



Planning Committee

Application Address	The Sloop, 5 Commercial Road, Poole, BH14 0HU
Proposal	Outline application to demolish existing pub, outbuilding and 2no flats and erect a block of 4no studio flats, 60no 1 bedroom flats, 9no 2 bedroom flats and 1no 3 bedroom flat with parking, cycle and refuse storage.
Application Number	APP/19/01401/P
Applicant	AJ Developments
Agent	Anders Roberts & Assoc
Date Application Valid	10 December 2019
Decision Due Time	10 March 2020
Extension of Time date (if applicable)	
Ward	Parkstone
Recommendation	Grant, in accordance with recommendation below
Reason for Referral to Planning Committee	This application is brought before Committee at the request of Cllr Baron because the building proposed to be demolished has significant local history, is locally listed and is a heritage asset in a prominent position, and due to concerns regarding the change in the street scene to predominantly high-rise dwellings.
Case officer	Kate Robson

Description of Development

1. Outline planning permission is sought to demolish existing pub, outbuilding and 2no flats and erect a block of 4no studio flats, 60no 1 bedroom flats, 9no 2 bedroom flats and 1no 3 bedroom flat with parking, cycle and refuse storage.
2. Matters for consideration at the outline stage are access, appearance, layout and scale. Landscaping is reserved.
3. The applicant has provided the following information:

	Existing	Proposed
Site Area: (ha)	0.18	0.18
Use	Commercial/residential (public house & two flats)	Residential
Density	-	411 dph
Parking Spaces	32	48
No. of Residential Units	2	74
No. of affordable housing units	0	9

4. The scheme has been subject to amendments during the course of the application to address concerns regarding design and layout, and in response to issues raised by the Highway Authority.

Key Issues

5. The main considerations involved with this application are:
 - Principle of residential development
 - Loss of the community facility
 - Loss of the locally listed building
 - Impact on the character and appearance of area
 - Impact on residential amenity
 - Parking provision and highway safety
 - Affordable housing
 - Housing for an ageing population
 - Sustainability
 - Biodiversity
 - Other matters

Planning Policies

6. Poole Local Plan (Adopted 2018)

PP1	Presumption in favour of sustainable development
PP2	Amount and broad location of development
PP7	Facilitating a step change in housing delivery
PP8	Type and mix of housing
PP11	Affordable Housing
PP12	Housing for an Ageing Population
PP24	Green infrastructure
PP26	Sports, recreation and community facilities
PP27	Design
PP28	Flats and plot severance
PP30	Heritage assets
PP32	Poole's nationally, European and internationally important sites
PP33	Biodiversity and geodiversity
PP35	A safe, connected and accessible transport network
PP37	Building sustainable homes and businesses
PP38	Managing flood risk
PP39	Delivering Poole's infrastructure
PP40	Viability

7. Supplementary Planning Documents

Parking & Highway Layout in Development 2011
Affordable Housing 2011
Heritage Assets 2013
Dorset Heathlands Planning Framework (2020-2025)
Poole Harbour Recreation (2019-2024)

8. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals

9. **2019:** Demolish existing pub, outbuilding and 2 no flats and erect a block of 77 flats with parking, cycle and refuse storage. **Withdrawn** (APP/19/00323/P).
10. **2017:** Pre-application advice offered for redevelopment of site for mixed use (residential and retail) development (PREA/17/00064).

Nos. 1-3 Commercial Road

11. **2019:** Variation of condition 2 of permission APP/16/01862/F as described in that description of development to include the addition of new windows, amendments to the size and location of existing windows, installation of smoke shafts, installation of a safety handrail on roof, removal of stairwell from the gallery on the ground floor, insertion of a door on the north-western elevation, reconfigured bin store on lower ground level to include new area to accommodate a sub-station and creation of residential emergency escape stairwell near approved entrance. **Approved and under construction** (APP/19/00664/F).
12. **2019:** Outline application for the demolition of the existing buildings and erect a mixed-use development with associated access and parking. **Refused** (APP/18/00288/P).
13. **2017:** Demolish existing buildings and erect 80 residential units with associated access and parking. **Refused and appeal allowed** (APP/16/01862/F). The Inspector stated at:

“9. I consider that because of the prominent position of the site, between two roads and with ample space around it, the heights proposed are appropriate, and would not be so different from the previously approved scheme as to result in harm to the area’s character and appearance. The nearest building, the corner of the civic buildings, would be some distance away. There would also be sizeable gaps between the proposed building and the parade of shops on Parkstone Road to the west, and the college to the north. A six storey height at the western end of the site would provide a strong focal point with an interesting design which relates well to the nearby civic buildings, and, with the incorporating of the back façade, pays due regard to the special interest of the conservation area. Having regard to the current poor appearance of the site, I consider that the proposal would enhance the character and appearance of the conservation area and the setting of the clock tower.

10. The building would step down in height towards the rear of the site, to five storeys and then four storeys near the boundary with The Sloop Public House, which is a two storey building, with a single storey annex closest to the site boundary. The Sloop is a locally listed brick building, which lies outside of the conservation area. It features some attractive architectural features, typical of good quality Victorian buildings, but its main facades are those on the south and

east facing elevations. The west and north facing elevations, which would more closely relate to the proposed building, are of lesser importance, displaying fewer features of interest. It relates poorly to surrounding buildings, and stands somewhat isolated.”

