



## PLANNING COMMITTEE

Application Address	Arndale House, 243 High Street North and 1-17 Kingland Road, Poole.
Proposal	Demolish existing buildings and erect mixed-use development comprising 128 residential apartments (Use Class C3) together with nine ground floor commercial units (Use Classes A1, A3 or B1a) and associated ancillary works including car and cycle parking
Application Number	APP/18/00494/F
Applicant	Poole Property Investments Limited
Agent	DPP Planning
Date Application Valid	26 April, 2018
Decision Due Time	21 December, 2018
Extension of Time date (if applicable)	
Ward	
Meeting Date	20 <sup>th</sup> May 2021
Recommendation	Grant Subject TO CIL Contribution
Reason for Referral to Planning Committee	This application is brought before committee due to the proposal is for major development where the Council has an interest in the land.
Case Officer	Eleanor Godesar

### Description of Development

1. Full planning consent is sought to demolish existing buildings and erect mixed-use development comprising 128 residential apartments (Use Class C3) together with nine ground floor commercial units (Use Classes A1, A3 or B1a) and associated ancillary works including car and cycle parking
2. The application site has been registered as Arndale House. Part of the site is also known as Kingland House and this is the name which the applicant has used on submitted drawings and reports.
3. The proposal has been amended significantly since the application was first submitted. The current proposal has been reduced from 225 flats down to 128 flats. The height, scale and massing have also been amended, having evolved from two separate buildings in the upper levels with greater massing to a single building which has an overall reduced height and progressively steps down in height from High Street North to Seldown Lane.

4. Key characteristics of the current proposal are:
  - 128 apartments, down from 145 in the previous submission. The original submission comprised 225 apartments.
  - The overall height of the proposal has been reduced, with the tallest building reduced from 15 storeys down to 11 storeys
  - The setting back of the top of the tallest element of the building
  - A reduction in the height of the middle section of the building by two storeys
  - The removal of windows on the lower element of the south side elevation to allow for an increased future height on the phase 2 element of the site;
  - Amendments to proposed balconies
  - Greater activation at the ground floor has been introduced;
  - 9 double height retail units have been added to the ground floor fronting Kingland Road;
  - Parking spaces are now located on the ground floor rather than the first floor.
  - An increase in the parking ratio; and
  - Amendments to the servicing arrangements for the ground floor commercial units.

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

5. The application site is located on the northern side of Poole town centre which is dominated by twentieth century, generally low rise, commercial buildings which vary in scale and massing. The site and surrounds are dominated by their built form with limited trees and landscaping.
6. To the north, the built form transitions to predominantly residential areas. To the west is the primary retail frontage within the Dolphin Centre. Other notable buildings are the Lighthouse to the east and the Barclays building to the north west. The north west of the site adjoins the George roundabout which is a key circulation point for vehicles traveling in the town centre. To the south is a large area of public car parking, including a multi-storey car park.
7. The George Hotel is the closest heritage asset to the north of the application site and is locally listed.

### **Relevant Planning History**

8. No previous planning applications of relevance.
9. Pre-application – mixed use proposal for ground floor commercial units and upper floor residential, retirement living and hotel uses. Whilst no overall formal written response was provided, pre-application discussions on the original 14 storey building focused upon design and highways issues. Urban design comments considered existing height of buildings and whilst a tall building was feasible adjacent to the George roundabout, the height along Kingland Road would need to be significantly reduced to compliment buildings of 4/5 storeys in height. The discussions related to design helped evolve the proposal in terms of height, mass and the impact on the skyline. Highways issues related to

shortfall in residential parking, impact on the viability of the hotel if it did not offer parking and servicing to the commercial units. Existing coach / taxi parking would restrict manoeuvring of service vehicles. The servicing bay located to the end of High Street North would also cause major safety and potential congestion issues especially from drivers emerging onto the busy roundabout or vehicles queueing to enter the service bay (PREA/16/00069).

## Constraints

10. None

## Biodiversity / Habitats

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

## Consultations

First round of consultation

12. Planning Policy (Urban Design/Heritage) – A taller building fronting George roundabout has potential to define and enclose this relatively large space, which is a key arrival point from the town centre. However, the proposed height would be considerably higher than adjacent buildings. Of more concern is the scale and height of the building along Kingland Road and the lack of active frontage.

The setting of the locally listed George Hotel will be altered as the built form proposed will be more dominant than the existing building. In combination with Keel House, the heritage asset would become more enclosed by built form. However, the harm does not result from any loss or damage directly to the asset and the proposed building is separated from the heritage asset. As such, the scale of harm does not warrant an objection to the application.

13. BCP Highways Authority – as originally submitted, the proposal failed to provide safe and efficient servicing arrangements for the proposed commercial and residential units and fails to provide safe and efficient car park access. The proposal also failed to provide appropriate levels of car parking provision for the likely needs of the development.
14. Lead Local Flood Risk Authority – permeable paving stated, but don't know extent; need to consider site infiltration; will there be a green roof; drainage system indicated as being already at capacity
15. Environmental Services (Contaminated Land) – There is the potential for made ground and the presence of a sub-station in proximity to the site. Consequently, there is the potential for contamination to exist which could affect future users

of the site. No objection, subject to conditions.

