

## Planning Committee



Application Address	30-34 Panorama Road, Poole, BH13 7RD
Proposal	Demolition of existing buildings and erection of 4 storey block comprising - Basement - parking, cycle and bin stores to serve residential development - Ground floor - boat yard cafe/restaurant and office (as part of the Sandbanks Yacht Company composite boat yard use) and estate agents office - First, 2nd and 3rd floors - 15 residential apartments (12 x 2 bed and 3 x 1 bed)
Application Number	APP/19/00818/P
Applicant	Phoenix Spencer (Sandbanks) Ltd
Agent	Ken Parke Planning Consultants
Date Application Valid	19 May, 2020
Decision Due Time	18 August, 2020
Extension of Time date (if applicable)	
Ward	Canford Cliffs
Recommendation	<b>Grant permission</b> , subject to having secured the necessary contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM and subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision
Reason for Referral to Planning Committee	This application is brought before committee because of the number of representations received and at the request of Councillor Iyengar because of concerns about the accuracy of the application site boundary plan; the permanent reduction in boat storage capacity; the lack of safe pedestrian access to the boatyard; and the impact of noise and disturbance from an expanded restaurant.
Case officer	Claire Moir

### Description of Development

1. Planning consent is sought for Demolition of existing buildings and erection of a 4 storey block comprising the following:

- Basement: parking, cycle and bin stores to serve residential development
- Ground floor: boat yard cafe/restaurant and office (as part of the Sandbanks Yacht Company composite boat yard use) and estate agents office

- First, 2nd and 3rd floors: 15 residential apartments (12 x 1-bed and 3 x 2-bed).

## **Key Issues**

2. The main considerations involved with this application are:

- The principle of flatted development in this location
- The principle of non-residential uses in this location
- The impact on the character and appearance of the area
- The impact on neighbouring amenities
- The impact on highway safety
- The impact on the retained boatyard facility
- Provision for affordable housing
- Flood Risk
- Section 106 agreement/ CIL compliance/SAMM

## **Planning Policies**

### **3. Supplementary Planning Document**

SPD1	Parking & Highway Layout in Development
SPD2	Heritage Assets
SPD3	Dorset Heathlands Planning Framework (2015-2020)
SPD4	Affordable Housing SPD (Adopted November 2011)

### **4. Poole Local Plan (Adopted 2018)**

PP01	Presumption in favour of sustainable development
PP02	Amount and broad location of development
PP11	Affordable housing
PP22	Retail and main town centre uses
PP24	Green infrastructure
PP26	Sports, recreation and community facilities
PP27	Design
PP28	Flats and plot severance
PP30	Heritage Assets
PP31	Poole's coast and countryside
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
PP40	Viability

5. National Planning Policy Framework (February 2019)

## **Relevant Planning Applications and Appeals:**

### 36-38 Panorama Road

6. **2016:** Demolition of the existing buildings and the erection of a 4-storey replacement mixed use building with 2 commercial units on the ground floor; 12 flats above and associated basement parking, cycle and bin stores (outline). **Refused and Dismissed** at appeal (APP/15/01233/P).

7. The Inspector concluded that the proposed restaurant use at ground floor would not meet the requirements of Policy DM3 as it would be 250 sq.m. and was therefore a town centre use. No sequential test was provided to support the proposals and the Inspector concluded that a restaurant in this locality could attract patrons from further afield and would therefore have an impact on Town Centre. Furthermore, he disagreed with the appellant's argument regarding location stating that the small group of shops containing the new Rick Stein restaurant were not considered a Local Centre and were in any event removed from the site.

8. The Inspector also concluded that although parking would not impact on character, the shortfall in spaces would be detrimental to Highway safety.

9. **2016:** Demolition of the existing buildings and the erection of a 4 storey replacement mixed use building with a replacement car showroom on the ground floor with 12 flats above with associated basement parking, cycle and bin stores (revised Outline scheme). **Approved** (APP/16/00512/P)

10. **2019:** Reserved matters application following approval of Outline application ref: APP/16/00512/P to erect 4-storey mixed used building, car showroom on the ground floor with 12 flats above. Landscaping (ref: APP/19/00755/R) was **Approved**.