14. **2016:** Demolish existing buildings and erect a mixed use development consisting of 50 residential units and retail space, with associated access and parking. **Approved** (APP/15/01360/F).

Metropolitan (former Police Station, 3 Sandbanks Road)

15. **2015:** Create a new 4 storey extension and convert the building into 52 residential apartments. **Approved, constructed and occupied** (APP/15/00357/P).

Park Place, North Road

16. **2019:** Demolition of the existing buildings and the erection of an extra care (use class C2) development consisting of 131 assisted living apartments with a range of support services and facilities including treatment rooms, medical care, accommodation management, restaurant and laundry services (outline application with Access, Appearance, Layout and Scale for consideration). **Appeal against non-determination currently in progress** (APP/19/00816/P).

17. **2017:** Reserved matters application following approval of outline application APP/13/01051/P for approval of the landscaping of the site. **Approved** (APP/16/01348/R).

18. **2013:** Application for new planning permission to replace extant permission 10/00756/P for demolition of existing offices and erection of Class C2 Care Home with associated car parking with access from North Road and extend the time limit for implementation. **Approved and extant** (APP/13/01051/P).

19. **2010:** Demolition of existing offices and erection of Class C2 Care Home with associated car parking with access from North Road. **Approved** (APP/10/00756/P).

6 New Quay Road (former Ferryman PH)

20. **2018:** Outline application for Demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no bed. self contained flats with associated vehicular access and parking and footpath widening. **Refused and appeal dismissed** (APP/18/01538/P). The Inspector stated at:

“17. The proposal would result in the total loss of the asset and its significance and, therefore, would conflict with LP Policy PP30 that requires development affecting locally listed buildings to enhance or better reveal the significance and value of the site.”

“21. I have found that the proposed building would not, in itself, cause harm to the character and appearance of the area. There is no clear evidence, however, that it would go beyond this to be a particularly innovative or outstanding design, that would make a strong contribution to the character, or significant improvement to the visual appearance of the area. Matters relating to the specific design of the new building are, therefore, neutral in the planning balance. As I have found that there would be harm resulting from the loss of the locally listed building, harm would arise in respect of the character and appearance of the area, considered overall.”

“30. The Framework sets out at Paragraph 197 that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. Being only locally listed, the asset is not so significant as statutorily listed buildings and its significance is further undermined by the absence of its former use. However, without evidence of any clear attempt to retain the building in any form of viable ongoing use, I find little justification for its loss. I, therefore, attribute moderate weight to the harm to the character and appearance of the area.”

Representations

21. Letters were sent to neighbouring properties and site notices displayed around the site.
22. Letters of objection from two different addresses have been received raising the following objections:
 - Public house has historic value
 - Loss of heritage asset
 - 74 flats is too many for the site
 - Brewery originally proposed much more modest scheme
 - North Road is already busy as a bus route and with the college traffic
 - Scheme will generate more traffic contributing to road safety problems and more pollution
 - Already three construction projects underway in immediate area – noise and disturbance
23. The Society for Poole has objected to the application on the grounds that the scheme fails to respect the character of the long established public house, fails to be considerate of nearby residential properties and impact on the local infrastructure. The properties should be occupied as permanent dwellings not holiday homes.

Consultations

24. BCP Highway Authority: Support subject to conditions.
25. BCP Environmental Services: Comments offered regarding waste collection. Condition required regarding reporting of unexpected contamination.

26. BCP Flooding & Coastal Erosion Risk Management Team: Drainage strategy is technically feasible. Further approval required.
27. Dorset Police: Advice offered from the Crime Prevention and Design Advisor.
28. Historic England: No official statutory remit on which to comment but proposed demolition is regrettable.
29. Council for British Archaeology: Objection – results in substantial harm to a non-designated heritage asset through its total demolition.
30. Victorian Society: Historic Buildings Survey required.
31. Natural England: No objection subject to mitigation being secured and biodiversity enhancement.
32. NHS Foundation Trust: Section 106 developer contribution requested.
33. Dorset CCG: Contribution required.

Constraints

34. The Sloop is locally listed along with the retained façade of the former bank on the adjacent site at 1-3 Commercial Road and the Memorial Clock Tower.
35. The Civic Centre building and boundary walls (excluding the central eastern wing) are Grade II listed for their architectural and historic interest.
36. The site is adjacent to Poole Park Conservation Area, the boundary of which extends around the former bank, the clock tower and the Civic Centre building. The park is a Grade II Registered Historic Park and Garden.

Planning assessment

Site and Surroundings

37. The site is located on the north side of Commercial Road, where it forms part of the Civic Centre gyratory. The site is occupied by a public house and has a pub garden and car park to the rear. Vehicular access is to the rear.
38. The Sloop is a brick-built building of good quality design that reflects period detailing. It stands on an irregular plan over two storeys with a single storey range to the west.
39. The wider area has a mixed character consisting of Bournemouth and Poole College, the Civic Centre estate, a parade of shops and residential dwellings on the northern side of North Road. The former Police Station (The Metropolitan) has been extended and converted to flats and the adjacent site at Nos. 1-3 Commercial Road is currently being developed for flats (to be known as The

Cosmopolitan). On the opposite side of North Road is a large open grassed area, which forms part of Park Place.

