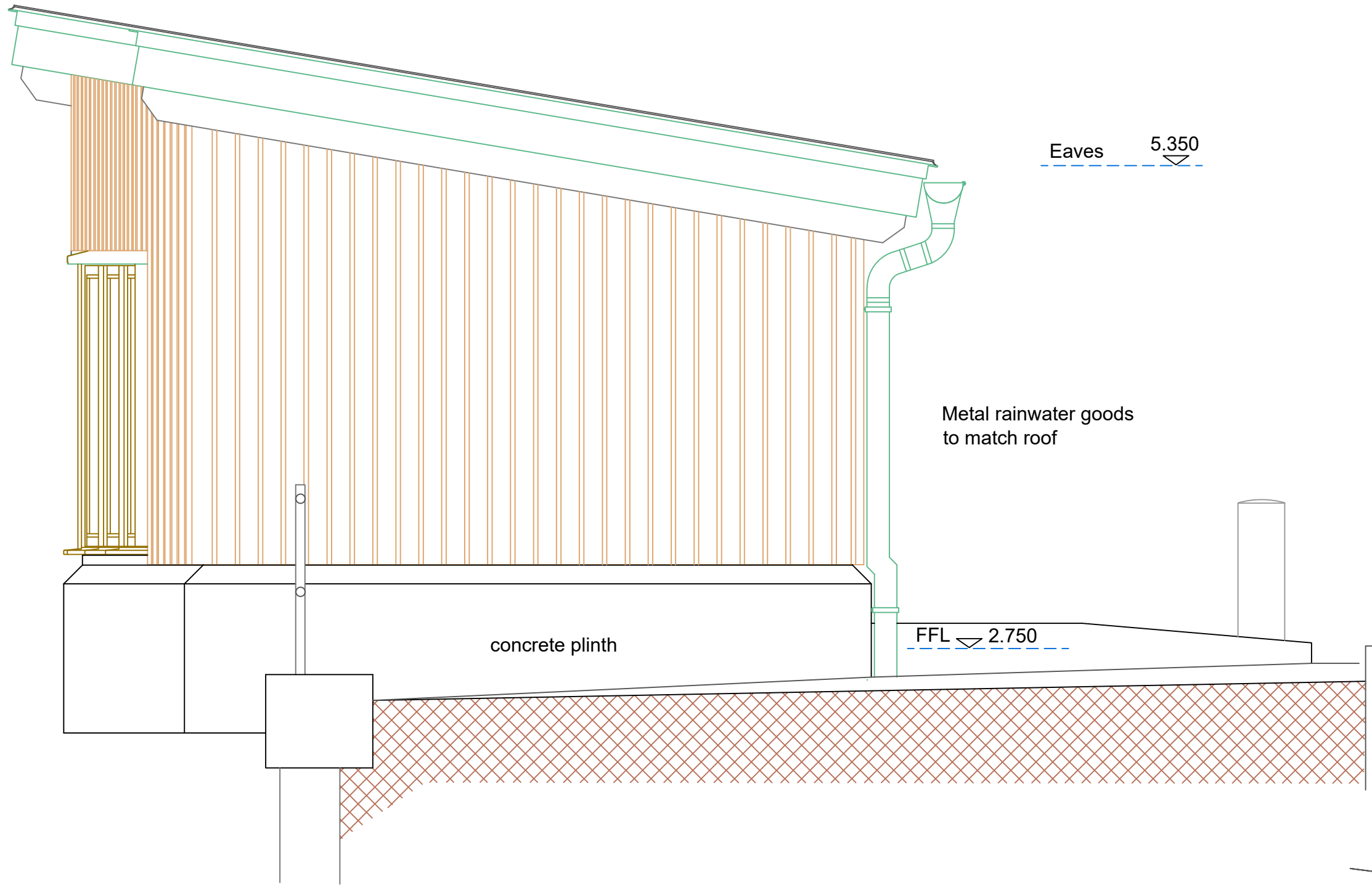


DO NOT SCALE

- NOTES
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  2. ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM (MARKED ±0.00m ODN).