16. Environmental Services (Noise) – a Construction Noise Management Plan should be submitted.
17. Environmental Services (Open Space & Green Infrastructure) – a contribution is required to mitigate for the impact of the new residents on the existing open spaces. The proposal would need to provide green infrastructure, a green roof is suggested, and biodiversity enhancements.
18. Waste Collection Authority – Bin storage would be more than 10 metres from kerbside. Subterranean bins may be an option.
19. Place Planning and School Organisation – The proposal is likely to generate 16 early years, primary and secondary places and a monetary contribution would be sought through CIL or s106.
20. NHS Dorset Clinical Commissioning Group – requesting a s106 financial contribution to provide additional primary care services.
21. Dorset Police – whilst occupants will have access to sustainable transport, the shortfall of car parking causes concerns. The car park is not secure in terms of protecting vehicles and bicycles. Robust internal security and compartmentalization to prevent communal doors and corridors allowing free access to intruders will be required. The loading bay is problematic with vehicles entering and leaving the site from traffic flow feeding into the George Roundabout
22. The Society for Poole – high dependency on occupants walking, cycling or using public transport. This is acceptable for accessing the facilities in the town but not necessarily for employment. Shortfall of parking may blight the vicinity.
23. Environment Agency – no objection
24. Natural England – objection due to lack of information to determine impacts of internationally protected sites.
25. Theatres Trust - concerns regarding the potential impact of the development on the operation and viability of the Lighthouse in relation to the servicing bay which is located along its south-west corner. Servicing occurs late at night (particularly after performances), early in the morning and at weekends to facilitate the moving of sets and other heavy items. This inevitably results in some noise. Concerns that having the flats too close may result in restrictions being imposed on the Lighthouse which would compromise its ongoing viability and role as a cultural asset for Poole.
26. Lighthouse Theatre – Suitable acoustic treatments should be provided for flats to the rear of the Lighthouse to minimise the impact of noise from late-night commercial activities. Lighthouse must maintain 24-hour access to the Theatre and Concert Hall loading bays for the delivery of equipment and supplies. A

covenant should be considered to prevent future occupants from submitting noise complaints relating to the commercial activities of Lighthouse. Operational delivery of the commercial activities of Lighthouse should not be impeded.

27. Go South Coast – Over-provision of car parking given it is close to sustainable travel options and public car parking spaces. The proposed level of parking and hence traffic to or from the site will affect bus access to the Bus Station and the proposal does not allow for the reconfiguration of George Roundabout.

## Second Round of Consultation

28. Planning Policy (Urban Design) – the amendments represent a positive change to the building. The section fronting Kingland Road has been reduced in height by two storeys, the top floor continues to be recessed. The building would be nine storey as opposed to eleven storey in this section. The reduction in height is a positive change that creates a stronger separation between this central part of the building and the taller part of the building that fronts onto the George roundabout.

At nine storey, the central part of the building would be a significant building and would be dominant in more distant views from the wider area. However, town centre north is identified as the most suitable location to accommodate taller buildings. Therefore, there is a balanced judgement to be made in respecting the existing character but acknowledging the context in town centre north is evolving and will continue to evolve.

Additional retail uses on the ground floor would provide further active frontage. The blank wall along High Street North has been reduced.

29. BCP Highways Authority – amendments to the width of the access, bicycle provision, servicing and arrangements for waste vehicles have been negotiated. Supports the application, subject to conditions and s106.
30. Lead Local Flood Risk Authority – support, subject to condition relating to final drainage design.
31. Environment Agency – no objection
32. NHS Dorset Clinical Commissioning Group – requesting a s106 financial contribution to provide additional primary care services.
33. Theatres Trust – Support the principle of development but express concern regarding the positioning of a number of residential units adjacent to the Lighthouse's servicing bay.
34. Lighthouse – lack of suitable acoustic treatments; proposed café would be adjacent to an existing outlet in the Lighthouse; increased traffic congestion on Seldown Lane may impede operational delivery of commercial activities.

35. Natural England – refer to previous consultation
36. Go South Coast – over-provision of proposed car parking proposed which is close to sustainable travel options and public car parking; impact of additional traffic to or from the site will affect bus access to the Bus Station.
37. Life Church – currently occupy part of the site. They are open to relocating, however point out that their activities are focused on the town centre and would like any relocation to be mindful of this.
38. Poole Quays Forum – No objection to the demolition of the existing building. Do not consider that the proposed commercial units would provide a positive contribution to the urban environment; high density proposal which compromises on creating a high-quality living environment; lacks affordable housing; addition of balconies and varying building heights welcomed; planting to balconies and roof would enhance the built form.

## **Representations**

39. In addition to letters to neighbouring properties a site notice was posted outside the site on 1 October 2018 with an expiry date for consultation of 25 October 2018. A further letter consultation was carried out on 19 June 2019 following amended plans.
40. Representations have been received from four separate addresses, raising objection. The issues raised comprise the following:
  - The building is too high (14 floors)
  - High rise would erode the character of Poole
  - Overshadowing and loss of sunlight; compatibility for future occupants with the nearby Lighthouse
  - Impact of additional traffic in vicinity of the site

## **Key Issues**

41. The key issues involved with this proposal are:
  - Provision of commercial units
  - Design of the building in context of local patterns of development and neighbouring buildings
  - Heritage assets
  - Affordable Housing
  - Accessible and Adaptable Dwellings
  - Amenity and privacy of neighbours and future occupants
  - Parking, Access and Servicing
  - Waste Collection
  - Flood Risk and Sustainable Drainage Systems (SuDS)
  - Renewable energy
  - Biodiversity enhancement
42. These issues will be considered along with other matters relevant to this

proposal below.