### 17-19 and 30-32 Panorama Road

11. **2010:** Demolish 3 existing houses and replace with 9 houses and boatyard with associated workshop, restaurant, chandlery and underground car park. **Approved** (APP/09/00946)

12. **2019:** Non Material Amendment following approval of original application APP/09/00946/F & subsequent applications APP/12/00754/F, APP/13/00047/F & APP/13/00609/F to change plan references (APP/19/01291/F was **Approved**.

### 30-38 Panorama Road

13. **2017:** Demolition of the existing buildings and the erection of a 5-storey replacement mixed use building (Commercial/Restaurant on the ground floor with 31 residential flats above) with associated access, cycle and bin stores (Outline). **Refused** (APP/16/01679/P) for the following reasons:

14. **2018:** Outline application for the demolition of the existing buildings and the erection of a mixed use building with two commercial units, a new marina office & chandlery and a replacement restaurant for The Sandbanks Yacht Co. Club on the ground floor with 31 residential flats above with associated access, cycle and bin stores. (Revised Scheme which now includes the buildings, slipways, boat

park/storage etc. in association with Sandbanks Yacht Co. Club). **Refused**  
(APP/18/00506/P)

### **Pre -application Enquiry**

15. PREA/19/00018 for demolition of existing and erection of 4 storey block comprising commercial/restaurant use at ground floor and 15 residential flats, access and basement parking was submitted. Comments were generally negative with areas which required to be addressed including:

- strong horizontal emphasis, bulky, jarring with existing buildings.
- basement access did not allow vehicles to wait
- reallocating of parking spaces required
- potential issues with narrowing of boatyard access
- parking numbers required to meet SPD
- secure cycle parking required

### **Representations**

16. In addition to letters to neighbouring properties site notices were posted outside the site on 26 May and 3 & 11 July, 2019 following amendments to the scheme.

17. 66 representations have been received, in which the following concerns are raised:

- Inconvenience of piling
- Potential flooding issues of basement
- Additional cars cannot be sustained
- Scale and height are too large
- Entrance to car park is dangerous and inadequate
- Second homes are likely and will not contribute to the economy
- No improvement to street scene
- Size and nature of restaurant is self contained and not acceptable with no restrictions on it
- Extent of building will affect viability of boatyard, including reducing boat storage capacity
- Unsafe one-way access and egress
- No provision for boatyard refuse and nowhere for refuse lorries to stop and private bin collection will not work
- No replacement trees or landscaping
- Reduced access to seaside
- Footprint is bigger
- No set back to frontage
- Restaurant will be a public nuisance
- Flats are excessive in size
- Overlooking
- Traffic is already over capacity
- Increase in pollution, noise, light and traffic

- Set precedent
- Insufficient parking
- Overdevelopment of site/plot
- Insufficient parking
- Excessive density
- Mass out of keeping
- Over tree line
- Design is out of character
- Taxi rank or drop off for restaurant not catered for
- Building over-sails boatyard
- No pedestrian access to boatyard
- Lift is of an insufficient size to cater for refuse bins, disabled or cycles

## **Consultations**

18. BCP Highway Authority - No objection subject to appropriate conditions.

19. FCERM – By 2133 majority of site could be flooded, at 3.26AOD the FRA underestimates extent of predicted site at risk of flooding. The proposed ground floor is 3.4 AOD first floor is 6.665AOD. To take account of freeboard the floor level should be 3.86AOD. However, taking account of existing, and less vulnerable uses at ground floor, do not object.

20. Environmental Services- The proposals are on a former garage site which still houses three underground fuel tanks and therefore there is potential for contamination. This should be addressed by conditions.

21. Waste Authority – Objects because of concerns that the proposed use of private refuse collectors is not sustainable in the long term and because of the possibility that the Council would then become responsible for refuse collection. The proposed basement bin store does not meet the council's requirements, most particularly in respect of ceiling height (which would prevent emergency ejection of refuse from the collection vehicle) and because it is more than 10m from the highway.

