

PLANNING COMMITTEE



Application Address	The Thistle Hotel, The Quay, Poole, BH15 1HD
Proposal	Demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units (Class E/F1/F2) at ground floor with a total of 228 residential units above (Class C3) and a hotel with ancillary bar/restaurant (Class C1), plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.
Application Number	APP/20/01163/F
Applicant	MHA Burleigh Poole (Propco) Limited
Agent	Montagu Evans
Date Application Valid	22 October 2020
Decision Due Date	
Extension of Time Date (if applicable)	21 May 2021
Wards	Poole Town
Status	Public report
Meeting date	6 October 2021
Recommendation	Delegate to the Head of Planning to APPROVE subject to completion of a S106 agreement with the heads of terms set out in paragraph 377 & the conditions listed 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.
Reason for Referral to Planning Committee	This application is brought before committee as BCP have an interest in the land and the scheme is a major development and more than 20 letters contrary to the recommendation have been received
Case Officer	Clare Spiller

Description of Development

1. Full planning consent is sought to demolish the existing hotel and erect a mixed use development comprising 228 residential apartments (Use class C3) within 4 blocks together with commercial/retail at the ground floor (Use Classes E/ F1/F2) a hotel block with 118 rooms and a restaurant and bar, and associated works including a semi basement parking area for cars and cycle parking.
2. The proposal has been amended since the application was first submitted. The amendments in April 2021 were as follows:
 - Hotel block - amended massing to reduce the overall scale and impact on the neighbouring Ballard Road cottages.
 - Adjustments to locations of Block B & C within Masterplan to eradicate the narrowing of highway and public footpath to front of site. in order to address Highways' objection.
 - Block B - Alterations to the architecture of the main elevation.
 - Addition of pedestrian ramp to East Quay Road in line with inclusive mobility guidance.
 - Bicycle and vehicle parking - alterations to the proposed cycle stores, to increase capacity in line with revised SPD. Marginal reduction in parking numbers to accommodate additional bicycle parking.
3. Further amendments were made on 13th May which were as follows:
 - Provision of 50% of cycle parking as Sheffield Stands and 50% Stacking bike stands.
 - Residential parking quantum has reduced from 153 spaces to 150 spaces (reduction of three spaces).
 - Commercial staff cycle spaces,- provision of an additional 12 spaces in the basement, located near to the Hotel Core.
 - Residential and commercial visitor spaces, provided at the podium level scattered through the landscape.
4. Further amendments were made on 10th June which were as follows:
 - To clarify layout and elevation plans in block B with regards window and door openings
5. In July 2021 proposed overshadowing diagrams were submitted, and an amended site plan annotating the distance of block D to the wet foul sewer.

6. Key characteristics of the current proposal are:
- 228 apartments within 4 blocks broken down as follows:
 - Block A- 50 units
 - Block B- 65 units
 - Block C- 64 units
 - Block D- 49 units
 - The mix of units across the development is 66, one-bed; 151, two-bed units and 11, three-bed units.
 - 118 Bedroom hotel providing 228 bedspaces with ancillary bar and restaurant facilities.
 - An increase in cycle parking from 240 spaces to 470 spaces.
 - Reduction in flexible commercial floor space (Use Class E, F1 and F2) in Blocks A, B and C from 799 sqm to 740 sqm.
 - Amendments to the proposed width of the highway and footpath- to retain current width of highway and footpath
 - Reduction in the number of parking spaces from 270 to 215 reflecting the adoption of the Parking Standards SPD (adopted January 2021) which seeks to reduce the level of parking for development within town centre locations.
 - No. parking spaces for residential; 130 spaces and 15 disabled parking bays.
 - No. parking spaces for hotel; 59 spaces and 6 disabled parking bays.
 - Two car club parking bays.
 - 362 cycle parking spaces for residential at basement level and 42 at podium level.
 - 42 cycle parking spaces for hotel and commercial at basement level.
 - 24 visitor cycle parking spaces at podium level.
 - 7 motorcycle parking spaces for residential at basement level.
 - 2 motorcycle parking spaces for hotel at basement level.

Key Issues

7. The key issues involved with this proposal are:

- Principle of development – Policy
- Principle of development – housing delivery
- Design and Impact on Heritage Assets and the Character of the Area
- Acceptability of Proposed Commercial/Retail Units
- Affordable Housing
- Impact on living conditions of neighbours and future occupants
- Accessible and Adaptable Dwellings
- Enhanced Tourism offer
- Impact on trees and proposed landscaping
- Parking, Access and Servicing
- Waste Collection
- Flood Risk
- Sustainable Drainage Systems (SuDS)
- Renewable Energy and BREEAM
- Open space and recreation
- Impact on the Natural Environment
- Land Contamination
- Air Quality
- Schools and Education
- Health provision

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

Planning Policies

9. Poole Local Plan (2018)

PP01 Presumption in favour of sustainable development

PP02 Amount and broad location of development

PP06 High Street, Quay and Old Town (T12 Quay Thistle)

PP07 Facilitating a step change in housing delivery

PP11 Affordable housing

PP12 Housing for an ageing population

PP24 Green infrastructure

PP25 Open space and allotments

PP27 Design

PP28 Flats and Plot Severance

PP29 Tall Buildings

PP30 Heritage Assets

PP32 Poole's nationally, European and internationally important sites

PP33 Biodiversity and geodiversity

PP34 Transport strategy

PP35 A safe, connected and accessible transport network

PP36 Safeguarding strategic transport schemes

PP37 Building sustainable homes and businesses

PP38 Managing flood risk

PP39 Delivering Poole's infrastructure

10. Poole Quays Forum: Neighbourhood plan

PQF 1 Public Realm

PQF 3 High Quality Design

PQF 4 Transport Network Investment and sustainable travel choices

PQF 5 Walking, cycling and public transport improvements

PQF 10 Creating a more vibrant Quay

PSF 11 The layout and appearance of Poole Quay

11. **Supplementary Planning Guidance**

BCP Parking Standards SPD (Adopted January 2021)

Heritage Assets SPD

Dorset Heathlands Planning Framework (2020-2025)

Affordable Housing SPD

Poole Harbour Recreation SPD (2019-2024)

Nitrogen Reduction in Poole Harbour

Dorset Heathlands Air Quality Strategy (2020-2025)

Poole Town Centre SPD (Adopted 15 December 2015)

12. **National Planning Policy Framework (2021)**

13. Section 2 – Achieving Sustainable Development

14. Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies 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 policies which are most important for determining this 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.

15. Section 5- Delivering a sufficient supply of homes
16. Section 7- Ensuring the vitality of town centres
17. Section 9- Promoting sustainable transport
18. Section 11- Making effective use of land
19. Section 12- Achieving well-designed places
20. Section 14- Meeting the challenge of climate change, flooding and coastal change.
21. Section 15- Conserving and enhancing the natural environment
22. Section 16- Conserving and enhancing the historic environment

Relevant Planning Applications and Pre-Application Process

23. No previous planning applications on this site for the redevelopment have been determined by the Local Planning Authority (LPA).
24. The applicant carried out extensive pre application discussions with the LPA and Historic England and took the pre-app proposals to 2 separate design review panels.