Key issues

Principle of residential development

40. Policy PP2 of the Poole Local Plan sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is located within such a corridor. The principle of additional residential development on the site is therefore acceptable.
41. The five year land supply within the Poole Local Plan area is set out in the latest SHLAA (2019). This demonstrates that there is a sufficient housing supply to meet Poole's housing target between 2019 and 2024 and throughout the rest of the plan period to 2033. The assessment recognises a degree of windfall supply, which this site is providing. As such, the tilted balance referenced at paragraph 11 of the NPPF is not engaged within the Poole Local Plan area.

Loss of the community facility

42. The existing public house on the site is considered a community facility. Policy PP26 states that the Council will seek to retain sites currently or last used for community facilities. Development that would lead to the loss of such premises will only be permitted where the proposals provide sufficient community benefit to outweigh the loss of the existing facility or service and it can be demonstrated that: (a) the loss would not result in a substantial decline in the range of facilities and services for local people; or (b) the facility is no longer needed and it is not feasible to support its continued existence. The pre-amble to Policy PP26 outlines that community benefit could include affordable housing.
43. The Sloop is located 0.4 miles from The Shah of Persia public house and 0.3 miles from the closest pub in the district centre of Ashley Cross, which includes about 10 pubs. The site is therefore less than a 10 minute walk from many other comparable facilities.
44. Located on a busy gyratory, the site does not lend itself to other community facilities, such as a children's nursery. Furthermore, with the recent changes implemented by SI 2020 No. 757 to the Use Classes Regulations, it is much easier for such uses to acquire premises as many former changes of use no longer constitute development.
45. The landlord, Hall & Woodhouse, has owned The Sloop since 1898 and has advised that it has not been a viable public house for a number of years. This is attributed to competition in the area (particularly in more vibrant centres) and the increasing cost of overheads. The lack of viability is demonstrable in the turnover of tenants and in the reduction in the volume of drink purchased from the landlord, and is in despite of the landlord charging nil rent for periods of time, heavily subsidising the rent at other times, providing major investment for internal

refurbishment, external decoration and a new garden area, providing a loan for fixtures and fittings and contributing towards marketing. There is also concern that the redevelopment of the Civic Centre buildings will further impact on the viability through loss of customers in the workforce.

46. Whilst no replacement community premises are proposed, the developer is proposing nine discounted market sales units. These are identified on a schedule of accommodation. They are all one-bed units and are distributed over the first, second and third floors. The units would be offered for sale at 80% of open market value in perpetuity. The floor area of the discounted market sales units is approximately equivalent to the floor area of the public house being lost. Whilst discounted market sales housing is not specifically referenced within the Poole Local Plan, reference is made to the likelihood of the government's intention to broaden the definition: the NPPF includes 'discounted market sales housing' under the definition of 'affordable housing'. Furthermore, the definition of 'affordable housing' within the Poole Local Plan's glossary states 'The range of both subsidised and market housing designed for those whose incomes generally deny them the opportunity to purchase houses on the open market as a result of the local relationship between income and market price.' Reducing the sales value by 20% would therefore be an appropriate approach to meet this requirement. The Council's housing team has confirmed that the sales figures at the discounted rate are acceptable in terms of securing a mortgage based at a 4.5 multiplier of gross household income per annum. It is concluded that these nine units would provide a significant benefit to the community. The discounted market sales housing would be secured by a Section 106 agreement.
47. On balance, in light of the number of public houses within a half mile radius of the site, the fact that the site does not lend itself well to other community facilities and the ongoing lack of viability of the public house, it is considered that the community benefit of nine discounted market sales units is a sufficient community benefit to outweigh the loss of the existing facility, and accords with Policy PP26.

Loss of the locally listed building

48. The Sloop is a brick-built building of good quality design that reflects period detailing. It stands on an irregular plan over two storeys with a single storey range to the west.
49. The Sloop is included on the Local Heritage Assets list, noted for its historical (social) interest and architectural interest. The public house continues to have a historical and architectural interest as a public house dating from the 1890s and a coaching inn since the 1820s. It was an important landmark and transport node at Park Gate between the town centre and Parkstone. The current building on the site is not all original but its physical presence and continuing use as a public house has historical importance in terms of the evolution of the site. Taken as a whole, it is a fine example of a public house.
50. A letter was issued by Historic England on 5 February 2020 advising the applicant that based on the completion of an initial assessment, the application to place The Sloop on the List of Buildings of Special Architectural or Historic

Interest was not to be taken forward to a full assessment and the building would not be added to the List at this time. The accompanying report outlines that whilst an alehouse called The Sloop is thought to have been licensed in Poole since the mid-18th century, the mapping and photographic evidence strongly suggests that work on the site in the late 1920s or early 1930s included the rebuilding of the principal elevation and the roof of the main building. Of principal note is the altered form of the two-storey canted bay and window openings, and the oversailing eaves to the roof, when compared with the building shown on the 1908 photograph. A projecting doorcase and front steps were added in the mid-20th century. In the 1980s, the pub was remodelled with a new interior that was constructed with reused timbers from the 17th or 18th century. Later alterations include the painting of the ground floor of the road frontage including the west range. The report concludes that the criteria for listing are not fulfilled because: the building has limited architectural merit that marks it out as other than a typical example of an early 20th century public house, albeit respecting the form and design of the earlier building on the site; it has no historic pub fittings and there are no known internal features of note (the interior having been remodelled in the 1980s using reused timbers); and the building does not have any known historic associations with figures or events of national note. The report does state that the building is clearly of local interest as a public house of longstanding.