22. Natural England – No objection subject to mitigation and biodiversity enhancements

23. Poole Harbour Commissioners – Boatyard should continue to operate

24. Environment Agency – No objection

## **Planning assessment**

### **Site and Surroundings**

25. The application site comprises nos. 30-34 Panorama Road which consists of no.34 which is separated into three uses, two A2 and one D2 at ground floor with flats above; and nos. 30-32 which are currently occupied as a composite use including boat storage; parking; chandlery; restaurant; and workshop forming the Sandbanks

Boatyard complex. The application also includes Sandbanks Yacht Club Storage at 1-6 The Peninsula.

26. The character of the area is predominantly residential, mainly in the form of detached houses which vary in design and massing with a mixture of one, two-storey and three-storey buildings.

27. There is a small parade of commercial units which include the application site together with 38 Panorama Road.

28. The application site is mostly within flood zone 1, however the SFRA indicates that most of the site will be at risk of future flooding by 2133.

### **Key issues**

29. The proposals are a mixed use development including office and restaurant at ground floor and three floors of flats above (15 in total). Basement parking is proposed with access from Panorama Road shared with the existing boatyard access. The frontage of the site would include landscaping and four parking spaces.

30. The application is outline with matters of access, layout and scale being considered and appearance and landscaping as reserved matters.

31. This application follows numerous refused applications on the wider site of 30-38 Panorama Road culminating in approval of a four-storey building at 36-38 Panorama Road and subsequent reserved matters approval (APP/19/00755/R).

### **Principle of Residential Use**

32. The principle of residential development on the site is accepted. The area is predominantly residential in character and the neighbouring site has extant approval for a mixed use development including flats on the upper floors. The site does not fall within any Sustainable Transport Corridor, where higher densities of development will be directed, but the planning history on the site and the benefits of retaining the boatyard and its future viability together with additional residential accommodation is accepted. The development has shown that it cannot make a contribution towards affordable housing.

### **Principle of Non-residential Uses**

33. The proposal includes commercial use at ground floor to include an office; a restaurant to replace the restaurant currently at the Sandbanks Yacht Company (SYC) and a SYC Office.

34. The principle of these is considered acceptable and they are capable of co-existing with neighbouring residential uses. Furthermore, these uses are considered 'less vulnerable' forms of development within Flood Zones and are therefore appropriate uses for the ground floor of the building.

35. The proposed restaurant would replace the existing restaurant at the Boat yard. The previously refused application ref: APP/15/01233/P also proposed new ground floor restaurants. That application was refused and the subsequent appeal Inspector

concluded that these A3 uses were not supported by a sequential test and therefore failed to meet the requirements of Policy DM3 of the Poole Site Specific Allocations and Development Management Policies (adopted 2012). This current application however seeks to incorporate the existing restaurant at the boat yard and is not therefore proposing a new use or separate planning unit. Furthermore, whilst the restaurant is currently only on one floor of the two storey building it now occupies, it has the capability of being larger because of the following condition which is attached to the planning permission for the boat yard. Any such increase in size, however, would have to ensure that the composite use of the site is maintained and that there was no resultant material change of use:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved within the area outlined in GREEN on the approved plans (drwg no.s 1137/P01B, 1137/P03B & 1137/P13 dated 13/11/09) shall be used for a boatyard consisting of a composite range of uses including boat storage, parking, chandlery, restaurant and workshop only and for no other use purposes, whatsoever, without formal planning permission first being obtained.

36. As part of the previous planning application on the wider site (30-38 Panorama Road) ref: APP/18/00506/P the applicant agreed to a suitably worded condition to ensure that the restaurant use remained part of the composite uses of the Boatyard and would not become a separate planning unit. As such it would continue to support the function of the boatyard in line with Policy PP31 of the Poole Local Plan and not harm the Borough's Town Centre Strategy. This application was subsequently refused but had it been approved this condition would have been attached. The same principles apply to this current application and as such a condition could be attached which would secure the retention of the restaurant as part of the boatyard and its composite uses thereby contributing to securing the future retention of the boatyard in line with Policy PP31.