Design Review process

25. South West Design Review Panel, convened on 4 July 2019 based on the following pre application proposals:
 - Demolish the existing hotel, and replace with a mixed-use development; three residential blocks, located perpendicular to the Quay, providing 234 new residential units.
 - A residential block providing 30 serviced apartments, above a 125 bed (replacement) hotel.
 - A raised podium connects the two elements and provides 700sqm of floor space across three commercial units and c 270 basement parking spaces

Design Review Panel comments (summarised)

26. Thistle Quay will make a major contribution to the Poole Quayside and must set a positive benchmark for redevelopment.
27. More work is needed, to demonstrate how proposals for Thistle Quay will integrate successfully with its unique context and mediate successfully between the traditional domestic, two-storey townscape to the east and the bulky forms (including Dolphin Quay) to the west.
28. A sea view is nice to have but there can be other areas of focus. A light touch masterplan will identify other views and links to other uses - explore which are the best and most appropriate routes to connect to the existing community and back to the town high street
29. Existing mature trees on the rear boundary will filter views and reducing overlooking of neighbouring properties, particularly when leaf canopies are full. The trees should be meaningfully incorporated into the scheme, perhaps as part of a focal space away from the water's edge, sheltered and attractive for part of the development to front on to.
30. The study of the quayside warehouse is an appropriate reference from which to inform the design narrative for the waterside frontage.
31. Coastal flood defence is problematic, attention is needed on the edges and thresholds to the scheme – it is fundamental to the site's success if it can be made 'lively', welcoming and a destination.
32. Energy and climate issues are prominent and need resolving at the beginning, not as an add-on.
33. Following this Design Review, revised pre-application plans were submitted and the proposal went back for a further Design Review Panel on 20th September 2019, based on the following pre app plans:
 - 30 Serviced apartments removed from the scheme;
 - 250 Housing units, with commercial on the street frontage;
 - 180 Bed hotel (increased from 125);
 - 260 Predominantly undercroft parking spaces.

Further Design Review Panel comments

34. The scheme benefits significantly from the revised flood resilience levels agreed with the Environment Agency and facilitated by the LPA. The revised podium level for commercial uses is now 2.6m as opposed to 3.65m.
35. Welcomed efforts to 'pull' activities forward onto the quayside. Ramps, steps and auditorium seating have been included and the means of elevating to catch sea views should result in a pleasant place to linger. Proposed links

to the High Street and draw people from the North side to spill out onto the quay are welcomed.

36. Has the building to the side of Dolphin Quay has been given sufficient attention. Efforts perhaps should be given to allow this building to turn the corner?
37. The energy and sustainability strategy should be developed as early as possible in order to demonstrate to the LPA that the proposals are technically deliverable and are at minimal risk of substantial change.
38. Welcome the decision to design beyond the red line and consider the quayside as a whole. There is the opportunity to extend the lively people-friendly quay and public realm, however some further work is needed to integrate detailed requirements for parking, street furniture, bus stops and the like. 2 metre width pavement is not supported as it is too limited.
39. Potential subject to discussions with highways authority for removing the roundabout and creating a public realm environment that will enhance the lifeboat building's setting – making it more of a feature and destination. Level changes may also provide opportunities.
40. Within the scheme, the routes through are much better and characterful - linking to the north and to the High Street. Vehicular access to the eastern side and in the vicinity of the pumping station is better than before.
41. The landscape strategy is developing and spaces between the blocks are now more convincing – although the water channels need to be shown in detail – are these water features or part of the drainage system?
42. The formal courtyard to the hotel works well with its grove of trees which make an attractive entry to the site. However, the external edge to the hotel block needs further work.
43. Trees play an important part in the proposed scheme to complement the built form and provide shade in summer. Allowances will need to be made in the construction of the podium to accommodate them. Retaining the trees to the North of the site is welcomed as this helps with the transition to the surrounding housing; the Panel note they have been given more space in the revised scheme which is positive.
44. The hotel design options need to be concluded. The Panel welcome the greater simplicity of the podium (and removing the apartment hotel rooms).
45. Panel support the slab base on the hotel ground floors, but think the options of either a point, or slab form need to be investigated. From an operational perspective a slab is favoured. If efficiencies are found elsewhere on site and the hotel quantum is reduced then the overall height can be reduced and a shorter slab provided. If the operational management of the hotel is

revised, (by reducing corridor lengths for example) then height could be increased. Either could work. Height can be further justified by having somewhere to take in views by the public – and this will enhance its destination status. Alternatives are worth putting to public consultation.

46. On parking – the Highways Authority are asked to provide guidance on this and support any leverage in negotiations elsewhere to reduce the high parking numbers.
47. The Council raised concern about the impact on neighbours and Historic England raised concerns on the transition in respect of impact on the conservation area.
48. It is important to ‘balance’ the quayside – neighbours to the north, and the conservation area to the east. The Panel in principle support the east-west block at 6 storeys but this could still be too dominant – any reworking of this block should avoid single aspect flats looking north only.
49. The warehouse theme on the building blocks is welcomed, the patered wall forms are potentially subtle and elegant. The Panel welcome the potential to obscure PVs in the roof space.
50. In conclusion, the keys areas of work include the transition to the existing neighbours on all sides and the evolution of the Hotel design form and massing and its immediate public realm.

Community engagement

51. Prior to submission of this planning application the applicant carried out community engagement, in May 2020. Given the covid constraints remote meetings were held with key stakeholder groups including Poole Quay Forum, Poole and District Fishermen’s Association, Poole BID, Poole Old Town Conservation Group and ward members for Poole Town.
52. A consultation newsletter was also posted to 1,145 addresses in the area encouraging the recipient to log onto a dedicated project website to leave their views on a feedback form. For those without internet access, they were able to access hard copies of the virtual exhibition. Additionally one to one virtual meetings were on offer to the closest 145 neighbours to the development site.
53. In summary the main concerns voiced by the residents by 26 July 2020 were about parking, proposed buildings are too tall, Dolphin Quays is largely empty, traffic and access, and overdevelopment of the area.

Representations

54. In addition to letters to neighbouring properties site notices were posted outside the site on. A further letter consultation was carried out on 8 April 2021 following the receipt of amended plans.

55. To date 231 representations have been received from separate households, 200 raising objection; 9 neutral, and 22 in support. The issues raised comprise the following:

56. **In support:**

- Quality hotel will enhance Poole's image and boost tourism reputation
- Provide jobs in the tourism sector which has been severely impacted recently.
- Proposed significant investment should be welcomed
- Support use of underused site in Poole Town Centre, particularly the progressive design elements encouraging cycling and walking.
- It is an improvement to the adjacent Dolphin Quays.

57. **Objections to the proposal:**

- A new hotel isn't needed.
- New housing isn't needed.
- Due to the siting and height of the building adjacent to the Dolphin Quays building, the residents would be impacted by loss of light, loss of outlook (views) which will negatively affect the value of the properties at Dolphin Quays.
- Space should be made in the development for low to zero cost community clubs.
- The proposal does not conform to the Policy PP6 "Provides a transition in scale to the existing residential properties to the rear and east of the site" and the proposal doesn't conform to part T12 of Policy PP6 which includes approximately 180 homes. The height of buildings on the edge of the development should step down in height and be similar in height to the adjacent buildings.
- The proposal on the north and east side of the development is too large in its current format, and therefore fails to respect the character and appearance of the Town Centre Conservation Area.
- Not in keeping with history of Poole or most historical buildings on the Quay.
- Mass and density too much for this already overcrowded Conservation Area.