## Planning Policies

### 43. Poole Local Plan (Adopted 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and broad location of development
PP03	Poole town centre strategy
PP04	Town Centre North regeneration area
PP07	Facilitating a step change in housing delivery
PP08	Type and mix of housing
PP11	Affordable housing
PP12	Housing for an ageing population
PP22	Retail and main town centre uses
PP23	Tourism and the evening/night time economy
PP27	Design
PP28	Flats and plot severance
PP29	Tall buildings
PP31	Poole's coast and countryside
PP32	Poole's important sites
PP33	Biodiversity and geodiversity
PP34	Transport strategy
PP35	A safe, connected and accessible transport network
PP37	Building sustainable homes and businesses
PP39	Delivering Poole's infrastructure
PP40	Viability

### 44. Supplementary Planning Document

SPD3	Dorset Heathlands Planning Framework (2020-2025)
SPD4	Affordable Housing SPD (Adopted November 2011)
SPD5	Poole Harbour Recreation SPD (2019-2024)
SPD6	Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)
SPD7	Parking Standards SPD (adopted January 2021)

### 45. National Planning Policy Framework (February 2019)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

## **Planning Assessment**

### Principle of Development

- 46. A strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations as detailed in PP01. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals.
- 47. The Housing Delivery Test for the Poole Local Plan area was published in January 2021. In high level terms, the Housing Delivery Test (HDT) compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement). The HDT shows that the total number of homes delivered in Poole compared to those required over a defined 3 year period was 73% which is slightly below the government's threshold of 75% - the number of homes required between 2017 and 2020 was 1,860 whereas the number of homes delivered in that time period was 1,361. This results in a shortfall of 499 dwellings over the Local Plan target for that period. As a reminder, the 5-year residential supply and HDT results continue to relate to each legacy area separately until the existing legacy local plans are superseded by a BCP Local Plan.
- 48. It is recognised that as the site is not designated or relates to any of the policies as set out in footnote 6 of paragraph 11 of the NPPF (2019), the presumption in favour of sustainable development is engaged and the ‘tilted balance’ needs to be applied as per the NPPF below;
- 49. For decision-taking this means:
  - (c) approving development proposals that accord with an up-to-date



- development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
50. Given the shortfall of number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission, except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance forms a material consideration in this case.
51. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations. Policy PP2 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car. The application site is located within the town centre and complies with Policy PP2.

### Commercial Units

52. The application proposes nine commercial units which would have active frontage along Kingland Road and the George Roundabout. These units, which range from 23 m<sup>2</sup> to 50 m<sup>2</sup> would replace existing units. Several of the existing units are currently occupied by professional services and a church. There are also a number of vacant units, including part of the site which was formerly used by Natwest.
53. The Poole Local Plan adopts a town centre first approach. The application site is within the town centre and is allocated as a mixed use development.
54. The proposed uses, as defined under the previous use classes order, would include retail (A1), restaurant and café (A3) and office use (B1a). These uses would fit into the current Class E of the use classes order and other uses under Class E would be acceptable. Operating hours could be secured by condition (#8) to mitigate against potential conflict with the proposed residential properties.
55. The proposed commercial units would maintain retail and other main town

centre uses within a town centre location, in accordance the Policy PP22 of the Poole Local Plan and Section 7 of the NPPF.

### Design of the Building in Context of Local Patterns of Development and Neighbouring Buildings

56. Policy PP28 of the Poole Local Plan states that flats will be permitted where the plot can accommodate a form of development that ensures scale and massing of the building and resultant plot coverage, including buildings, parking, cycle and bin storage and other hard surfacing, would be in keeping with neighbouring buildings and the established pattern of development in the street or part of the street. The policy also requires that car parking and turning areas do not dominate the site or materially harm neighbouring privacy and amenity.
57. Policy PP28 is reinforced by Policy PP27 of the Poole Local Plan, which also seeks to ensure that development exhibits a high standard of design that will complement or enhance Poole's character and local distinctiveness by respecting the setting and character of the site, surrounding area and adjoining buildings by virtue of function, siting, landscaping and amenity space, scale, massing, height, design details, materials and appearance.
58. The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area over their lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are welcoming and distinctive places to live and visit; and create places that are safe, inclusive and accessible (para.127).
59. The application has been amended during its life so that it now proposes 128 flats. These would a combination of 51 x 1 bedroom, 75 x 2 bedroom and 2 x 3 bedroom flats which would be located on the upper floors of the building.
60. The area has a varied urban character and a number of well documented urban design issues, including the dominant road layout, lack of active frontages and large bulky buildings which lack architectural merit and contribute to a negative perception of this part of Poole town centre. Building heights are typically three to five storey. However, there are examples of taller buildings such as Barclays, Merek House, Corfe House and Keel House. The site is identified in Policy PP4 of the Poole Local Plan as an allocated site (T5) in the Town Centre North regeneration area. The local plan allocates it for approximately 150 homes and other commercial uses. The allocation also specifies that a proposal contribute towards the enhancement of Kingland Road and any public realm initiatives.
61. The proposal would have a stepped design with the highest part of the building facing towards the George roundabout at eleven storeys. The proposal would define and enclose the relatively large space of George roundabout, which is a key arrival point from the town centre. The tower element has been designed with strong vertical emphasis and a stepped roof profile. The massing would articulated into three elements and, along with the triangular framed balconies, would add interest to the building.