### **Character and Appearance**

37. The proposals are to demolish the existing two-storey commercial and residential buildings to the front of the site and two storey restaurant part of the boatyard to the rear. These would be replaced with four-storey flat-roofed building in a contemporary style, to include commercial and a restaurant at ground floor, with the restaurant is to be retained as part of the composite uses of the boatyard, and three floors of residential accommodation above consisting of 15 flats.

38. The proposals would result in a significant increase in massing on site. The proposals have however evolved since the pre-application submission to take account of concerns raised then, including changes to the materials and detailing; reduced massing at top floor; and softened balcony and window detailing. This has resulted in a scheme which takes proper account of its location and the evolving character of the streetscene, which includes the approval of a four-storey building on the neighbouring site at 36-38 Panorama Road (APP/16/00512/P).

39. Given that the adjoining site at 36-38 Panorama Road has an extant approval, this

current application has been considered in respect of its relationship to both the existing building and its already approved potential replacement. Firstly, in the context of the approved four-storey building at 36-38 Panorama Road, the proposals have been designed to create a gap at top floor to this neighbouring building and some contrast in materials so that it is not read as one monolithic structure, like that of the refused application across both sites ref: APP/18/00506/P. The designs are different to show two developments but also have similarities to harmonise and not appear at odds. The previously refused five-storey scheme across the site lacked any articulation across the sites.

40. The proposals also address the boatyard creating a corner feature to the site adding further improvement to the architecture and its relationship to its surroundings.

41. In terms of the impact of the proposals on the existing 2-storey buildings at 36-38 Panorama Road. The proposals have been set in at top floor to reduce its dominance where it adjoins no. 36, and the impact of this relationship compared to the relationship between the approval at 36-38 on the existing buildings at the application site, is less dominant.

42. Having regard to the evolving character of this part of Panorama Road and the approval at nos. 36-38, the proposals would preserve the character and appearance of the street scene and views from the Harbour.

### **Neighbouring privacy and amenities**

43. The proposals will be four storeys in height. The proposals will either adjoin the existing development at 36 Panorama Road or that approved at 36-38 Panorama Road (4-storey). The proposals will not result in harm to the amenities of existing or future occupiers of these sites. The top floor is set in from no.36 and the flat roof areas at first and third floor are shown for maintenance only. This can be conditioned to preserve neighbouring amenities.

44. To the rear of the site the proposals are angled away from 10-12 The Horseshoe with a parapet wall screening balconies on this elevation. Views from this elevation will principally be across the existing boatyard and towards the Harbour.

45. Adjacent to the access to the boatyard is 28 Panorama Road where there is permission for a new dwelling. The existing dwelling has a blank elevation adjoining the boatyard, the proposed dwelling has its principle rooms to the front and rear of the dwelling and as such the proposals will not cause loss of privacy.

46. Subject to conditions to prevent areas of flat roof from being used as balconies and obscure glazed balcony screens, the proposals will not result in harmful overlooking of neighbouring amenities areas, elsewhere there is sufficient distance to residential properties to protect their privacy and amenities.

### **Function of the Boatyard**

47. The proposals will result in the loss of approximately 7 boat storage spaces from the front of the site along the access. Elsewhere the boatyard is not included within the development so no works are proposed to this area.

48. Under the current boatyard use, the boatyard consists of a number of composite uses including boat storage; parking; chandlery; restaurant; and workshop. A condition was attached to planning approval APP/09/00946/F restricting the boatyard to these uses in order to seek to retain the boatyard's future viability. Under this consent there was no restriction on how these uses were to be distributed within the site and as such the number of boat storage spaces can be altered without consent. As such it would not be reasonable to refuse the application because of the loss of these spaces. Furthermore, the proposals will improve boatyard facilities and secure investment into the site which will result in overall improvements.

### **Affordable Housing**

49. The applicant has submitted a viability appraisal which has been independently assessed by the District Valuer. The conclusion is that the proposals cannot make a contribution towards affordable housing.