- Concerned that there will be more unlet commercial buildings on the quay.
- Houses on Ballard Road would be directly affected with a loss of sunlight into their main living rooms from 2.30/3pm in the afternoon. With more significant loss in the winter months.
- The hotel along with a number of blocks will have a negative and direct impact on the amount of daylight, sunlight and overshadowing to a large number of surrounding properties.
- Loss of privacy from the hotel rooms to properties on Ballard Road.
- Inadequate parking provided to serve the development.
- Pavement on eastern side of Ballard Road and onto the Quayside should be widened for increase in pedestrians and for sufficient disability access for mobility scooters and wheelchair access.
- Cycle lanes should be included on both sides of Ballard Road and round on the Quayside.
- The proposed access point on Ballard Road along with the number of traffic movements a day to and from the development (residential/hotel/commercial units) will result in a large increase in noise levels and increase emissions from vehicles within a residential/commercial area.
- Noise levels associated with parking, deliveries and drop off for the hotel, all from Ballard Road 24 hours a days would affect sleep with a large number of main bedrooms facing onto Ballard Road.
- Wind tunnels will be created.
- Poole needs affordable housing, luxury housing will just push prices up and price out local people.
- There are already parking issues for residents in Stanley Road- this proposal will make it impossible for residents to park.
- Provision of parking within Zone A of the Parking Standards SPD will go against this policy.
- Not enough schools and doctors to support the increase in residents.
- Concerned that the properties will be used as holiday homes.
- This proposal doesn't respond to the effects of global warming and sea-level rise.

Construction:

- Increase in traffic associated with excavation and pile driving for foundations will be unbearable and could cause problems with people's health such as stress.

- Vibrations during construction will have a detrimental impact on the integrity of dwellings in Ballard and Stanley Road.

Consultations

58. First round of consultation

Historic England

59. The site is within the Poole Town Centre Heritage Conservation Area, but the existing hotel building and sprawling car parks have a negative impact on the conservation area's character and appearance. It is proposed to clear the site and construct a large mixed use development comprising a replacement hotel and 228 apartments. Historic England supports the principle of the proposals.
60. Concerned at the lack of detail in the drawings of the proposed buildings, however, and would welcome the opportunity to study more detailed plans. Landscaping is crucial to the success (or otherwise) of the scheme and its integration with the surrounding townscape context. It may be possible to address this issue through appropriately worded planning conditions.
61. Significance- The existing hotel building is of no architectural or historic merit. It has a squat appearance and offers little interaction with the quayside. There is an opportunity here to extend the exceptionally high quality urban environment of Poole Quay past Dolphin Quays - an exception in terms of the overall quality of building stock - and unite the domestic-scale Victorian cottages of the Eastern part of the conservation area with the dynamic quay area. Prior to the construction of the existing hotel building, the site was used for the import of coal products. There were large coal storage bunkers/sheds to the north of the site, while the southern section was an open area used for transshipment. Gantry cranes connected the facility with wharfage on the quayside. The Poole Quay part of the wider Poole Conservation Area has a maritime industrial character and appearance. The historic quayside is lined with buildings which vary considerably in scale and detail, with single-storey ex-industrial premises juxtaposed against historic warehouses of 5 storeys and more. The Thistle Hotel site is separated from the historic buildings of Poole Quay by the 1990s Dolphin Quays development.
62. In our view, Dolphin Quays is not a particularly successful piece of architecture. While the shops and restaurants at ground floor level help animate the quayside, the development presents a visual barrier at the eastern end of the historic quay. It does little to entice pedestrians to venture eastwards.
63. Impact - The proposed development envisages the construction of buildings of significant scale, higher in part than those of Dolphin Quays, housing a

collection of residential apartments bookended by a new hotel. The proposed buildings take some reference from the long-lost coal sheds which formerly occupied this site, with large gables facing the harbour. The scale and massing of the proposed buildings is significant, and a marked contrast to the current building. However, on the basis of the information provided we think it unlikely that buildings of significant scale on this site will adversely affect the setting of any designated heritage asset, or the character and appearance of the conservation area. Much of the success, or otherwise, of the scheme, will depend on the detail and materiality. If you are minded to approve the plans strict control of detail and materials will be necessary through appropriately worded planning conditions.

64. At the eastern end of the land, the site meets the 19th century cottages around Stanley Road. These form part of the conservation area and are of a low, domestic scale - as is the nearby historic lifeboat station. The applicants propose a new hotel building on this end of the site, which though significantly higher than the Stanley Road terraces will step down from the taller residential buildings proposed in the centre of the site. We think the proposed hotel has the potential to form an effective transition. However, we would like to see greater detail provided in drawings, particularly at ground floor level, to ensure that the proposed hotel achieves a satisfactory interactive relationship with the street. The variance of building heights in the historic part of the quay is referenced by the proposed commercial units attached to the residential blocks, which are designed to be read as small objects juxtaposed against the large residential blocks.
65. During pre-application discussions, we encouraged the applicant to make these commercial units read as buildings in their own right, rather than pavilion extensions to the residential blocks. There is more to do in terms of articulating the commercial units. The application is let down by the lack of detailed elevational drawings which would allow a better understanding of how the proposed buildings will be experienced. Because of a combination of flood risk and the need to provide an underground car park, the entire development is raised on a plinth. This is a challenge in urban design terms, as it will make the development markedly different to the prevailing character whereby buildings are set directly against the pavement and businesses spill out on to the quayside.
66. We suggest that a little more work is needed on landscaping if the development is to comfortably assimilate into the surrounding townscape context. In this context, hard landscaping and less vegetation would be more appropriate. The ambition should be for a seamless transition from the water's edge to the thresholds of the new buildings and we do not feel this is achieved at present. While it would be preferable for this information to be provided as part of the application, we acknowledge that this could be controlled via planning condition if you were minded to approve the plans.

67. Policy - In principle, our view is that the proposed development potentially complies with policy SS14 of the Poole local plan. This advocates a minimum of 200 residential units on this site plus a hotel and commercial space, subject to any development responding sympathetically to its setting within the conservation area and providing a transition in height, scale and massing between its neighbours. However in accordance with paragraph 189 of the NPPF, we feel that further drawn details are necessary to enable a rounded understanding. We would specifically like to see elevations of the street frontages (including that to Fisherman's Road and Ballard Road) drawn at a scale which allows a reasonable level of detail to be shown. I would be grateful if you could request further information from the applicant, after which we can issue our final advice on the proposals.
68. Recommendation- We consider that further information as outlined in our advice above needs to be supplied in order for the application to meet the requirements of paragraph 189 of the NPPF.

Planning Policy (Urban Design)

69. There are many positive aspects of this scheme. I support the proposed layout and architectural approach with different built forms, roof profiles and use of materials. I am however concerned about the overall scale of the hotel block in views from the east and would advocate the reduction in height of this block.