51. The applicant has submitted a statement that seeks to provide justification as to why the retention of the existing building is not a viable option. In summary, the report advises the following:

The existing public house has been unviable for many years, despite significant investment in a full refit and a new garden area. Retention of the public house and development of the rear (four houses being considered) of the site would remove the car parking and render the commercial operation even less viable. Conversion of the existing building into self-contained residential flats is not easy, given its age, convoluted layout and position of existing windows. To convert the existing building into four flats on the ground floor and two flats on the first floor is unviable given the cost of conversion, requirements needed to give each flat a satisfactory outlook and meet building regulations together with the purchase price of the existing site and sale value of the converted flats. A total of ten units could be provided on the site by converting the existing building into six flats and developing the rear with four houses, which is considered a gross under development of a brownfield site in a highly sustainable location. Furthermore, in the determination of the appeal against APP/16/01862/F at the neighbouring site Nos. 1-3 Commercial Road, the Inspector made reference to The Sloop stating "It relates poorly to surrounding buildings, and stands somewhat isolated." Consideration of the retention of the existing façade into the new building was considered following the appeal decision at the neighbouring site, but is not considered appropriate. The building at Nos. 1-3 was a former bank building with an art-deco stone façade, which leant itself more readily to a scheme that incorporated that façade. The Victorian style of The Sloop contrasts with the local context and the existing building has been heavily altered and renovated from its original historic form.

52. Local Plan Policy PP30 states that developments affecting locally listed buildings should enhance or better reveal the significance and value of the site within the street scene and wider setting. The proposal would result in the total loss of the asset and its significance and, therefore, would conflict with Policy PP30.

53. The proposal would result in the total loss of a good quality and historically important locally listed building (a non-designated heritage asset). The NPPF states at paragraph 197:

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

Thus the NPPF is clear that a balanced judgement is required regarding the loss of the locally listed building taking into consideration its significance.

54. Paragraph 199 of the NPPF states:

“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence or our past should not be a factor in deciding whether such loss should be permitted.”

Thus whilst the ability to record the existing building cannot be taken into consideration in the balanced judgement, the NPPF is clear that a record of evidence should be made if the demolition is deemed acceptable on balance.

55. The balanced judgement required by the NPPF and whether any material considerations exist that outweigh the conflict with Policy PP30 will be considered throughout the remainder of this report and concluded at the end.

Impact on the character and appearance of the area

56. Policies PP27 and PP28 of the Poole Local Plan set out the criteria against which all new development and specifically flatted development should be assessed to ensure that the established pattern of development and residential character of the area is preserved or enhanced. Policy PP27 requires new development to achieve a good standard of design that reflects or enhances local patterns of development, with reference to the layout, height, massing, materials, landscape treatment and visual impact of development.

57. The proposed building is positioned around the edge of the site providing an edge to Commercial Road and North Road. This allows for a positive relationship with these streets and the car parking areas to be largely visually concealed in the centre of the site. This layout reflects best practice and guidance for buildings to address streets and spaces. Due to the position of the car parking

the majority of the ground floor of the site is given over for car parking, as a result, there is an area of noticeable inactive ground floor frontage onto Commercial Road with grills into the parking area. Active ground floors have activity such as windows which provide direct overlooking to the adjacent streets are advocated by design guidance. In this case this could not be achieved due to the car parking provided. Landscaping has been included along this frontage to help to reduce the visual impact of the inactive ground floor the impact (which will be considered at the reserved matters stage).

58. At six storeys, the proposed building relates to the emerging pattern of development being of a similar scale to the building under construction at Nos. 1-3 Commercial Road, the building approved at Park Place and the buildings across the Civic Centre estate on the south of Commercial Road. The proposed layout and scale create a mass of development similar to surrounding development.
59. The proposed materials include reconstituted stone, render/reconstituted stone panel detailing and bronze effect cladding. These materials again reflect those found within the Civic Centre estate. With regard to visual impact the building has a good separation from the adjacent property at Nos. 1-3 Commercial Road. This visual break helps to distinguish the two buildings, which rightly have differences in their design and appearance. The top floor of the proposed building has been recessed from the main frontage, which adds interest to the overall elevations. The recess combined with the use of materials creates a clear top to the building. The entrance to the building has been centred on the corner between North Road and Commercial Road, creating a legible entrance and strong focal point that reflects the strong elements of symmetry found within other buildings across the Civic Centre estate. The repetitive windows echo the classical architecture within the Civic Offices and former Police Station (The Metropolitan). The use of materials provides a clear base and top level to the building with the bronze cladding helping to break up and add articulation to the elevations, resulting in a well-proportioned building with a visual appearance that reflects the local context.
60. Overall due to the layout, scale, massing, appearance and use of materials the building can be considered to reflect local patterns of development in line with Policy PP27 of the Local Plan. The elevations are well proportioned with strong elements of symmetry and reflect the classical architecture of the Civic Centre estate, resulting in a proposal of high quality design, that will also preserve the setting of the listed building of the Civic Centre, the Poole Park Conservation Area and the historic park and garden, as required by sections 66 and 72 by the Planning (Listed Buildings and Conservation Areas) Act 1990