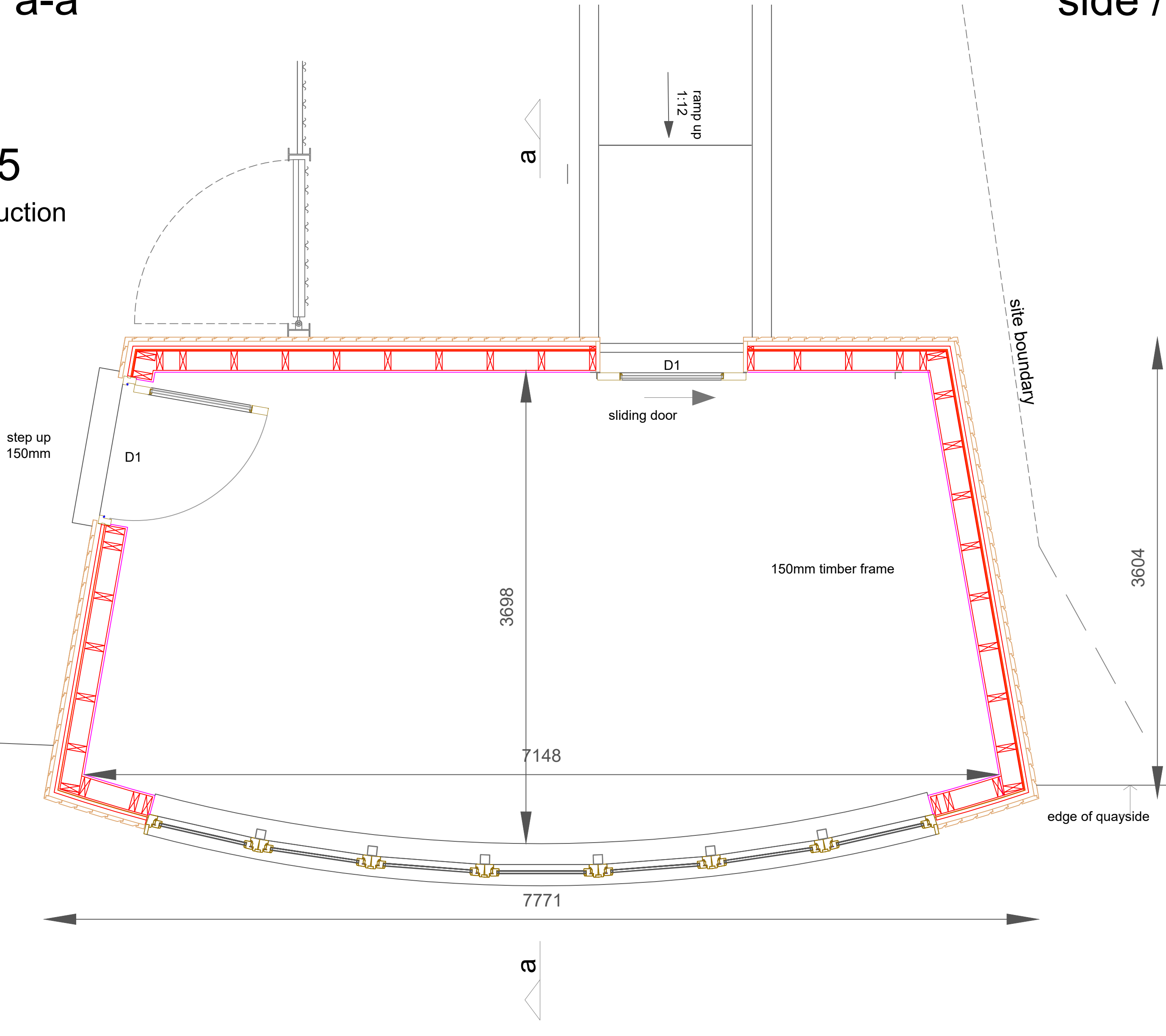


section a-a



side / E

plan /1:25  
general construction




REVISIONS					
REV	DATE	DESCRIPTION	BY	CHK	APP
B	29.05.24	Revised following consultation with NT	cm	cm	cm

CLIENT

PROJECT
SANDBANKS FERRY BERTH, POOLE, DORSET

TITLE
SHORESIDE FACILITIES VISITOR SHELTER PLAN, SECTION, SIDE ELEVATION



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PRELIMINARY					
DRAWN cm	CHECKED	APPROVED			
DATE 29.05.24	SCALE 1:25	REF.			
DRAWING No. 2301.20.04	SUITABILITY	REVISION B			



# Planning Committee

Application Address	33 East Avenue, Bournemouth BH3 7BT
Proposal	Use of swimming pool for private swimming lessons including associated facilities (Existing unauthorised use) and also used ancillary to the residential use of the property
Application Number	P-5513-200125
Applicant	Mr and Mrs Sale
Agent	Spruce Town Planning Ltd
Ward and Ward Member(s)	Talbot & Branksome Woods Ward <ul style="list-style-type: none"> <li>• Councillor Philip Broadhead</li> <li>• Councillor Matthew Gillett</li> <li>• Councillor Karen Rampton</li> </ul>
Report Status	Public
Meeting Date	30 <sup>th</sup> June 2025
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	20 representations received in objection during the publicity period
Case Officer	Eden Evans
Is the proposal EIA Development?	No

## Description of Proposal

1. This retrospective application proposes the use of an existing indoor swimming pool for private swimming lessons as well as the existing ancillary use to the residential property. No physical alterations to the building are proposed.