Planning Policy (Heritage)

70. The east side of Lagland Street received the most extensive development of council housing in the town from the 1960s including 4 eleven storey tower blocks of flats and terraces due to the perceived need for slum clearances and the demise of industrial uses. Perry Gardens housing was developed in 1974 on the site of the 1830s gas works site followed by the Quay Thistle Hotel in 1979. The hotel was an early transitional development replacing the industrial uses of the past with buildings accommodating new trends in quayside recreation and leisure. The building is of two stories with an attic storey and long rectangular footprint that wraps around the end corner facing Baiter. It has a neutral architectural character that simply took advantage of harbour views along the quay frontage and avoided the industrial remnants at the east end of the site. Although the building has not taken advantage of the full potential of the site and the surrounding car park and lack of formal landscaping to the rear is not attractive, it respects the low scale of the adjacent neighbourhood and open character of the area. A lawn, seating area with tables and chairs and bus shelter forms the frontage of the hotel.
71. The re-development of Poole Pottery in the early millennium for the mixed used Dolphin Quays and related marina completed the transformation from industrial uses on the East Quay to a mixed-use development. Designed to

appear as a series of linked warehouses it is of 8 stories at the highest point at the rear. The ground floors fronting Fisherman's Road have not attracted commercial uses although the quayside units and colonnade have been successful. The blank east elevation of the multi-storey car park has been left exposed.

72. The Thistle Hotel site is within the Town Centre Heritage Conservation Area (consolidated and extension adopted 2012). The harbour side setting, trail and promenade are major attractions and make the area attractive for residents and visitors. The Town Centre Heritage Character Statement describes the area around Quay Thistle as open and informal and with the hotel building having a neutral impact on the surrounding with a green landscaped frontage that blends in well with the residential area. The Quay Thistle site has an open, flat aspect and a deep plot with an apex that points to Fisherman's landing beach and Baiter Park at the east end.
73. The remnants of the gas works include stone piers and weighbridge at the entrance to the former gas works yard and a concrete, WWII pillbox. Wessex Water Pumping Station sits near the weighbridge. All except the pumping station are locally listed heritage assets. The former RNLI Station is now a Lifeboat Museum at the end of the promenade just beyond the recently upgraded flood defence walls which end where the pedestrian waterside route leads beyond to Fisherman's' hard and parkland. Largely reclaimed from mudflats and spaces leftover from the demolition of the gas works and other industries, the car parks to the rear of the hotel have no formal landscaping aside from some tree plantings to the boundary with the neighbouring properties. A private car parking company manages the hotel car park and it's been left unimproved for some time.
74. The late 19th century residential streets between the Ballard roundabout and Green Road provides an important anchor and setting for the historic east quay and the post-war developments to the north. The low scale of the houses opens views to the north and to the harbour. Terraced housing with pastel coloured renders has low scale, well-proportioned frontages and the whole acts as a gateway and has an obvious maritime character somewhat undermined by the former industrial lands.
75. Character and Appearance - The character of the quayside buildings that form one of the quintessential areas of this important part of the Conservation Area is a group of buildings dating from the medieval Great Quay period at the west end with its stone town cellar and brick warehouses through to the Victorian and reconstructed warehouses and pubs ending in the atypical, modern Dolphins Quays. Most roofs are pitched with gables fronting the quay with the tallest buildings averaging heights of six to eight stories. The warehouses and pubs have been constructed of bricks, long since weathered by marine salts, have been rendered and painted or colour-washed with light pastel colours or faced with ceramic tiles made in Poole. The quayside lanes running between buildings provide practical access

through to the rear and the High Street. The heights allow for views around and over the buildings to the townscape inland and out to the promenade and the harbour. The four tallest eleven storey blocks of flats developed for council housing located from Old Orchard to Green Road are viewed in the background. The quayside elevations define the character of the area as one that is distinctly Poole.

76. Ballard Road and East Quay Road have both been disconnected abruptly by Dolphin Quays and Quay Thistle car park leaving the site with poor permeability. This remnant works yard at the east end is enclosed by a brick wall. Disabled car parking lines the edge of the quayside promenade and the seating in front of the Thistle Hotel and cafes at Dolphin Quay has made it a popular area for visitors and residents overlooking the marina and harbour. The promenade, Lifeboat Museum and Fisherman's hard with the surrounding open space are all strong, attractive built and historic landscape features that contribute positively to the character of the area.
77. Conservation Assessment - There are some significant constraints to the proposed scheme posed by the low scale residential setting of the neighbourhood to the north and the east and the appearance of Dolphin Quays. The scale and mass of the linked hotel buildings is a particular issue where it's positioned at the more open, triangular end of the plot. Against the PLP design brief the building heights step up to the east with the tallest being Block C.
- Masking of the east face of Dolphin Quays is beneficial to the townscape overall
 - Detrimental impacts of the scale and height of the hotel, especially, are in evidence from the images 7,8 and 9 provided in the Heritage Townscape Visual Impact Assessment. The visual assessment is correct in stating that there is an adverse impact on visual amenity.
 - The orientation and roof forms of the three central blocks have reportedly taken inspiration from the historic warehouses on the gasworks and Quay though they don't vary enough in height, are more massive, abstract and complex than the warehouses and are positioned near the front edge of the site as an additional building has been added to the rear since the pre-application was submitted.
 - Any views from the neighbouring housing to the harbour and through the warehouse style blocks have now been blocked by the flat-roofed building to the rear. The massing of the hotel appears defensive and effectively blocks views through the site from the east.
 - The existing neighbourhoods will be overshadowed and dominated by the tall blocks.
 - The Lifeboat Museum appears out of context and dominated by the hotel.
 - The frontage allows for some interaction with the quay though this activity is more limited to space around the commercial units which could provide a

- place for enjoying the quayside though little protection from wind and weather has been provided in the form of colonnades or other structures.
- Other area of landscaping and public realm facing areas fail to address the need for a soft buffer with housing to the rear and the need for a more connected permeable development for residents and visitors accessing the quay. The D&A statement says that permeable links with the neighbourhood were considered but the designers felt there was no place to go despite this coastal location near a residential area.
 - The wall of the plinth facing the pavement on the frontage is unattractive from ground level viewpoint and doesn't address this important area of public realm
78. The buildings fail to respectfully step down to meet the low density, low scale terraced housing to the east and the north as well as the open space of Baiter and the promenade. The hotel would effectively terminate the commercial end of the Quay with a building that would dominate and overwhelm in its monumentality without being grounded in its town context in terms of references to the existing scale and openness of the landscape and overall form and relationship with the existing neighbourhood.
79. Building materials are, aside from the bricks for Block A, not typically used in Poole. Poole was a centre for architectural ceramics, tile and brick making and the use of bricks in a range of local colours and ceramics in a contemporary way would relate to the local materials used in the conservation area, rather than the dark grey cladding and louvres and light grey bricks proposed.
80. Summary - The detrimental impacts and harm to the Town Centre Conservation Area are less than significant given this, east end of the Quay that is clearly in need of regeneration. Nonetheless NPPF 193 requires that great weight should be given to the designated heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than significant harm to its significance. The quayside elevations of the central and west quay define the character of the conservation area as one that is distinctly Poole and certainly the Quay that is experienced by residents, tourists and from the water has a high significance within the south-west coastal region that would be negatively affected by the proposed scheme.
81. Revisions to lower and graduate heights, re-position/ reducing building coverage, and enriching the materials palette with local references are needed to design a positive contribution to the townscape that will ensure the Conservation Area and its setting are preserved and enhanced and that adjacent residential properties are not dominated or harmed. (PLP - PP29).