Impact on residential amenity

61. In terms of neighbouring residential amenity, the proposed building is a sufficient distance from all existing residential properties such that it will not appear visually intrusive or overbearing when viewed from habitable rooms or amenity spaces. Any overshadowing will not result in demonstrable harm. Furthermore, the proposed built form is considerate of that which is being constructed at Nos. 1-3

Commercial Road. The extant scheme at Park Place will not be adversely affected by the proposal. Sufficient distance is maintained to all neighbouring properties such that a demonstrable loss of privacy will not occur. Any overlooking that does arise between flats within the proposed development and those at Nos. 1-3 Commercial Road is commensurate with that normally experienced within dense urban development such as this. The residential amenities of existing and future neighbouring occupants will be preserved, in accordance with Policy PP27.

62. In terms of internal provision, most of the units exceed the minimum gross internal floor areas indicated within the Government's Technical housing standards. These have not been formally adopted within the Poole Local Plan area and therefore can be used indicatively only. Those units that fall short are only by a couple of metres and the internal layouts still provide space all facilities that would be expected. All those units noted as discounted market sales units exceed the standards. Some units have true balconies whilst others have Juliet balconies. There are also areas of green roof provided at fourth and fifth floor level. Whilst the on-site provision is not high, the site is located a very short walk from Poole Park, which is sufficient to provide appropriate outdoor space for the future occupants. The residential amenities of the future occupants are therefore satisfactory and in accordance with Policy PP27.

Parking provision and highway safety

63. The existing access will be largely used, although extended in width, and will allow for two vehicles to pass, which will prevent vehicles having to wait on the highway. The kerbs/footway will need to be lowered across the extent of the access, although the footway would need to be continuous across the front of the access. Visibility splays are shown on either side of the access and an extending visibility splay has been provided on the eastern side of the access, to ensure visibility for vehicles approaching from around the bend is maintained. The North Road junction to the north east of the site has a large sweeping turn, which results in vehicles entering onto this section of North Road at speed. Therefore, a scheme to realign the kerb line and to reduce the turn radius at this junction is required to reduce the speed of vehicles using the junction and approaching the access. It will also reduce the width of the carriageway and the distance for pedestrians to cross to the central reservations. Similarly, the junction from Commercial Road onto North Road has a large turn radius, which results in vehicles entering onto North Road at speed and, therefore, a scheme to reduce the turning radius at this junction is required, which will reduce vehicle speeds and improve the environment for pedestrians crossing at this point. These requirements have been shown appropriately on amended plans. There is no general vehicle access allowed to the southwestern end of North Road and so all vehicles will need to travel eastbound when exiting the site. Therefore, appropriate signage and road markings should be placed at the access to direct traffic appropriately.

64. The application proposes 48 car parking spaces, with five spaces being disabled appropriate and two spaces to be allocated for a car club scheme. Research on car clubs indicates that one car club vehicle has the potential to replace five cars.

Therefore, the parking provision can be equated to 56 spaces, which would be a parking ratio of 0.76. This is just short of the ratio within the Council's parking guidelines for unallocated parking, which is 0.8. Furthermore, four motorcycle spaces are proposed, with anchorage bar. The slight shortfall in parking (three spaces) is acceptable given the site's highly sustainable location in close proximity to a bus hub. Furthermore, the highway improvements that the scheme will introduce in terms of reducing vehicle speeds at the two junctions and improving the environment for pedestrians crossing the roads weigh in its favour. Secure cycle parking for 66 bikes is proposed (40 within a bike store in the car park and 26 within a bike store adjacent to the southern lobby), using a two tier cantilever system, with additional provision within the northern lobby for six bikes and stands for an additional four bikes to the front of the building, which could be used by visitors.

65. The proposal would enhance highway safety and provide appropriate levels of parking, including for motorcycles and bikes. Appropriate conditions (#6 to 11) can be imposed to secure all necessary works, etc. The scheme accords with the requirements of Policy PP35.

Affordable housing

66. The applicant has submitted an Economic Viability Assessment, which has been assessed by the District Valuer Service. The assessment concludes that the proposed development is only marginally viable but should be deliverable on a reduced profit margin. As such, there is no scope for a contribution to affordable housing. The proposal therefore meets the requirements of Local Plan Policies PP11 and PP40.

67. The assessment of the scheme against Policy PP11 is separate from the applicant's proposal for nine of the units to be discounted market sales housing, which is being offered in lieu of the loss of the community facility. It should be noted that these units were not taken into consideration in the Economic Viability Assessment, and therefore will further reduce the available profit margin of the scheme; however, this is a matter for the developer.

Housing for an ageing population

68. A condition (#12) can be imposed requiring 15 of the units to achieve compliance with Building Regulations Part M4(2) for adaptable and accessible homes in accordance with Policy PP12 of the Poole Local Plan (November 2018).