## Description of Site and Surroundings

2. East Avenue is a wide street with a sylvan character in the ward of Talbot & Branksome Woods. It is located close to the western edge of Bournemouth, to the north of Meyrick Park. East Avenue is characterised by large dwellings set on sizeable plots. From the site visit conducted and internet searches, the area is predominantly residential in character, with few examples of commercial operations.

3. No. 33 East Avenue is a corner plot located on the junction of East Avenue and Elgin Road. Immediately to the south of the site is the railway line. The applicant property is a sizeable two storey dwelling with an attached garage to the west and a side extension to the east which houses an indoor swimming pool. The property benefits from a large rear garden and large front driveway. There are two access points to the site, a vehicular access point fronting north onto East Avenue and a separate pedestrian access gate fronting east onto Elgin Road.

### **Relevant Planning History:**

4. Permission was granted in 1988 for an extension with an indoor swimming pool at the property. Following this the planning history mostly relates to tree work.

7-1988-5513-D Alterations & 1/2 storey extension to dwellinghouse. Granted April 1989.

7-2018-5513-I Alterations, single storey extension to dwellinghouse, formation of roof lights and dormer window, alterations to elevations of garage, erection of porch and boundary fencing, piers and gates - Part existing unauthorised works. Granted February 2019.

### **Constraints**

5. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.
6. Relevant site constraints:
  - Meyrick Park/Talbot Woods Conservation Area – Positive Contributor
  - Area TPOs
  - Parking Zone D
  - Flood zone 1

### **Public Sector Equalities Duty**

7. 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**

8. 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.
9. 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**

10. Dorset Wildlife Trust – no response  
Network Rail – no comment  
Environmental Health – condition recommended regarding noise  
Waste & Recycling – no comment  
Heritage – no comment  
Local Highway Authority – objection overcome subject to conditions

## **Representations**

11. Site notices were erected in the vicinity of the site on 24/03/2025 with an expiry date of 14/04/2025. A press advert was also issued. 118 representations have been received, 21 in objection and 97 in support.
12. Of the objections received, 20 were received within the site notice public consultation period and accordingly count towards the scheme of delegation requirements for committee decisions.
13. Issues raised in objection comprise the following:-
  - Out of keeping with a residential area
  - Issues with parking
  - Litter from swimming pool users
  - Adverse impact on highway safety
  - Increase in traffic and air pollution
  - Setting a precedent for future businesses
  - Increased noise
  - No benefit to the community
  - Adverse impact on the Conservation Area
  - Impact on the nature reserve and the environment
14. Issues raised in support comprise the following: -
  - Benefit of the facility as a smaller pool with smaller classes
  - Benefit of the facility for nervous children
  - Benefit of the facility for neurodiverse children and children with SEN
  - Safe and accessible space
  - The school is well run and sends reminders to parents about parking rules and respectful behaviour
  - School being blamed for parking issues that are not related
  - There are no parking restrictions on the street
  - School is a local independent business
  - School is an asset for the community
  - Swimming is an important life skill, particularly in a coastal town

## **Key Issue(s)**

15. The key issue(s) involved with this proposal are:
  - Principle of change of use
  - Impact on character and appearance of the area
  - Impact on neighbouring residential amenity
  - Highways and parking
  - Biodiversity Net Gain

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

### **Policy context**

17. 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.

Local documents:

Core Strategy

CS16: Parking standards

CS18: Encouraging walking and cycling

CS38: Minimising pollution

CS39: Designated heritage assets

CS41: Quality design

District Wide Local Plan

4.4 Development in Conservation Areas

4.9 Parking Guidelines in Conservation Areas

5.2 Small businesses to respect neighbouring residential amenity

5.10 Homeworking

Supplementary Planning Documents:

BCP Parking Standards (2024)

Meyrick Park/Talbot Woods Conservation Area Appraisal (2009)

National Planning Policy Framework ("NPPF" / "Framework")

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

"Plans and decisions should apply a presumption in favour of sustainable development.

.....