Environmental services (Open Space & Green Infrastructure):

82. Support subject to a contribution is required to mitigate for the impact of the new residents on the existing open spaces. The proposal provides green infrastructure on site. Support the proposal subject to conditions.

NHS Dorset Clinical Commissioning Group:

83. Seeks financial contribution £19,133 towards capacity of doctor's surgery.

Society of Poole:

84. Objection as the proposal fails to provide or facilitate affordable housing.

Poole and District Fisherman's Association:

85. The current proposals appear to retain the existing road past the new development and provided this remains the case we have no objection. Any attempt to pedestrianise the area would be unacceptable to the fishing community, as the Fisheries Legislation obliges Poole boats to land at this facility (and require lorry access) 24/7.

Environment Agency:

86. The site falls within the defined Town Centre area for regeneration and growth, and therefore would be acceptable in principle under your Authority's published Sequential Test position.
87. We have reviewed the applicants flood risk assessment (FRA) and drainage strategy reference Fisherman's Dock, Poole, October 2020, written by Waterman Infrastructure & Environment Limited. We are satisfied that the principles of the proposed development meet our published Local Flood Risk Standing Advice in that the commercial finished floor level is to be set at 3.0m above ordnance datum (AOD) and that the residential accommodation will be set at / or above 4.24m AOD. In addition, we note that the basement car park and associated landscaping is to set at 3.51m AOD to prevent the ingress of flood water into the basement. It is essential that the development is built in accordance with the mitigation in the FRA, especially the basement as failure of this element would result in the basement being completely inundated with flood waters damaging all assets within the structure.
88. Contaminated Land - The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to Poole Harbour SSSI/SPA/Ramsar and located upon a secondary aquifer A.
89. The application's Desk Study and Site Investigation Reports demonstrate that it will be possible to manage the risks posed to controlled waters by this

development. Further detailed information will however be required before built development is undertaken. Therefore the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Natural England:

90. No objection provided the appropriate levels of contributions for nearby designated sites are secured. Need to secure appropriate contributions through CIL mechanism to deliver appropriate HIP measures for the Dorset Heathlands as well as nutrient neutrality to Poole Harbour.
91. As the competent authority you need to undertake an Appropriate Assessment of the application under Reg 63.

Wessex Water:

92. Concerns during the construction works for the hotel and basement in such close proximity of the East Quay Slipway Surface Water Pumping Station (SPS) and the effects on our apparatus. This is a strategic site that manages surface water flooding and the developer must be responsible for ensuring that any works or development activities they undertake will not adversely affect the material of the SPS building or plant and that they will ensure protection measures and methods agreed with Wessex Water to safeguard the operation of the surface water pumping station. Would be happy to work with the developer towards an SPS site that would be more acceptable to the applicant.
93. A buffer zone should be marked on the plans to demonstrate that habitable dwellings are located 15 metres away and not at risk of nuisance which will affect the residents' amenity
94. Public Sewers cross the site: The site layout conflicts with the 600mm SW sewer and the viability of this site layout will rely on Wessex Waters agreement to a diversion of this strategic sewer, it is important that the developer can accurately demonstrate that a gravity sewer diversion is achievable and that existing hydraulic capacity will be maintained for the viability of the this full application.
95. Large Surface water sewers are recorded around the East Quay Slipway pumping station which are part of the strategic storm protection measures to ensure that the development does not adversely affect our apparatus or our ability to carry out our statutory duties. The proposed hotel east wing building conflicts with the line of the 600mm sewer inlet to the SPS. The same requirements apply for proof of how this sewer will be diverted to suit this layout. It may be possible to agree some diversion works subject to

satisfactory route corridors and maintaining hydraulic capacity. Alterations to Strategic sewers will require modelling to prove viable options.

96. Foul sewers and overflow pipes associated with the Perry Gardens foul pumping station cross the site. There must be no building or obstructions within 3 metres either side of the foul sewers or the overflow pipe. The hotel east wing appears to conflict with the overflow pipe.
97. Concern that tree planting proposal have not taken into consideration the location so existing and proposed sewer arrangements.”
98. **Health and Safety Executive:** No objection.
99. **BCP Waste:** Defer for amended plans to show the bin store for block A is made to a suitable size to accommodate the number of containers required.

BCP Lead Local Flood Authority:

100. No objection. As they say in the application form the site is within an area at risk of flooding. I note they propose to dispose of surface water to both a Sustainable drainage system and the Main sewer. I have read through the Flood Risk Assessment and Drainage Strategy and agree with its conclusions so have no objections.
101. I would point out that in the report:-
 - 4.7. The nearest waterbody to the Site is the Poole Harbour, located approximately 20m to the south. Given the requirement to cross third party land, discharging directly to this waterbody would not be feasible.
102. Is not completely accurate as they could in theory requisition a new public sewer but it is probably slightly academic in this situation and I'm sure they will have consider such an option.
103. A SuDs condition that the disposal of Surface Water shall comply with the Defra Guidance and that final designs are to be agreed in writing etc before construction commences should be attached to any condition.

BCP Biodiversity:

104. Support subject to conditions. Due to surface water drains in the area potentially draining into Poole Harbour SSSI/SPA/Ramsar a pollution prevention and response plans should be produced to cover demolition and construction phases.
105. Biodiversity enhancements should include 12 x swift bricks as they provide nesting opportunities for swifts and a range of other small birds. There is known to be an area of Japanese Knotweed on the site, which is a Schedule 9 species under the Wildlife and Countryside Act 1981 (as amended),

therefore a management plan should be produced and implemented in accordance with best guidance to prevent the spread of the plant and that any waste taken off the site is disposed of in the correct way.

BCP Contaminated Land:

106. Support subject to conditions. It is noted that the Energy Strategy Report indicates that ground source heat pumps could be used at the site. Given the risks of contamination at the site through the installation of boreholes for closed loop pipework, a risk assessment in relation to the sub-soil contamination would be required should this energy option be selected.

BCP Air Quality:

107. No objection subject to conditions. A Construction Environmental Management Plan (CEMP) in relation to air quality is required to be submitted by condition which also includes the recommended mitigation measures to address the identified high risk from dust soiling and ecological impacts during the construction phases.
108. No discussion in report of potential impact of the proposed underground parking on future residents, nor is the location of the car parking ventilation shown on the plans. No discussion of the potential impact of proposed development in relation to committed developments within the area.
109. Need clarification of the amount of trips by car, and an assessment on those residential properties in Ballard Rd and Perry Gardens that are within close proximity to this road.

BCP Environmental Health (Noise):

110. No objection subject to conditions. The submitted report does demonstrate that there should be no significant impact from noise that would lead to an objection to the development.