### **Highways**

50. The proposals include replacement of commercial uses and a new, larger, restaurant for the Sandbanks Boatyard and 15 new flats. Surface parking is provided to the front of the ground floor commercial units, basement parking is provided for the residential units with access from a revised vehicle access point, shared with the boatyard.

51. The residential car parking provision complies with the Council's adopted SPD parking guidance. With regards to parking provision for the restaurant, like similar previous applications this use will be tied to the overall composite use of the boatyard by appropriate planning condition and is therefore accepted as being no different than occurs at present for the existing restaurant use.

52. The proposed four surface parking spaces would provide parking for the office/estate agent use, and have been amended in their orientation during the application process to provide safe access onto the highway.

53. The cycle parking in the basement is acceptable for residents in terms of numbers and the lift would be able to accommodate a cycle. Cycle parking would also be provided to the front of the site for use by visitors of the restaurant.

54. Any frontage landscaping to the main road should be kept at a height of no more than 1m in order to ensure adequate visibility from the boatyard and parking exits, this can be conditioned.

55. Significant amendments have been made to the basement parking during the application including, provision of disabled appropriate parking bays, one of which will be conditioned to be marked as such. Re-siting of parking spaces has also been done to allow for easy and safe access and eliminate potential conflicts with the in/out access. As part of the revisions a raised kerb has also been added to ensure there is separation between a vehicle coming down the ramp and a car waiting in the basement. This would also guide an exiting car to the correct waiting spot and also avoid a vehicle coming down the ramp driving over any traffic light sensor in the basement floor at the waiting bay. The default setting for any traffic signal should be green for vehicles entering off Panorama Road. The basement ramp has also been

revised to overcome previous concerns with the gradient, this is now acceptable.

56. Concern has been raised as to the potential for vehicle conflicts at the proposed access which includes the basement access and access to the boatyard. In order to address this, the applicant has submitted a technical highway report which provides further details to clarify the likely occurrence of vehicle conflicts at the access. Those conflicts are likely to be minimal, even factoring up to the peak season use of the boat yard. Another consideration is that the boat yard access/use is existing and the entrance/exit will not operate much differently from the existing arrangements should the development go ahead. Measures to reduce conflict are to be implemented such as prioritising a “green” traffic signal entrance to the residential basement car park at all times, unless a vehicle is on the exit ramp. Vehicle speeds turning into and out of both the boat yard and residential basement car park will be very low which again reduces safety dangers. A further measure of having two different surface materials to distinguish between the two accesses would also enhance safety such as different block paviour details for each access. This can be secured by condition.

57. Existing accesses onto Panorama Road, which involve vehicles reversing directly out onto the road are to be closed and this represents a highway safety gain.

58. It is noted that within their submission the applicant acknowledged that the survey was not taken at a peak time for vehicle movements in the area. The Council assessed the applicant’s data but also carried out its own judgement on the traffic activity likely to occur as a result of the proposal. There are many material conditions that came into this assessment but in particular the existing restaurant use size and the existing parking situation and servicing arrangements by delivery vehicles. There is in fact limited existing parking and servicing arrangements for the existing restaurant. The proposed residential parking complies with Council guidance levels.

### **Flood Risk**

59. The majority of the site could be at risk of flooding by 2133. However the first floor (which is the first residential floor of accommodation) is set at 6.65AOD. Therefore taking account of existing, and less vulnerable uses at ground floor it would be difficult to resist the proposals on this basis alone.

60. A condition is proposed to secure flood resilience measures. Furthermore residents could escape to higher ground in The Horseshoe in the event of an emergency. This could be covered by a Management Plan in the event of flooding which is secured by this condition.

### **Bin Storage**

61. Bin storage is provided within the basement. This is not within 10 metres of the highway and as such the Local Authority would not provide collection. The applicant has offered a private collection, whilst this is not normally accepted by the LPA, due to the nature and constraints of the site it has been difficult to provide a solution whereby the bins could be collected by the Local Authority without detriment to the character of the area. In this instance collection by a private company, which the applicant has agreed to can be conditioned. The applicant has also been advised that if in the future the Local Authority is required to provide collection this may not be possible as it does not meet current guidance however given the emphasis of the NPPF on delivering

development it would not be sufficient justification to refuse the application solely on bin storage.

### Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	2	@ £394	@ £140
	Proposed	15		
	Net increase	13	£5,122	£1,820
Total Contributions			£3,432 (plus admin fee)	£1,235 (plus admin fee)
CIL	Zone A		@ £230sq m	

62. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.

63. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations

64. In addition, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon the Poole Harbour

SPA and Ramsar site. A contribution is required from all qualifying residential development in Poole to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Poole Harbour. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.

65. The applicant has submitted a Section 111 form and the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM have been secured.

## **Summary**

66. The scheme will make provision for additional housing in an area where flats are characteristic and in accordance with the direction of travel of development in this area. The schemes design has been modified to take account of its impact on the street scene and both existing and approved development adjoining the site.

67. The scheme retains commercial use at ground floor and a replacement restaurant for the boatyard which will be conditioned to be retained as part of the boatyard thereby avoiding the creation of a separate planning unit and securing the long term viability of the boatyard.

68. The proposals make sufficient provision for parking, cycle parking and disabled appropriate bays for the flats and commercial units.

69. The residential car parking provision complies with the Councils adopted SPD parking guidance. Provision is also made for the commercial units to the front. With regards to parking provision for the restaurant, like similar previous applications this use will be tied to the overall composite use of the boatyard by appropriate planning condition and is therefore accepted as being no different than occurs at present for the existing restaurant use which could be increased in size without planning consent being required.

70. To address potential vehicle conflicts at the entrance to the basement car park and boatyard, the applicant has demonstrated that those conflicts are likely to be minimal, including during peak season use of the boat yard. Another consideration is that the boat yard access/use is existing and the entrance/exit will not operate much differently from the existing arrangements should the development go ahead. Measures to reduce conflict are to be implemented such as prioritising a “green” traffic signal entrance to the residential basement car park at all times, unless a vehicle is on the exit ramp. Vehicle speeds turning into and out of both the boat yard and residential basement car park will be very low which again reduces safety dangers.

## **RECOMMENDATION**

71. It is therefore recommended that, having secured the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM, that the application be approved subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision:

1. OL020 (Timing of Reserved Matters Submission)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission and the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason -

This condition is required to be imposed by the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2. OL010 (Submission of Reserved Matters)

No development shall commence on site until details of the appearance and landscaping, in respect of which approval is expressly reserved and are hereinafter called 'the reserved matters') have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Part 3 of the Town and Country Planning (General Development Procedure) Order 2015.

3. PL01 (Plans Listing)

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

Site Plans ref: 1454-SYM-00-XX-DR-A-0400 P04 received 05/05/2020

Site Plans ref: 1454-SYM-00-XX-DR-A- 0400 P05 received 05/05/2020

Basement and Ground Floor ref: 1454-SYM-00-ZZ-DR-A-0401 P06 received 24/10/2019

Upper Floors ref: 1454-SYM-00-XX-DR-A-0402 P04 received 03/10/2019

Elevations Sheet 1 ref: 1454-SYM-00-XX-DR-A-0403 P04 received 03/10/19

Elevations Sheet 2 ref: 1454-SYM-00-XX-DR-A-0404 P03 received 03/10/19

Street scene ref: 1454-SYM-00-XX-DR-A-0405 P03 received 03/10/19

Site Plan showing Basement ref: 1454-SYM-00-ZZ-DR-A-0250 P01 received 03/10/2019

Reason -

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

4. GN030 (Sample of Materials)

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

Reason -

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

5. GN070 (Remove Use as Balcony)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof area to the rear at first floor of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason -

To protect the amenity and privacy of adjoining residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. GN080 (Screening to Balcony)

Prior to occupation of the flats hereby approved, obscure glazed screens of at least 1.8 metres in height which conform to or exceed Pilkington Texture Glass Privacy Level 3 shall be erected along the north western side of the balconies to flats 5, 10 and 15 on the first, second and third floor respectively. The screens shall thereafter be permanently retained as such.