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

### **Planning Assessment**

Principle of change of use

18. Policy 5.2 states that '*The Local Planning Authority will grant planning permission for the development and expansion of small business premises throughout the plan area where there will be no detriment to the amenity of the area or neighbouring occupiers and where there is no conflict with other policies within the Local Plan*'
19. Policy 5.10 states that '*Planning permission will be granted for business uses from residential properties provided the use does not generate levels of visitors, traffic, noise or fumes that will have an adverse effect on the occupiers of adjacent and nearby residential properties.*'

- 20.. It is noted that many representations received raise an in-principle objection to a commercial premises in a residential area. However, Local Plan policy does not hold that the location is unacceptable in principle by virtue of its residential setting. The application site is located within the plan area of Bournemouth, and in accordance with Policy 5.2 and 5.10, is not sited in an unacceptable area in principle.
21. In accordance with the above policies, the acceptability of the change of use depends on whether the proposal is harmful in relation to other issues including the amenity of the area and neighbouring residents. These impacts and other relevant impacts will be discussed throughout this report.

#### Impact on character and appearance of the area

22. Policy CS41 requires that development respects site and setting. The proposal does not involve physical changes to the built form.
23. The scale of the proposal and resultant change of use is small and whilst an increase in comings and goings may have some small impact on the character of the area, the quantum associated with the development is not considered sufficient to amount to material harm to the character and appearance of the area.
24. Policies CS39 and 4.4 aim to prevent harmful development in Conservation Areas. It is noted that No.33 East Avenue is identified as a positive contributor to the Meyrick Park/Talbot Woods Conservation Area. Similarly, with the small-scale nature of the proposed commercial use, the quantum of comings and goings associated is not considered to be materially harmful to the character of the Conservation Area or impact on the positive contribution made by the dwelling. Accordingly, the proposal is not considered to be contrary to the aims of Policies CS39 or 4.4.
25. Overall, the proposed change of use is not considered to be materially harmful to the character and appearance of the area or the designated heritage asset and is accordingly considered compliant with the aims of Policies CS39, CS41 and 4.4 in this regard.

#### Impact on neighbouring residential amenity

26. Policies 5.2, 5.10 and CS41 require that development respects neighbouring residential amenity. Policy CS38 requires that development minimises potential noise and other pollution. A number of representations received in objection raised the issue of noise and disturbance. It is noted that issues of parking and traffic have also been raised in relation to neighbour impacts however this will be discussed in the following section.
27. It is considered that there will be a degree of noise generated by users arriving and leaving the premises. A condition is recommended to limit the class sizes held by the swimming pool to 6 learners in attendance. At these numbers, noise from comings and goings is not considered to be unduly harmful during the day when background noise is higher. It is however considered that there may be the potential for harmful impacts at night. Similarly, background noise levels are likely to be lower at the weekend. It is therefore considered necessary to apply a planning condition to restrict the hours of operation. A condition is also recommended to restrict the permitted use to the specific use applied for. Subject to these conditions it is not considered that noise levels generated by users arriving and leaving the premises would be materially harmful to neighbouring residential amenity.
28. Furthermore, Environmental Health detailed that, during the course of the application timeline, a noise complaint has been received in relation to the operation of the swimming pool. The EHO commented that it is unlikely noise from children swimming would amount to a statutory nuisance, however it could potentially detriment amenity as a new noise source that has been introduced to the area from a commercial activity. Therefore, to minimise noise breakout, the Environmental Health Officer suggests a condition is imposed to ensure the windows/external doors are kept closed when the pool is being used for commercial activities. This condition has been added.
29. It is also noted by the case officer that a site visit was conducted whilst a swimming lesson was taking place. At this time, there was no audible noise from the swimming pool building once outside.



30. Overall, subject to the conditions detailed above, it is considered that the proposal would have an acceptable impact on neighbouring residential amenity, complaint with Policies 5.2, 5.10, CS38 and CS41 in this regard.