62. Along Kingland Road, the proposal steps down to eight storeys with the top floor being recessed. This provides an acceptable height difference with the tower element. The reduced height in this central section provides integration with lower buildings along Kingland Road.
63. The development is proposed to be built in two phases. This is due to a long term lease on the southern part of the site associated with the church. The building steps down from eight storeys to three storeys and then two in the part of the building adjacent to Seldown Lane. Depending on future agreement on this part of the site, there is potential to increase the height of the building to include more accommodation.
64. The streetscene in the vicinity of the application site is starting to evolve with taller buildings being constructed. When compared to older, lower buildings, the proposal would have a dominant appearance when viewed from the wider area, including Holes Bay, down Wimborne Road and across Poole Park. However, PP29 of the Local Plan and the Town Centre SPD identifies Town Centre North as one of the most suitable locations for tall buildings and this area is identified for regeneration and change. The beginnings of an evolving character are apparent in the buildings coming forward at Keel House and Wimborne Road. As other sites come forward, the proposal would become less dominant.
65. The materials could be secured by condition (#4) but show predominantly brick walls with some concrete and render. These materials would reflect the mixed style of individual buildings in the streetscene.
66. The application site is currently dominated by built form and hard surfacing, with low landscaping nearby in the public realm. There are some limited opportunities for surface level landscaping within the red line of the site. A green roof has also been suggested and its consideration could be secured by condition (#5).
67. In the context of an evolving streetscene where tall buildings are being encouraged, the proposal would therefore have a height, scale, massing and appearance which would reflect the evolving local patterns of development and neighbouring buildings. There is some opportunity to provide more landscaping than is currently provided on the site. The proposal is therefore in accordance with policies PP4, PP27, PP28 and PP29 of the Poole Local Plan and Section 12 of the NPPF.

#### Heritage Assets

68. Paragraph 197 of the NPPF states that the effect of the proposal on significance of a non-designated heritage asset should be taken into account. A balanced judgement is required on the scale of any direct or indirect harm.
69. The closest heritage assets are located to the north of the application site and are the George Hotel and, beyond this, the former bus depot at. Both sites are non-designated locally listed buildings.

70. The George Hotel has architectural merit and fronts on to the roundabout. The setting of the locally listed building would be altered as the built form would be more dominant than the existing building. In combination with the constructed seven storey development at Keel House, the George Hotel would become more enclosed by built form. In this instance, however, the harm would not result in any loss or damage directly to the asset and there would be adequate separation distance that any harm would be less than substantial. Due to the separation to 2 Wimborne Road and intervening buildings, the impacts to the setting of this heritage asset are considered to be acceptable.
71. Whilst the proposal would not enhance or better reveal the significance and value of the George Hotel, the tilted balance needs to be applied in this case. The site is a non-designated heritage asset and the benefit of providing 128 homes would be sufficient to outweigh the indirect harm to the George Hotel, in accordance with paragraph 197 of the NPPF.

### Affordable Housing

72. Policy PP11 of the Poole Local Plan states that to meet housing needs the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. The proposal has 128 units which triggers the requirement for the provision of affordable housing. Due to the location of the application site, the affordable housing target that is to be sought in relation to this current proposal is 10% affordable housing.
73. In accordance with Policy PP40, an applicant can seek to demonstrate to the Council that a proposal would not be viable if it were policy compliant. The applicant has submitted a Residual Land Value (RLV) assessment which was based upon the previous proposal for 145 units. This assessment has been evaluated by the DVS. The DVS concluded that the proposal would have a substantial deficit and is not capable of providing any affordable housing contribution. The deliverability of the development has also been questioned by the DVS. Given the significant deficit, it has been agreed that the additional costs required to amend the RLV assessment for the current proposal for 128 units and then get it evaluated by the DVS would not be justified since the results would be similar.
74. The proposal therefore meets the requirements of Policies PP11 and PP40 and the acceptability of the principle of the proposed development therefore rests with an assessment of whether it delivers a sustainable pattern of development.

### Accessible and Adaptable Dwellings

75. In accordance with PP12 of the Poole Local Plan, 20% of the flats must be designed in accordance with Building Regulations Part M4(2) for adaptable and accessible homes. Amended plans have been received for Flat Types 04, 06 and 07. Minor changes have been made to the entrance, internal circulation, bedrooms and bathroom of these flats to be compliant to M4(2). Seventy four of the flats are shown as M4(2) compliant which would address the 20%

requirement. These provisions could be secured by condition (#6).

#### Amenity and Privacy of Neighbours and Future Occupants

76. The closest neighbours to the proposal are commercial properties at 245, 247-249 and 251 High Street North. The closest residential neighbours with facing windows are at Voyager House. These properties are located to the north east of the application site. Other residential properties are at greater distance from the application site, including Keel House to the north east.
77. 247-249 High Street North has two first floor windows which face towards the proposal. This premises appears to be in office use. The separation distance would be approximately 18 metres. There would be some overbearing impact to upper floor windows which would result in some loss of outlook and daylighting. However, there are other windows on the first floor and taking into account the existing four storey building on the application site, daylighting and outlook from 247-249 High Street North would not be significantly harmed.
78. Voyager House has upper floor windows which face towards the application site. The separation distance is greater than 247-249 High Street North and is at least 32 metres. Taking into account the existing four storey building on the application site and the orientation of the tallest part of the building which increases the separation distance from Voyager House, there is sufficient separation to preserve amenity of Voyager House in terms of daylighting and outlook.
79. There is sufficient separation distance between facing windows of at least 18 metres to the closest neighbours to preserve neighbouring privacy.
80. The majority of flats are single aspect, however, habitable accommodation would receive sufficient daylighting and outlook. All flats would achieve the minimum gross floor space areas specified in the nationally described space standards.
81. Most flats would have access to private external amenity space in the form of a balcony. Balcony screens would be required and secured by condition (#7) for the west facing flats on Level 1 to prevent close proximity views back to adjoining flats. The other balconies have been decreased in depth and widened so there would be views between balconies on each level if they were to be used at the same time, however, the balconies would not be deep enough to result in views towards adjoining flat windows.
82. The flats on the lower floors would be in proximity to the ground floor commercial units and vehicle movements associated with the building. The site is a town centre location and future occupants would need to accept an elevated level of daytime and evening activity, compared to a quieter residential location. However, impact of the commercial units on the residential units within the site could be mitigated by securing operating hours, noise details and fume extraction details from future cafes/restaurants through conditions (#8, #9, #10 and #11).