Sustainability

69. The applicant has submitted an Energy and Resource Statement, which wrongly indicates that the proposal will need to provide a minimum of 10% of energy demand through renewable sources. This proposal is for 74 units and as such the requirement is 20%. A heat pump, photovoltaic technology and solar panel technology will likely all be utilised to generate energy and the agent has confirmed that they will be able to provide a minimum of 20% of energy demand, in accordance with Policy PP37. This can be secured by condition (#13).

Biodiversity

70. The site has an area greater than 0.1 ha and therefore a biodiversity appraisal is required as per the pre-amble to Policy PP33. The applicant has submitted a biodiversity report. A rapid Phase 1 habitat survey of the site was conducted and no protected or notable species were noted on site. Biodiversity is considered to be very low due to the amount of hardstanding and maintained beer garden (with artificial grass) on site. Flowers within the grounds are sparse and common, locally and nationally. The building is considered to hold negligible potential for bats. The site has poor potential for commuting and foraging bats during the spring and summer months due to the level of street lighting and the noise from traffic. The site has very low potential for birds to nest during the spring and summer months due to the lack of shrubbery and trees on site. The building itself had no gaps visible that could be used by birds. No evidence was noted of hedgehogs or badgers using the site.
71. With respect to enhancements, the report concludes that there are limited opportunities on the site for the proposed development. Bat enhancements in the new building would not be beneficial to bats due to the heavy light pollution in the immediate vicinity. Bird enhancements cannot be recommended in the proposed building due to the amount of exposed windows and lack of ledges. Due to the surrounding busy roads, it would not be wise to make enhancements that would attract hedgehogs. Fruit trees and insect friendly shrubbery must be planted in the areas shown on the plan attached to the biodiversity report (this would fall to be considered under the reserved matter of landscaping). Sedum roofs are proposed at fourth and fifth floor levels. Enhancements for bees can be provided through the provision of concrete bee bricks in any retaining brick walls.
72. Due to the very low biodiversity of the existing site, the limited enhancements proposed (bee bricks, sedum roofs and landscaping) would ensure there is a biodiversity enhancement in accordance with Local Plan Policy PP33 and guidance contained within Section 15 of the NPPF. The bee bricks can be secured by condition (#14) and the landscaping enhancements will be considered at the reserved matters stage.

Other matters

73. The submitted drainage strategy shows that it is technically feasible to drain the site using SuDS, as required by Policy PP38, so there is not an objection in principle, but the strategy is short on detail. As such, a condition (#15) is required requiring approval of the final drainage scheme, to ensure it complies with Defra guidance and is based on actual on-site testing of ground conditions.
74. In accordance with Policy PP25, strategic sites (i.e. those that include 40 or more dwellings) should provide open space on-site or, where this cannot be achieved, provide off-site provision in lieu of on-site provision secured through Section 106, which the Council will use to enhance nearby existing open spaces. Very limited on-site open space is provided through the sedum roofs at fourth and fifth floor level. As outlined in the affordable housing section, the scheme is only

deliverable at a reduced profit margin and therefore it must be concluded that it is not viable for the developer to provide an open spaces contribution.

75. With regards to waste collection, the preferred method for a development of this scale is underground bins. The plans show six underground bins of 5 cubic metres (5000 litres) each. Environmental Services has advised that this capacity is appropriate for the proposed development, that they should be split 50:50 for recycling and refuse and that these are shown in a suitable location within the site to facilitate collection. The installation of the underground bins prior to first residential occupation can be secured by condition (#17).
76. The Council's records show that the site is adjacent to a site where underground fuel storage tanks were present and subsequently decommissioned/removed. To protect the future users of the proposed development, a condition (#18) is required regarding the reporting and handling of any previously undiscovered contamination arising from the adjacent site/former tanks.
77. Comments have been received from the Crime Prevention and Design Advisor of Dorset Police. These relate to lighting of the car park, security standards with reference to Secured by Design, door and access security and cycle store security. Most of these issues go beyond the remit of the planning system and what could be required by planning conditions. However, the developer has a copy of the advice and is strongly encouraged to incorporate all the recommendations into the final scheme.
78. Dorset Clinical Commissioning Group has advised that the completed development would have an impact on the NHS resources within the Poole Central Primary Care Network. A financial contribution of £6,080 is requested towards a surgery or number of surgeries in the local area of the Network. Appendix B.5 of Poole's Infrastructure Plan (PIP) dated June 2017, which supports the Poole Local Plan, outlines the justification for these funds. The contribution is therefore justified under Policy PP39 and the developer has agreed to such a contribution.
79. The Royal Bournemouth and Christchurch Hospital NHS Trust has made representations seeking financial contributions in respect of the impacts they contend arise from the proposed development. These representations constitute material considerations in principle. However, such contributions may only be required if they meet all legal/policy tests relevant to seeking such contributions. In order for the Council to require the applicant to enter into a section 106 obligation to make such payments, the contributions must meet the requirements of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) which are also reflected in government policy in the NPPF at paragraph 56 and the NPPG. Regulation 122 (2) provides that: A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- Having carefully reviewed the consultation responses provided by the Trust,

officers do not consider that information provided demonstrates that the need for the contributions has been clearly justified or evidenced as being directly related to the development or fairly and reasonably related in scale and kind to the development. It cannot be concluded that it is necessary to make the development acceptable in planning terms.