BCP Lead Local Flood Authority:

111. No objection. Suggest that a condition is added that requires details of the disposal of surface water to comply with the Defra Guidance and that the final design shall be agreed in writing prior to construction of the development.

BCP Local Education Authority:

112. No objection subject to a financial contribution of £373,641 towards Early years, Primary, Secondary and Post-16.

BCP Local Highway Authority:

113. The Highways Authority does not support the alterations to the existing highway layout to the front of the site due to the impacts on highway users. Namely the narrowing of the width of the road carriageway to the front of the site by around 3m. And the narrowing of the pavement. The proposal would be contrary to Local Plan Policies PP6 and PP35.
114. A new pedestrian route will be available through the site linking the quayside with East Quay Road. This route proposes stepped access at East Quay Road, although there is ramped access at the Quay end. These steps will preclude use by those in wheelchairs and not be attractive to some other users, such as those with pushchairs or pedestrians with mobility issues. Local Plan Policy PP6 T12 seeks development on this site to improve pedestrian connections to the rear residential areas.
115. Electric Vehicle Charging (EVC) requirements for parking bays are outlined within the SPD. ECV should be reviewed by the applicant, but these details could be dealt with by planning condition.
116. Location of basement supporting columns should be reviewed.
117. The basement ceiling height needs clarification.
118. The applicant should review the cycle parking provision for both the residential and commercial users against the Parking Standards SPD.
119. The gradient needs addressing but should not result in the ramp being steeper than 1:10 along its length.
120. The refuse vehicle route needs clarification.
121. The 4 parking bays located to the west of the refuse vehicle/service route Ballard Road exit should be removed.

BCP Open Space & Natural Environment:

122. Support the proposal subject to financial contributions towards local park/recreation grounds & amenity space; natural environment; children's and young people (play); and, off site sport facilities.
123. **BCP Tourism:** Support the proposal.

Dorset Council: Archaeology:

124. The application is accompanied by an archaeological assessment produced by AOC Archaeology Group. In my opinion this assessment has been undertaken to an appropriate professional standard and its conclusions and suggested archaeological mitigation for the proposed development are also appropriate. This mitigation would consist of archaeological monitoring of those groundworks taking place outside the site of the former sewage works

(also known as a 'watching brief'), with more detailed archaeological recording taking place where significant remains are encountered. To secure this mitigation, I advise that the following condition should be attached to any grant of planning consent: 'No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.'

Poole Quays Forum:

125. Approve of the layout and, as a principle, the sub-division of the site into separate, distinct buildings with their own designs and identity is something we whole-heartedly approve. Permeability is improved, with access through the site from the Quay to East Quay Road, although we would want to ensure that public access is maintained in perpetuity.
126. The ground floor commercial premises, set forward from the blocks above, work well although we would question how the anticipated bars and restaurants will be serviced and the waste collected from the Quay itself via what look like quite steep ramps. It is good to see the variation of facing materials used across the buildings, although the design of some does bring into question how the facades and windows are to be cleaned and maintained.
127. At present, the site is under-utilized and the redevelopment of the squat and undistinguished Thistle Hotel offers an opportunity to create a high quality scheme with a range of uses and a quality of design which would attract patronage from locals and tourists alike. The challenge, however, is significant. The applicant's own professional advisors recognize this challenge. As they state in the Heritage Assessment, any development of this site needs to "mark the transition from the quayside and town centre to the residential neighbourhood to the east".
128. The design brief T12 set out by the Borough clearly states that any development should "provide a transition in scale to the existing residential properties to the rear and east of the site". It goes on to observe that a hotel and 180 homes would offer an appropriate level of development for the site. The present proposal far exceeds this. The current application's success in addressing the challenge can best be summarized by the observation made by the applicant's own advisors, who state; "*The most significant visual impacts will be from the east, from Ballard Road and Stanley Road, the residential townscape beyond, and from the public footpath beyond the Lifeboat Museum. In these views, the marked scale difference arising from the proposals gives rise to a harmful impact on visual amenity.*"

129. There is a notable absence of views from the East, the North, or indeed along the Quay, and the only one that is presented shows why. Whilst setting the buildings apart does minimize the bulk when viewed from the water, the effect of this proposal when viewed from an angle from which most residents and visitors will see it – either whilst walking along the Quayside or returning along the Harbourside walk from Baiter Park – is very different. Instead of vistas through the site, the view most people will see from the west is the long, monotonous flank wall to building ‘C’ with no relief and, more generally, the towering facades which rise vertically for their entire height. We have significant reservations regarding the design of Block C. The architects maintain that the inspiration for this unusual design was a single industrial building which once occupied part of the site. In reality, whatever the inspiration, the proposed block ‘C’ is an ungainly and contrived attempt to design something different to its neighbours. PQF’s Neighbourhood Plan Policy 3 calls for high quality design, and we don’t believe that the proposal as currently drawn complies. Attempts to disguise the height of the proposed hotel, when viewed from the East, result in a steeply pitched roof which, we estimate, will present to its neighbours no less than four storeys of standing seam roofing.
130. The car park ramp rises up then abruptly turns almost 90 degrees before descending into the basement garage – placing vehicles exiting the car park in direct conflict with incoming taxis, cars and service vehicles at a tight bend with limited visibility. The lack of safe splays into and out of the site also force bin lorries and other commercial vehicles to use both lanes to make the turn into the site.
131. Security for residents and hotel users doesn’t appear to have been considered. Given the constant problem of vagrants setting up home in the Quay Visitors’ Car Park, we are concerned to note that there appears to be little or no security to the basement car park. The layout of the parking, particularly in the area designated for the hotel, is also poor. Guests driving to the furthest eastern point of the car park in search of a space will have no choice but to reverse back through a tortuous chicane if the spaces are fully occupied. Various of the spaces for disabled drivers also seem oddly distant from the access points into the buildings above.
132. Had expected to see a visualization of the seasonal daylight, sunlight and overshadowing assessment at usual times of the day.
133. There is no mention of how the applicant proposes to de-water the site during excavation of the basement area. Issues associated with the removal of contamination should also be fully detailed. The stench of hydrocarbon contamination combined with the number of heavy plant movements through narrow streets required to remove it require careful consideration. The fact that the main sewer for Poole lies some 36 feet under the rear of the site, over which it would appear a 5 storey block of flats is to be built, may also warrant further scrutiny. The overflow sewage pumping station to

the front of the site is proposed to be retained and built around, which seems a rather false economy given its prominence at the front of the site.

134. It is our opinion that this application represents considerable over-development which, if allowed to proceed, would significantly harm the Conservation Area, adjacent properties and offer little or nothing to the local community. We note that an extremely brief financial appraisal of the scheme concludes that no affordable housing provision should be offered to local people, and therefore the sole contribution to planning gain appears to be £103,220 towards heathland mitigation and harbour recreation strategic access, which is an utterly insignificant sum in the context of a £108m development.”