83. The proposal is therefore in accordance with PP27 of the Poole Local Plan and would preserve neighbouring and future occupant amenity and privacy.

#### Parking, Access and Servicing

84. A significant amount of work has been undertaken to result in a proposal which is now acceptable in highway terms. Since the application was submitted, the BCP Parking Standards Supplementary Planning Document was adopted on 5 January 2021. As a result of this new SPD, zero parking in this town centre location would be compliant. However, some disabled parking would be provided and operational parking space would assist with servicing the commercial units, reducing the risk of inconsiderate service vehicle parking on major roads adjacent to the site. In addition, the applicant's agent has previously outlined that discussions have taken place with local Members and they stated a desire to see some car parking. In order to reduce the reliance on car ownership, car trips to the site and meet aims of encouraging sustainable travel, Car Club provision and a Travel Plan with sustainable travel vouchers have been sought. These could be secured through a s106 legal agreement. Therefore, overall the levels of car parking proposed are accepted.
85. The cycle parking has been re-arranged to provide two larger stores rather than various smaller stores. This is welcomed. Cycle parking would also be provided at 1 space per bedroom, which complies in terms of number with Council's adopted parking standards. There is still an overprovision of stacking cycle parking compared with standard Sheffield type hoops and some of the cycle parking spaces appear awkward to access. However, the planning application was submitted a significant time prior to the current SPD and a pragmatic approach has been taken to accept the cycle stacking system which was previously acceptable in the now superseded Borough of Poole parking SPD. In addition, providing more Sheffield type stands would reduce the car parking. Given the local support for some car parking to be provided, the current mix of vehicle parking and cycle parking is acceptable and could be secured by condition (#12).
86. Electric Vehicle Charging would need to be provided in line with the Parking Standards SPD but could be secured by condition (#13).
87. The access to the site would be from Seldown Lane and previous issues related to its width have been resolved and secured by conditions (#14, #15 and #16). The amended plans have removed the Seldown Lane half lay-by and this is welcomed. A condition is suggested to deal with potential refuse collection issues from a refuse vehicle waiting on the main road.
88. There is an existing bus stop located where the proposed new car park entrance would be and would need to be moved further south on Seldown Lane. This could be secured by condition (#17).
89. The plans show tables and chairs located outside the site boundary. Any such tables or chairs that are to be located on the Highway would be subject to a

separate licence application process under the Highways Act. Any approval granted as part of the planning process does not grant approval for such tables and chairs.

90. The proposal would therefore preserve highway safety and complies with provisions of policies PP34 and PP35 of the Poole Local Plan the BCP Parking Standards SPD.

#### Waste Collection

91. The proposal has 128 flats which would require 48 x 1100 litre capacity bins. The amended plans show two bins stores that can only accommodate 22 of the 48 bins required for the residential apartments. In addition, the collection vehicles would be unable to enter a building to collect bins because the height restriction would prevent the vehicle from carrying out an ejection of waste material in the event of an emergency.
92. Using underground bins in the highway has been investigated, however, there is not sufficient room. The applicant's agent has suggested using a private contractor. A private contractor would potentially have more ability to operate a smaller, non-standard vehicle, therefore potentially avoiding undercroft building height issues. This is not an ideal solution since the Local Waste Authority has a statutory requirement to collect residential waste if a private contractor were to cease. However, it is less likely in this development since it is a single block development where there is likely to be one management company for the residential units and residents would pay a management fee.
93. On this matter, the tilted balance needs to be taken into consideration and the benefits of providing 128 flats significantly outweigh the adverse impact in relation to collection of waste. A condition is suggested (#18) which would require the submission and agreement of a servicing and refuse management plan. This document would need to stipulate that private refuse collection must take place with the vehicle parked within the site and prevent a private contractor from choosing to park on Seldown Road.

#### Sustainable Drainage Systems (SuDS) and Flood Risk

94. A drainage plan has been submitted with the proposal. This provides enough detail to be satisfied that the discharge from the site would be reduced and poses a significant betterment for the public surface water network in this area and downstream. Additional detail would need to be secured by a condition requiring a final drainage design. Given the location and nature of the site, soakaways would not be feasible. However, there is potential for some on-site infiltration. It would be expected at final design stage that each type of SuDS system be considered and reasoning for selecting/rejecting a particular option justified.
95. There is the potential to install a green roof and this has been suggested in the design plan. A green roof would also contribute towards biodiversity enhancement for the site. Further consideration for this option could be secured

through the landscaping and SuDS conditions (#5 and #19).

96. The drainage strategy states that permeable paving is to be used on the site. According to the SUDS mapping, the location should be suitable for SUDS, so the use of permeable paving is welcome and further detail would be provided in the final design.
97. The mapping available from the Environment Agency (Flood Map for Surface Water) shows that the site is not at current day risk from flooding and is also in future flood zone 1.
98. Subject to conditions, it can be ensured that the proposal meets with the Defra guidance and would comply with policy PP38 of the Poole Local Plan.