#### Impact on highway safety and parking

31. Many of the objections received raised issues relating to parking, traffic and highway safety in relation to comings and goings associated with the commercial use of the swimming pool. Paragraph 116 of the NPPF (2024) states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*
32. The Local Highway Authority were consulted and requested further information on the commercial use. Further information was subsequently submitted including a timetable that lists the number of swimmers and number of siblings that attend the lessons, as well as a travel plan.
33. The data shows a cluster between 09:00am and 11am Monday, Wednesday and Friday and a second cluster between 3:15pm and 6.45pm on a Monday, Wednesday and Thursday. On a Saturday lessons run between 08:30am and 11.30am. In total, over a week there are 46 lessons. Currently there is on average 4 children per session (rounded up). The number of children attending per week is 172. It is useful to see the number of siblings that attend lessons and therefore shared trips will occur. Out of the current timetable, 22 participants are siblings. It is considered reasonable to assume that a proportion of future swimmers will also have siblings.
34. The submitted travel plan states that the applicant encourages walking and cycling and 5 children currently walk to the site. It is recommended that the applicant/swim instructors continue to liaise with clients to promote active travel. A condition is recommended by the Local Highway Authority to ensure compliance with this travel plan.
35. The submitted travel plan states that driveway parking is provided for the swimming instructors and that there will be two available spaces on the driveway for clients. An updated site plan has been submitted that shows the available parking spaces. Vehicles are able to enter and exit the site in a forward gear. No objections are raised by the LHA to the site plan. The LHA recommends a condition is included to ensure that the identified parking spaces shall be kept available for swim instructors. Subject to conditions, the Local Highway Authority raise no objection to the proposal, given the on-site parking, encouragement of active travel and parking capacity on Elgin Road.
36. The LHA also note that letters of representation have been reviewed which highlight inconsiderate parking on Elgin Road and have stated that a lot of the issues raised relate to parking enforcement matters.
37. Overall, it is considered that the proposal would not result in an unacceptable impact on highway safety, or severe cumulative impacts on the road network. Accordingly, the proposal would not meet the NPPF (2024) threshold in paragraph 116 for a refusal on highway grounds. Subject to conditions, the impact on highways and parking is considered to be acceptable.

#### Biodiversity net gain exempt

38. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
39. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
40. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it is de minimis.

## **Conclusion**

41. The proposed development is considered not to have a harmful impact on the residents of neighbouring properties or highway safety, subject to planning conditions. It is considered that there is no harmful impact on character and appearance of the area or designated heritage assets.

## **Recommendation**

**GRANT subject to the following conditions .**

### **1. Decision Notice - GRANT**

The development hereby permitted shall be retained in accordance with the following approved plans:

Location plan; dwg no. PP-13690912v

Location and site plan; dwg no. TQRQM25013144655740

Site layout plan; dwg no. PS 1881 as amended and submitted 30/4/2025

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

### **2. Use for mixed ancillary residential and swimming lessons only**

The area identified in grey on the floor plans, dwg no PS 1881 as amended and submitted 30/4/2025, shall be used for mixed ancillary residential and swimming lessons only and for no other purposes including any other purposes under use F2.

Reason: To enable the Local Planning Authority to maintain proper control of the premises in accordance with Policies CS38 and CS41 Bournemouth Local Plan: Core Strategy (2012.) and 5.2 and 5.10 of the District Wide Local Plan (2002.)

### **3. Hours of Operation**

The development shall only be used for swimming lessons between 9:00am and 7:00pm Monday-Fridays and between 9:00am and 12:00pm on Saturdays and Sundays.

Reason: To preserve the residential amenities of nearby residential properties.

### **4. Windows/external doors to remain closed**

All windows/external doors to the attached swimming pool building are kept closed when the pool is being used for commercial activities.

Reason: To preserve the residential amenities of nearby residential properties.

### **5. Swim instructors parking to be provided**

Swim instructors parking shall be provided as shown on drawing number 'PS 1881 as amended and submitted 30/4/2025' unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure there is sufficient instructors parking on site.

### **6. Maximum of 6 learners per session**

The private pool hereby granted permission shall have a maximum of 6 learners per session.

Reason: In order to control the maximum amount of clients travelling to the site and to preserve the residential amenities of nearby residential properties.

## **7. Compliance with Active Travel Plan submitted**

The submitted Active Travel Plan dated June 2025, that includes promoting clients to use active travel and reducing the number of vehicles that travel to the site, must be implemented in full following the grant of this application and operational thereafter.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

## **Informatives**

### **BNG Not Required**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission does not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed is relevant".

### **Statement Required by the NPPF**

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

The application was acceptable as submitted and no further assistance was required.

### **Background Documents:**

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included

Case Officer Report Completed

Officer: EDE

Date: 19.06.2025

Agreed by: Katie Herrington

Date:20/06/2025

Comment:

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## Location Plan

Site Address: 33, East Avenue, Bournemouth, BH3 7BT

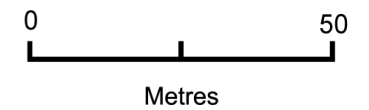
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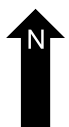
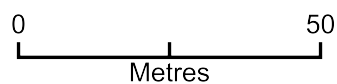


Planning Portal Reference: PP-13690912v1



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## Location Plan and Site Plan



Plan Produced for: 33 East Avenue, Bournemouth

Date Produced: 13 Jan 2025

Plan Reference Number: TQRQM25013144655740

Scale: 1:1250 @ A4



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REVISIONS:-



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