Cllr Mark Howell:

135. I welcome the open way the developer has approached the design process. Redevelopment is much needed and there are some good elements to the scheme. However, I do not believe the applicant has demonstrated that the hotel block adjacent to the roundabout will not harm the character of this part of the Quay. This area, which includes the Old Lifeboat Station and Fishermen's Cottages, retains considerable character and is much loved by Poole people. Any proposals should enhance this area. It seems to me that the block referred to is at least one storey too high and would therefore dominate the historic buildings to the detriment of the historic buildings. I am surprised that design advisers have not suggested increasing the height of the western blocks instead. It would make much more sense to increase height here as the additional height would be minimal compared to Dolphin Quays. Additional height would also add variety, improving the view from the sea. I realise there are concerns about setting a precedent for height but I feel this could be justified as a special case.
136. Other concerns I have which do not warrant objection but would in my opinion benefit from being addressed are:
1. Car parking numbers are too high for what is a very sustainable location and an area the Council should be trying to de-traffic.
 2. The size of the commercial units for general public use may not be sufficient to deliver the vibrancy and this part of the Quay deserves.
 3. The blocks have no coherency in terms of design. They could be considered to jar. They will only work together if they are individually of high quality design and critically are constructed of high quality materials that are weatherproof. We do not want a repeat of Dolphin Quays.

Councillor Chrissie Brady:

137. This will destroy the character of Poole Quay where it meets Old Town. It is ugly, too big, and will cast so many homes into shadow. We have a right to light and some affected have "easement to light".

138. **Second Round of consultations**

139. A further round of consultation took place based on the amended plans received on 7 April 2021.

Historic England:

140. Are broadly supportive of the proposed modifications, which will improve the integration between the development and the Quay promenade, ahead. We support the proposed modifications to the South-facing elevation of Building B, which will result in a less top-heavy appearance. We remain a little concerned at the integration between the hotel building and pavement on the Quay frontage. We appreciate that flood-risk constraints dictate the need for a raised ground floor, but the plinth of the hotel (the area around the existing substation) has an important role as a transitional space between the back edge of the pavement and the development, which presently feels a little unresolved.

141. We should also highlight the local plan allocation for this site. When we wrote to you previously, we were under the impression that the local plan advocated a "minimum of 200 residential units plus hotel and commercial uses" on the site. In fact, this was a previous allocation under the old local plan, which was revised on adoption of the new local plan in 2018. Policy PP6 site T12 now seeks a "mixed use development including a hotel and approximately 180 homes." At 228 units plus hotel, the proposals exceed the site allocation by 48 units. While we believe the development as currently proposed would not cause a significant degree of harm to the character and appearance of the conservation area, a reduction in units, to reflect the current site allocation policy, could allow for a reduction in scale and massing to assuage concerns about potential townscape impact.

Planning Policy (Urban Design):

142. While broadly supportive of the proposals the previous comments identified potential improvements to the appearance to block B and concerns regarding the scale of the hotel block. To address these issues the applicant has sought to amend the massing to reduce the overall scale of the hotel block adjacent to Ballard Road and alter the elevation treatment of block B. Further amendments have been made to the location of blocks B and C and to cycle parking to address Highways concerns. An additional pedestrian ramp to East Quay Road has also been provided.

143. The amendments submitted are all positive revisions to the scheme that enhance its layout, architectural approach and visual impact. The

amendments to the hotel have aided the transition between the proposal and the lower scale properties to the east. However, the overall scale of the hotel remains large and prominent in views from the east, particularly Stanley Road. As detailed in my previous comments from an urban design perspective I am broadly supportive of other aspects of the scheme and acknowledge that the adverse visual impact in relation to the scale of the hotel will need to be considered alongside the other material planning considerations, and weighed against the benefits of the scheme.

Planning Policy (Heritage)

144. The minor revisions to the scheme have not addressed concerns raised previously regarding the form of these buildings and how they relate to the height, bulk, scale, massing, appearance and the layout of the scheme in relation to the low rise character and appearance of the east end of the TCHCA. The designers have not provided the requisite scale and massing of the hotel in a way that creates a successful interface, transitioning between the scale of the development and residential neighbourhood as the Urban Design comments on the revisions correctly point out.
145. I would go farther and point to the height, scales and massing of Blocks B and C which are clearly incongruous and unsympathetic to the context of the site. Aside from variations in roof profiles the architectural elements and elevations lack any features which distinguishes one block from another and any clear identity as a landmark development designed for Poole Quay as anticipated by this development and the concept of a destination hotel originally presented.
146. The revisions do not go far enough to alleviate the harmful impact the development will have on the TCHCA. The development proposes built forms, scale and an appearance that contrasts sharply with and will appear uncomfortable and out of place alongside the character and appearance of the neighbouring buildings and open space to the east. The harm would be less than significant harm though harm at the higher end of the harm spectrum. The harm is less than significant because the east end of the TCHCA does not have any listed buildings and part of the site has not been renewed or improved for some time. The site has locally listed structures such as weigh bridge and WWII pillbox that have not been retained in the development. NPPF 193 states that irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of a heritage asset great weight should be given to its conservation.
147. Despite the lack of listed heritage assets on the site it still offers a tremendous opportunity for renewal next to Poole harbourside. PLP PP30 (Heritage Assets) supports developments within conservation areas that enhance or better reveal the significance and value of sites within the streetscene and wider setting.

148. While housing provision is clearly a benefit, the development lacks substantive public benefits such as affordable housing or the provision of open space or other attractions to what is a prime tourist area within the town. There is no distinctive landmark architecture or other locally distinctive qualities or vibrancy to the design that would necessarily draw visitors to the town quay. In addition, the key building in the development has not been successful in meeting the local design guidance set out in PLP PP6 and has not created a high quality contextual hotel facing East Quay, Fisherman's Hard and Baiter. The development lacks the public benefits needed to outweigh the adverse harm on the TCHCA. The balancing of public benefits and harmful impacts on heritage assets is a test set by NPPF 195.

BCP Highways:

149. Car Parking - There are 153 parking car parking spaces proposed for the residential element of the development, which is acceptable given the BCP Council Parking Standards SPD (5th January 2021) recommends zero car parking provision in Zone A locations. There are 65 car parking spaces for the hotel and this meets the requirements within the Council's parking standards. No car parking provision is provided for the commercial units and this also meets the requirements within the Council's parking standards, as zero car parking provision for commercial units is recommended in Zone A locations.
150. Within the car parking provision, 21 spaces are reserved for disabled drivers, which is acceptable. The Parking Standards SPD (adopted 5th January 2021) outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, 50% of the residential parking bays need to have "active" EV charge points and the remaining 50% to be "passive" and for the hotel car parking, 30% need to have "active" EV charge points and the remaining 70% to be "passive". Active and passive are defined within the Parking Standards SPD (page 23). These matters could be dealt with by way of planning condition. Two car club bays have been provided for use by the occupants of the development. The pillars have been set back into the spaces and should allow for efficient turning from the parking spaces.
151. Cycle Parking - There is secure and covered cycle parking for 404 bikes for the residential element of the development, set out over a number of separate stores. A high percentage (78%) of the cycle parking is proposed using Josta Racks, which is a two tier system. These types of storage systems generally require the lifting of bikes and are not ideal for people with mobility issues, small people and those with low strength. In addition, double decking systems generally can only cater for limited style of bikes. Therefore, we would require that a higher percentage of the cycle parking was provided by means of Sheffield stands and would recommend that a minimum of 50% of the cycle parking was Sheffield stands and this appears easily achievable, given that zero car parking for the residential dwellings

would be accepted and therefore, the loss of some car parking spaces would not be objected to.