#### Renewable Energy and BREEAM

99. No details for renewable energy sources have been submitted with the energy and resources statement. Further detail would be required to demonstrate that the proposal could achieve 20% of the estimated energy output through renewable energy sources, in accordance with PP37 of the Poole Local Plan. Being a new build, this could be achieved through details secured by condition (#20).
100. The commercial units would be subject to BREEAM. Details for this have been secured by condition (#21).

#### Protected Sites and Biodiversity Enhancement

101. The original advice from Natural England raised objection due to information not being available to demonstrate that the proposal would be unlikely to have an adverse impact on the integrity of Poole Harbour Special Protection Area (SPA) and mitigation for Dorset heathlands and nitrogen offsetting to Poole Harbour. However, this mitigation would be covered by CIL and SAMM contributions. No bespoke measures are required and the Appropriate Assessment concludes that, with the necessary mitigation measures secured, there will be no adverse effect on the integrity of the designated sites.
102. A preliminary ecology appraisal has been submitted. Whilst the existing building is capable of supporting roosting bats and nesting birds, the emergence survey did not record any bats leaving or entering the building. The site is therefore assessed to have low ecological value. Timing of works to avoid the breeding bird season or checking the building for breeding birds could be secured by condition (#22).
103. Biodiversity enhancements would be expected for the proposal, in accordance with Policy PP33 of the Poole Local Plan. Native plant species within the landscaping details and enhancements as recommended by an ecologist could be secured by condition (#5 and #23) to comply with policy PP33 of the Poole Local Plan.



## Land Contamination

104. The application site has the potential for made ground and the presence of a sub-station. A land contamination report and provision for unexpected contamination is therefore secured by condition (#24).

## **Section 106 Agreement/CIL compliance**

<b>Contributions Required</b>			<b>Dorset Heathland SAMM</b>	<b>Poole Harbour Recreation SAMM</b>
Flats	Existing	0	@ £269	@ £96
	Proposed	128		
	Net increase	128	£34,432.00	£12,288.00
<b>Total Contributions</b>			£34,432.00 (plus admin fee)	£12,288.00 (plus admin fee)
CIL	Zone B (i)		@ £60 per sq m	

105. 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.

106. 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

107. 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.

108. The relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM will be secured through a s106 legal agreement.
109. An education contribution has been requested to provide for additional capacity in schools. This would be secured through a s106.
110. The NHS has requested a contribution towards additional medical facilities in Poole and would be secured through a s106.

### **Planning Balance / Conclusion**

111. Given the shortfall of number of homes delivered in Poole, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The Council encourages sustainable development. This seeks to strike a balance between the economic benefits of new housing with any potential environmental impacts that result from the residential redevelopment and the social benefits derived by the creation of much needed housing.
112. The proposal would contribute to the Council's demand for new housing, delivering 128 additional residential units of accommodation on site, in a manner that would preserve the area's evolving character.
113. The proposed commercial units would be located in the town centre and would replace existing units which are comprised of office and retail use and a church. Impact upon amenity of future occupants would be mitigated through conditions.
114. The proposal would have an impact on the nearby heritage asset. Whilst the proposal would not enhance or better reveal the significance and value of the George Hotel, it is non-designated rather than a designated heritage asset and the harm caused by its increased enclosure would be indirect. The tilted balance needs to be applied in this case and the public benefit of providing 128 homes would be sufficient to outweigh the less than substantial harm to the George Hotel.
115. The proposal would have an impact on neighbouring and future occupant amenity and waste collection arrangements. However, regard should be had to all material planning considerations, the compliance of the proposal with the provisions of all relevant policies of the Local Plan, as mentioned in the report, and taking into account the ability to mitigate any identified impact on the neighbouring amenity and waste collection arrangements through conditions.
116. The DVS have concluded that the proposal would have a substantial financial

deficit and the proposal is not capable of providing any affordable housing contribution.

117. The proposal would have a shortfall of bin storage and the vehicles used by the Waste Collection Authority would not be able to use the site safely. This could be alleviated through use of a private contractor. Whilst not ideal, the tilted balance needs to be taken into consideration and the benefits of providing 128 flats significantly outweigh the adverse impact in relation to collection of waste.
118. There are economic benefits and social benefits from the provision of additional housing. The assessment of the environmental impacts concludes this to have a neutral impact.
119. In conclusion, having regard to the above considerations and having the tilted balance in mind, it is concluded that the proposal would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF, and is therefore recommended for approval.

## **RECOMMENDATION**

120. 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 of a Section 106 agreement with the following terms:

### **Details of Section 106 Agreement**

- 1. A financial contribution of £34,432.00 (plus administration fee) towards offsetting the recreational impact of the development on the Dorset Heathlands SPA and SSSI in accordance with Policy PP32 of the Poole Local Plan adopted November 2018 and the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document adopted April 2020.**
- 2. A financial contribution of £12,288.00 (plus administration fee) towards offsetting the recreational impact of the development on Poole Harbour SPA, in accordance with Policy PP32 of the Poole Local Plan adopted November 2018 and the Poole Harbour Recreation Interim Scheme Supplementary Planning Document (Adopted January 2019).**
- 3. A financial contribution of £10,260.00 towards the cost of medical facilities in Poole, in accordance with Policy PP39 of the Poole Local Plan adopted November 2018.**
- 4. A financial contribution of £187,947.00 towards education, in accordance with Policy PP39 of the Poole Local Plan adopted November 2018.**

**5. The securing of two Car Club cars or equivalent contribution for a minimum of 3 years and to have been implemented within 3 months of first residential unit occupation, in accordance with PP34 and PP35 of the Poole Local Plan adopted November 2018 and the BCP Parking Standards Supplementary Planning Document adopted January 2021.**