Section 106 Agreement/CIL compliance

80. 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. The SANG provision through CIL will support the ongoing expansion and improvements at the Upton Country Park SANG.

81. 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.

82. 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.

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	2	@ £269	@ £96
	Proposed	74		
	Net increase	72	£19,368	£6,912
Total Contributions			£19,368 (plus admin fee)	£6,912 (plus admin fee)

CIL	Zone C	@ £115 per sqm
-----	--------	----------------

83. The applicant has submitted a draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 agreeing to pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM prior to commencement of development.

Summary

84. The proposal would:

- provide 72 additional dwellings in a sustainable location;
- result in the loss of a community facility;
- provide nine discounted market sales units;
- result in the total loss of a good quality locally listed building;
- result in a building of high quality design that preserves the setting of the listed building at the Civic Centre, the Poole Park Conservation Area and the historic park and garden;
- provide an acceptable standard of residential amenity for future occupants and neighbouring residents;
- provide adequate parking and enhance highway safety;
- secure renewable energy generation and biodiversity enhancements through condition;
- mitigate the impact on heathland and harbour recreation through SAMM contributions; and
- be CIL liable.

Planning balance

85. As outlined in paragraph 47, the community benefit of nine discounted market sales units is sufficient to outweigh the loss of the existing community facility.

86. The proposal would result in the total loss of a non-designated heritage asset, in this case a good quality locally listed building with historical and architectural interest. This loss must be attributed significant weight.

87. The application proposes a building that reflects local patterns of development. The scheme is of a high quality design with strong elements of symmetry and reflective of the classical architecture of the civic estate. This weighs positively in the scheme's favour.

88. The applicant has made a convincing statement regarding the lack of viability in retaining the locally listed building. This is considered to weigh neutrally in the planning balance.

89. The proposal would make efficient use of a brownfield site and provide 72 additional dwellings in a highly sustainable location in terms of public transport and local amenities including shops and Poole Park. This has significant weight

in terms of the substantial social and economic benefits of 72 additional dwellings, during both construction and in the future.

90. Overall, it is considered that the strong design of the proposed building in conjunction with the provision of 72 additional dwellings in this highly sustainable location are sufficient to outweigh the harm resulting from the total loss of the locally listed building, such that the balanced judgement required by Paragraph 197 of the NPPF weighs in favour of approving the scheme. Furthermore, these material considerations are sufficient to outweigh the conflict with Policy PP30.

91. The proposal delivers a form of sustainable development in accordance with the development plan, when a balanced judgement is made.

92. The view of the Council for British Archaeology is noted; however, they consider that there is little clear and convincing justification for the development. In contrast, it is the Local Planning Authority's role to balance all the issues including housing provision and proposed design.

Background Documents

93. Case File ref APP/19/01401/P: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

RECOMMENDATION

GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion, signing and sealing of a Section 106 agreement.

Section 106 terms:

**Dorset Heathland SAMM £19,368 plus admin fee
Poole Harbour SAMM £6,912 plus admin fee
Health Services Contribution (NHS CCG) £5,760 plus admin fee
9 Discounted Market Sales Housing units**

Conditions

1. OL080 (Submission of Reserved Matters (3 Years))
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and the development hereby permitted shall be begun before the expiration of 2 years from the final approval of reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason -

This condition is required to be imposed by the provisions of Section 92 of the

Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004

2. OL010 (Submission of Reserved Matters)

No development shall commence on site until details of the 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. PL02 (Plans Listing - Outline)

Pursuant of discharging conditions 1 and 2, the outline matters approved (access, layout, scale and appearance) shall be carried out in accordance with the following approved plans:

Dwg No. 9156/200 rev C PROPOSED SITE PLAN received 13 October 2020

Dwg No. 9156/201 rev E GROUND AND FIRST FLOOR PLANS received 13 October 2020

Dwg No. 9156/202 rev A SECOND AND THIRD FLOOR PLANS received 23 July 2020

Dwg No. 9156/203 rev A FOURTH AND FIFTH FLOOR PLANS received 23 July 2020

Dwg No. 9156/204 rev A PROPOSED ELEVATIONS SHEET 1 received 23 July 2020

Dwg No. 9156/206 rev A PROPOSED ELEVATIONS SHEET 2 received 23 July 2020

Dwg No. 9156/208 BLOCK AND LOCATION PLANS received 11 November 2019

Reason -

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

3. HB140 (Recording of Building)

Prior to the demolition/removal of any building or parts as approved, a specification shall be submitted to, and approved in writing by, the Local Planning Authority for the recording of the buildings by way of measured drawings and/or photographs. The recording works shall be carried out in strict accordance with the time-scale and details set out in the agreed specification and a full copy of the results shall be submitted to the Local Planning Authority prior to the commencement of development hereby approved.

Reason -

To enable a record to be made of this building of historic and architectural

interest and in accordance with Policy PP30 of the Poole Local Plan (November 2018).

4. AA01 (Non standard Condition)

Prior to first occupation of the building hereby permitted, details of an interpretive panel, explaining the history of the site, to be installed adjacent to the southern lobby entrance, as indicated on the approved plans, shall be submitted to and approved in writing by the local planning authority. The panel shall be installed before any residential occupation is brought into use, and maintained and retained thereafter.