Reason -

In the interests of privacy and amenity of the neighbouring properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

7. HW100 (Parking/Turning Provision)

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. Within the basement one parking space which is disabled appropriate shall be marked out as such and thereafter retained.

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. HW060 (Close Other Access by Physical Works)

A scheme to close the existing access (which is to be made redundant) shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerbs, and reinstate the footway to the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall be completed in accordance with the approved scheme prior to first occupation/use of the development.

Reason-

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

9. HW010 (No Other Access Except That Shown)

Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 or any order revoking and re-enacting that Order, no other vehicle access, other than that shown on the approved plan, shall be formed to the site.

Reason -

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

10. GN162 (Renewable Energy - Residential)

Prior to first occupation of the building(s) hereby permitted, details of measures to provide 20% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

Reason-

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

11. AA01 (Non standard Condition)

Prior to occupation of the flats hereby approved a scheme for private bin collection shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with those agreed details and retained thereafter.

Reason -

To ensure that waste collection is provided to the site and in accordance with Policy PP27 of the Poole Local Plan adopted 2018

12. AA01 (Non standard Condition)

The traffic control signal for the basement car park access ramp shall be implemented prior to the approved basement car park being brought into use and shall be maintained in good working order at all times thereafter. Those signals shall be operated in accordance with Paragraph 27 of the Access Note prepared by Vectos, dated January 2019.

Reason -

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

13. AA01 (Non standard Condition)

Details of the construction materials for the first 5m of the basement ramp entrance and boat yard access shall be submitted for written approval to the LPA prior to any building hereby approved being brought into use. The details shall include for different materials to be used for the boat yard access and the basement car park entrance. The approved details shall be constructed prior to any building hereby approved being brought into use and thereafter retained as such.

Reason -

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

14. AA01 (Non standard Condition)

Prior to occupation of the building hereby approved, details of flood resilience and management measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with those agreed details and thereafter retained as such.

Reason -

To ensure that the site is resilient to future flood risk; to protect the wellbeing and safety of residents and occupiers of the building; and in accordance with Policy PP38 of the Poole Local Plan adopted 2018.

15. AA01 (Non standard Condition)

Notwithstanding the approved plans, frontage boundary features such as, but not limited to; any walls, fencing, railings and landscaping to Panorama Road shall be implemented and maintained at no higher than 1m in height with this height measured from the level of the adjacent adopted footway.

Reason -

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

16. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development)(England) Order 2015 or any subsequent re-enactments thereof, the restaurant hereby approved shall remain part of the boatyard use consisting of a composite range of uses including boat storage, parking, chandlery, restaurant, gymnasium and workshop only and for no other use purposes, whatsoever, without formal planning permission first being obtained.

Reason -

To ensure that the restaurant does not become a separate planning unit and therefore preserving the future use of the boatyard in accordance with Policy PP31 of the Poole Local Plan adopted 2018.

17. AA01 (Non standard Condition)

Prior to occupation of any residential property hereby approved a scheme for biodiversity enhancements to the site which should include but not be limited a bat and swift box, shall be submitted to and agreed in writing by the Local Planning Authority and subsequently implemented in accordance with those agreed details prior to occupation of the dwellings.

Reason -

To secure biodiversity enhancements within the site and in accordance with Policy PP33 of the Poole Local Plan adopted 2018.

## Informative Notes

### 1. IN72 (Working with applicants: Approval)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.
- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was provided with pre-application advice and this was reflected in the proposals
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
- the application was considered and approved without delay

### 2. IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Poole website: <http://www.poole.gov.uk/planning-and-buildings/planning/ldf/community-infrastructure-levycommunity-infrastructure-levy/>

### 3. IN81 (SAMM Approval)

The necessary contributions towards SAMM arising from the proposed development have been secured by the S.111 process and have been received.

4. IN84 (AA passed)

This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.