**6. The securing of a residential Travel Plan to contain an option for each household of either a 3 month free train or free bus travel voucher and Beryl Bike Hire scheme vouchers per household. Vouchers to be provided upon each household occupation, in accordance with PP34 and PP35 of the Poole Local Plan adopted November 2018 and the BCP Parking Standards Supplementary Planning Document adopted January 2021.**

### **Conditions**

**1. GN150 (Time Expiry 3 Years (Standard))**

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

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

**2. PL01 (Plans Listing)**

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

0540-LDA-00-LL-DR-A-00-001 Rev P06 Existing Location Plan received 9 April 2018

0540-LDA-P2-LL-DR-A-20 115 Rev P01 Proposed Block Plan received 9 April 2018

0540-LDA-01-LL-AR-A R-A-01 001\_29 04 2021 Flat Types Schedule received 30 April 2021

Internal Organisation Unit Types (extract from Design and Access Statement June 2020) received 29 April 2021

0540-LDA-DR-A-20 004 Rev 1 Flat Type 04 received 2 October 2020

0540-LDA-DR-A-20 006 Rev 1 Flat Type 06 received 2 October 2020

0540-LDA-DR-A-20 007 Rev 1 Flat Type 07 received 2 October 2020

0540-Designer-DR-A-20 110a Rev 1 Phase 01 Ground Floor Plan received 30 April 2021

0540-Designer-DR-A-20 110b Rev 2 Phase 01 & 02 Ground Floor Plan received 22 February 2021

0540-LDA-DR-A-20 120 Rev 1 Level 1 Plan received 30 April 2021

0540-LDA-DR-A-20 130 Level 2 Plan received 20 July 2020

0540-LDA-DR-A-20 140 Levels 3-6 Plan received 20 July 2020

0540-LDA-DR-A-20 150 Level 7 Plan received 20 July 2020

0540-LDA-DR-A-20 160 Level 8 Plan received 20 July 2020

0540-LDA-DR-A-20 170 Rev 1 Level 9 Plan received 30 April 2021  
0540-LDA-DR-A-20 180 Level 10 Plan received 20 July 2020  
0540-LDA-DR-A-20 190 Roof Level Plan received 20 July 2020  
0540-LDA-DR-A-21 115 Rev 8 Section AA received 20 July 2020  
0540-LDA-DR-A-21 116 Rev 8 Section BB received 20 July 2020  
0540-LDA-DR-A-21 117 Rev 8 Section CC received 20 July 2020  
0540-LDA-DR-A-22 120 Rev 2 West & East Elevations received 30 April 2021  
0540-LDA-DR-A-22 122 Rev 1 East Elevation 1/2 received 2 October 2020  
0540-LDA-DR-A-22 123 Rev 2 East Elevation 2/2 received 30 April 2021  
0540-LDA-DR-A-22 124 Rev 1 West Elevation 1/2 received 2 October 2020  
0540-LDA-DR-A-22 125 Rev 1 West Elevation 2/2 received 2 October 2020  
0540-LDA-DR-A-22 126 Rev 1 South Elevation received 2 October 2020  
0540-LDA-DR-A-22 127 Rev 1 North Elevation received 2 October 2020  
0540-LDA-DR-A-25 127 Rev 1 Façade Types – Type 01 received 30 April 2021  
0540-LDA-DR-A-26 202 Rev 1 Façade Types – Type 02A/B received 30 April 2021  
0540-LDA-DR-A-26 203 Rev 1 Façade Types – Type 03 received 30 April 2021  
0540-LDA-DR-A-26 204 Rev 1 Façade Types – Type 04A/B received 30 April 2021  
0540-LDA-DR-A-26 205 Rev 1 Façade Types – Type 04C/D received 30 April 2021  
0540-LDA-DR-A-26 206 Rev 1 Façade Types – Type 05 received 30 April 2021  
0540-LDA-DR-A-26 207 Rev 1 Façade Types – Type 06 received 30 April 2021  
0540-LDA-DR-A-26 208 Rev 1 Façade Types – Type 07 received 30 April 2021  
0540-LDA-DR-A-26 209 Rev 1 Façade Types – Type 08 received 30 April 2021  
0540-LDA-DR-A-26 210 Rev 1 Façade Types – Type G1 received 30 April 2021  
0540-LDA-DR-A-26 211 Rev 1 Façade Types – Type G2 received 30 April 2021  
0540-LDA-DR-A-26 212 Rev 1 Façade Types – Type G3 received 30 April 2021  
0540-LDA-DR-A-26 213 Rev 1 Façade Types – Type G4 received 30 April 2021

Reason -

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

### 3. AA01 (Non standard Condition)

Prior to the construction of the building hereby approved, a scheme for phasing of the development to be carried out shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason -

To secure appropriately timed development of the site in relation to existing occupiers and in accordance with Policy PP2 of the Poole Local Plan (November 2018).

4. GN030 (Sample of Materials)

Details 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 on-site works commence. 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).

5. LS020 (Landscaping Scheme to be Submitted)

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

Upon approval:

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

Reason -

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

6. GN180 (Accessible and adaptable dwellings)

At least 26 of the dwellings hereby permitted shall be built in accordance with the requirements of Approved Document Part M4(2) Category 2 of the Building Regulations (2015) (as amended).