Reason -

To educate future users of the site of its historic interest and in accordance with Policy PP30 of the Poole Local Plan (November 2018).

5. 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 prior to their use on site. The development shall thereafter be carried out in accordance with the approved details.

Reason -

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

6. 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 plans have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The car parking spaces shall be available for residents and visitors to the residential units and the parking shall remain as unallocated parking at all times with no parking space allocated to any individual residential unit except for any parking bay demarcated as Disabled Parking, which may be allocated to Registered Disabled Users only. No parking barrier shall be placed to restrict access to the car parking area.

Reason -

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

7. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays as indicated on the approved plans shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason -

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

8. HW210 (Building Operatives Parking)

Prior to commencement of works on site, a scheme for the parking for building operatives must be submitted to and approved in writing by the Local Planning Authority. The scheme must thereafter be complied with for the whole contract period.

Reason -

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

9. AA01 (Non standard Condition)

Prior to occupation of the development hereby approved, details of a scheme to support a car club to serve the development, to include the provision of two shared car club vehicles (which may be located either on the site or off the site) and a scheme for its management and operation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for not charging membership fees or joining fees for any occupants of the development hereby approved for the first two years of the scheme. The car club shall be brought into operation prior to first residential occupation of the development hereby approved and shall thereafter be retained, unless, after a period of at least 3 years, the Local Planning Authority agrees in writing that it can be discontinued.

Reason -

In the interests of securing sufficient parking provision on the site and delivering a sustainable scheme and reducing carbon emissions, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

10. AA01 (Non standard Condition)

Prior to first occupation of the development, a scheme of signage and ground markings encouraging motorists to turn right when exiting the site shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved scheme prior to first residential occupation of the development hereby permitted and shall thereafter be retained.

Reason -

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

11. HW220 (Specified Works)

Prior to first occupation of the building hereby permitted, further details of the schemes to construct buildouts from the footway and realign the kerb line to narrow the road widths at the North Road junction to the north east of the site and the Commercial Road/North Road Junction, as indicated on the approved

plans, shall be submitted to and approved in writing by the local planning authority. These schemes must then be constructed in full before any residential occupation is brought into use.

Reason -

These specified works are seen as a pre-requisite of allowing this development to proceed and in the interests of highway safety, in accordance with Policies PP27 and PP35 of the Poole Local Plan (November 2018).

12. GN180 (Accessible and adaptable dwellings)

In advance of securing Building Regulation Compliance, a schedule identifying 20% (15) of the dwellings hereby permitted to be built in accordance with the requirements of Approved Document Part M4(2) Category 2 of the Building Regulations (2015) (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The identified units shall thereafter be constructed in accordance with that Document (or any equivalent regulation replacing it with or without modification).

Reason -

In the interests of meeting the needs of the ageing population and in accordance with PP12 of the Poole Local Plan (November 2018).

13. GN162 (Renewable Energy - Residential)

Prior to first occupation of the building hereby permitted, details of measures to provide 20% of the predicted future energy use of the residential development 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 and retained thereafter.

Reason -

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

14. AA01 (Non standard Condition)

Details of the number, specification, design and location of bee bricks (or agreed alternative) to be installed in retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The bricks (or agreed alternative) shall be installed in accordance with the approved details prior to first residential occupation of the building hereby approved and thereafter retained.

Reason -

In the interests of biodiversity enhancement and in accordance with Policy PP33 of the Poole Local Plan (November 2018) and guidance contained within Section 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework (February 2019).

15. DR040 (Sustainable Urban Drainage)

Prior to the commencement of development, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be implemented in accordance with the approved scheme and thereafter retained.

Reason -

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and in accordance with PP38 of the Poole Local Plan (November 2018).

16. HW230 (Permeable surfacing condition)

All ground hard surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site. The hard surface shall thereafter be retained as such.

Reason -

In the interests of delivering development that does not result in unacceptable levels of run-off and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

17. AA01 (Non standard Condition)

Prior to first occupation of the building hereby permitted, the underground bins as detailed on the approved plans shall be installed, made available for use and retained and thereafter maintained in accordance with the manufacturer's instructions.

Reason -

In the interests of the appearance of the site, highway safety and in order to secure the provision of appropriate refuse and recycling storage for future residents and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

18. AA01 (Non standard Condition)

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site in relation to the proposed use of the site hereby approved and documenting the actual ground conditions found on site, an appropriate quantitative assessment of risk to identified receptors and whether remediation is required. The site investigation and risk assessment must be undertaken by a competent person(s) and submitted to and approved in writing by the Local Planning Authority prior to works continuing on site, except to any extent agreed in writing by the Local Planning Authority. Where remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters must be prepared, that shall be submitted to, and approved in writing by, the Local Planning Authority prior to works continuing on site, except to any extent agreed in writing by the Local Planning

Authority, and shall thereafter be implemented in accordance with the approved scheme. The scheme must include all works to to be undertaken, proposed remediation objectives and remediation criteria. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to, and approved in writing by, the Local Planning Authority, within one month of completion of remediation.

Reason -

In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 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 afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

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 a S.111 agreement 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.