Reason -

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

7. GN080 (Screening to Balcony)

Prior to the construction of the building hereby approved, details of an obscure glazed screen of at least 1.8 metres in height to be erected along both sides of the balcony associated with Flats 102 and 104 and the northern side of the balcony associated with Flats 105, 116 and 121 on the approved plan shall be submitted to, and approved in writing by, the Local Planning Authority. The screens shall be erected in accordance with the approved details prior to the first use of the balcony, hereby permitted, and 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).

8. RC070 (Restriction on Hours of Use/Deliveries)

The use hereby permitted shall not operate and no deliveries taken at or despatched from the site otherwise than between 08:00 and 22:00.

Reason -

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

9. AA01 (Non standard Condition)

Noise mitigation shall be carried out in accordance with findings of the submitted Acoustics report, prepared by Hoare Lea, received 20 April 2018. Prior to

Reason –

To ensure appropriate wildlife conservation and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

10. AA01 (Non standard Condition)

No site clearance or development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement should include the following measures:

- a) arrangements for safe access to the site for deliveries, loading and unloading of plant and materials and wheel cleansing of vehicles prior to egress from the site onto the public highway;
- b) noise reduction measures (including times of piling operations);
- c) details and siting of equipment, machinery and surplus materials on the site;
- d) development timetable including any road or car park closure times or necessary periods of longer working hours.

The approved Construction Method Statement shall be implemented and adhered to throughout the construction phase of the development.

Reason -

To safeguard the amenities of occupiers of adjoining and nearby properties

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

11. NP080 (Fume Extraction Equipment)

For any commercial unit which involves the preparation of hot food, a scheme for extraction of fumes, gases and odours shall be submitted to, and approved in writing by, the Local Planning Authority and then fully implemented. All works which form part of the scheme shall be completed prior to first use of the commercial unit and thereafter retained and maintained.

Reason -

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

12. 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.

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. HW240 (Electric Vehicle Charging Points)

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

Reason -

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

14. HW210 (Building Operatives Parking)

Parking for building operatives must be provided in accordance with the agreed plans for the whole contract period, unless otherwise agreed in writing by the Local Plan Authority.

Reason -

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

15. HW060 (Close Other Access(es) 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).

16. HW080 (First 4.5 Metres Constructed)

Concurrently with the construction of the development hereby permitted, the first 4.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

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

17. AA01 (Non standard Condition)

Prior to opening up of the proposed new car park access a scheme, including timescale, to relocate the existing Seldown Lane bus stop (west side) located adjacent to the site shall be agreed in writing with the LPA. The bus stop relocation shall be carried out in accordance with that agreed scheme.

Reason -

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

18. AA01 (Non standard Condition)

Prior to commencement of development, a Servicing and Refuse Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the building management company, the continued employment of a private contractor to collect refuse, the procedures for refuse collection, servicing, and deliveries associated with both the residential and commercial units. All refuse storage and collection activities shall take place within the site and at no time shall vehicles be parked on the adopted highway whilst undertaking refuse collection activities associated with any commercial or residential unit hereby approved. No refuse bins shall be stored on the adopted highway. The approved Servicing and Refuse Management Plan shall be implemented prior to occupation of any commercial or residential unit hereby approved and shall remain in operation at all times thereafter unless any variations are approved in writing by the Local Planning Authority.

Reason -

In the interests of providing for safe and efficient accessing and servicing arrangements in accordance with Poole Local Plan Policy PP35.

19. 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).

20. 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 from on-site renewable sources of each dwelling and each commercial unit 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).

21. GN161 (BREEAM)

The commercial units hereby permitted shall achieve a minimum BREEAM 'Excellent' rating (or equivalent standard). Prior to first occupation of the building, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason -

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

22. AA01 (Non standard Condition)

Prior to the construction of the flats hereby permitted, details of biodiversity enhancement to be delivered on site, prepared by suitably qualified and experienced person/s, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed enhancements shall be implemented prior to occupation of any of the flats hereby approved. The details could include but are not restricted to bat and bird boxes and bricks; bee bricks; hedgehog ramps; native plant species.

Reason -

In order to deliver the biodiversity enhancement required by the NPPF and in accordance with Policy PP33 of the Poole Local Plan adopted 2018.

23. AA01 (Non standard Condition)

All clearance and demolition work associated with the approved scheme shall not be carried out during the bird nesting season (1st March - 30th August), unless it can be sufficiently demonstrated by an ecologist that nesting birds are not present.

Reason -

To ensure, before any disturbance occurs, the protection and rescue of species protected under the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy PP33 of the Poole Local Plan.

24. AA01 (Non standard Condition)

In the event that contamination is found at any time during the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in any such approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Prior to the commencement of any development pursuant to this permission, the developer shall comply with the following:

1/ Desk Study

A Phase 1 Desk Study report shall be submitted for approval in writing by the Local Planning Authority. The Desk Study report should incorporate a 'conceptual model' of all the potential pollutant linkages on site based on the proposed layout and use of the site.

2/ Site Characterisation

An intrusive site investigation, based on part 1/, and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

3/ Remediation Scheme

If site characterisation identifies the need for remediation, 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, and is subject to the approval in writing of the local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land

after remediation

#### 4/ Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of the approved scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority

#### 5/ Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of parts 1 and 2, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of part 3, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 4/.

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) and guidance given in Section 15 - Conserving and enhancing the natural environment in the National Planning Policy Framework (July 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.

Also:

- 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

## 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. 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.

## 4. IN43 (Section 106 Agreement)

The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

## 5. IN00 (Non Standard Informative)

Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and

baths. Greywater recycling and rainwater harvesting should also be considered.

6. IN00 (Non Standard Informative)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

7. IN00 (Non Standard Informative)

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>.

Case officer: Eleanor Godesar