152. A secure cycle parking store for 30 bikes is proposed for the hotel employee element, using Sheffield stands, which is acceptable. The amended Transport Assessment refers to "Designated bike lifts providing direct access from the podium level to the basement". However, it would appear that one dedicated bike lift is proposed within Block B that would lead direct to the basement car park. Within Block A there appears to be a standard lift and would require navigating three doors to get access to the cycle store, which is not convenient and may discourage people from cycling. Two standard lifts are provided in Block D by the bike store and one lift appears to have two bikes within it, which do not fit within the lift. Also, access to the cycle store from these lifts would require the removal of a motorcycle space. The lifts for Block C also appear to be standard sized lifts. Therefore, the only dedicated bike lift appears to be in Block B and I would request the applicant clarifies the use of dedicated bike lifts and they look at the access route to the cycle stores from those lifts.
153. A secure cycle store would also be required for the commercial units, for a minimum of 11 bikes and this should be a mixture of a secure and covered store for employees and a number for visitor stands based near to the commercial units, so they can be seen. The Transport Assessment refers to 23 visitor cycle spaces, although I could not determine where they are on the submitted plan. The visitor's spaces should be positioned near to the residential building entrances. In addition, we would recommend that 3 Sheffield stands are positioned near to the hotel entrance, so these can be used by visitors to the hotel/restaurant.

Further BCP Highways comments based on further revised plans received May 2021:

154. Cycle parking: - The revised cycle parking to provide more standard cycle parking hoops is welcomed. I consider a Cycle and Car Park Management Plan would be a good way forward to ensure the car and cycle parking is management effectively, this could include increasing cycle parking if the demand is there in the future.
155. Bike Share Bay - Both these plans still do not show the frontage Quay "Bike Share" bay in the correct existing location on the footway. The bay is shown within a proposed line of new trees which would not be appropriate. The bay needs showing at the back of footway line, as existing (or as near as), and I'd suggest the 3 trees shown in this location are removed to ensure there is sufficient pedestrian passing space once the bike bay is put in the correct position.
156. Bench seating - All the existing frontage bench seats have also been removed from these plans. This is a very popular seating area and some of

these benches have dedication plaques on them therefore the benches need reinstating, at least the same amount as existing but their positions can move along the frontage if the positions affect proposed step or ramp accesses. We will accept new benches on the adopted Highway if the applicant wishes to replace the existing benches but notwithstanding any seating details shown in the submissions full details will need to be agreed to ensure Highway benches are of an appropriate standard/design, are easy for the Council to maintain/replace, and to ensure dedication plaques are provided in keeping with the existing plaques.

157. Trees in the Highway - In previous reports I commented on potential issues with trees planted within the Highway along the Quay. Therefore, notwithstanding the details submitted for trees within the adopted highway, full details, including species, method of planting (which may involve planters/pot) and commuted maintenance sums will need to be agreed.
158. **BCP Waste:** Support the proposal.
159. **BCP Biodiversity:** Original comments still apply.
160. **BCP Lead Local Flood Authority:** No further comments to make on the amendments. Original comments still apply.
161. **BCP Air Quality:** The Landscaping Statement from Place Design & Planning dated May 2021, indicates the potential location for car park extraction vents within planting beds, with the final locations, design and size of the vents yet to be determined. My comments of 4 May 2021 related to the impact of the location of the car park extraction vents on relevant receptors within the proposed development. If the proposal is to secure the final ventilation strategy by condition, then I would request that the condition also requires the applicant to make an assessment of any potential air quality impacts on relevant receptors, as appropriate, within the proposed development.
162. **BCP Arboricultural Officer** - The site is within the Old Town Heritage Conservation Area, as such it is considered appropriate to take into consideration Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states: "*In the exercise, with respect to any buildings or other land in a conservation area,special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
163. The principal trees (T1 -T6) are a group located on the northern extents forming part of the boundary which provide a useful screen between the site and the block of flats behind. T1, T2, T5 and T6 have been assigned as Category 'B' trees which are likely to have a useful life expectancy beyond 20 years, whilst T3 and T4 are assigned as category 'C' being of less importance and lower life expectancy. They are all early mature (1st 1/3 life)

specimens and clearly visible from public vantage points along East Quay Road thus making a positive contribution to the character and appearance of the CA. The remaining trees over the site are predominantly low value cabbage palms (see photograph 2, page 11 of the AIA), these are not of sufficient importance in the landscape to warrant any restrictions and could be removed to facilitate any development.

164. The proposed development consists of 4 main blocks, Block D only having any potential implications for the existing trees. The schedule of proposed tree works within the report (s10. Page 16) recommends pruning works to T2, T5 and T6 to provide sufficient separation between the trees and the proposed building (Block D) and fences. This immediately suggests that the building and the trees will be juxtaposed with foreseeable implications and future conflict for their relationship. I would expect multiple windows on the north elevation of the building above ground level will view directly into the canopy of the trees which will only exacerbate any daylight restrictions into habitable rooms during summer months. This in turn will likely lead to future pressure for further heavy pruning or complete removal of the subject trees.
165. T2 and T5 are Norway Maples, a species that will normally respond to pruning with vigorous regrowth requiring future ongoing maintenance. Without sufficient justification such works are considered to be poor arboricultural practice and could be detrimental to the trees long term health which will result in the deterioration or loss of their visual amenity and subsequent harm to the character and appearance of the CA.
166. The Landscape General Arrangement Plan Drw No. 845_PL_001 Rev no. P03 appears to indicate a change of finished levels (FGL) in the root protection area of the existing trees. Raising the grade or soil level over existing roots can have significant implications on their future growth and survival of existing trees. When soil or any type of fill is placed over the existing root system, it causes a reduction in the oxygen supply to the tree roots and slows down the rate of gas exchange between the roots and the air in the soil pore space. It is strongly recommended not to permit this to happen if the trees are to be successfully retained.
167. In conclusion, the scale and siting of the proposed development does not respond well to the natural features on the site and is likely to lead to heavy pruning or removal of trees which make an important and positive contribution to the local landscape. This is contrary to core planning principles (section 12) of the National Planning Policy Framework (NPPF) which seeks to secure well-designed places that are sympathetic to local character and history, including the surrounding built environment and landscape setting. Consequently, the proposal is considered to be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and criteria (1)(b) of policy PP27 of the adopted Poole Local Plan 2018.

168. **Environment agency:** Original comments still apply.

169. **Natural England:** Original comments still apply.

Wessex Water:

170. The applicant's consultant has sent us a more comprehensive route analysis which we received on 23rd June 2021 and we acknowledge that the Potential Sewer Diversion plan and supporting documents they have sent us are as good an effort as could be expected from a desk top review. The consultant's proposals demonstrate that a diversion route is not beyond the bounds of possibility, and they have demonstrated in principal how it could work hydraulically.

171. However, without CCTV survey and trial holes along the proposed route corridors there is no certainty that the desktop gravity route will work in the ground. A gravity sewer diversion scheme will be entirely at the developer's cost and will most certainly face significant engineering challenges underground in this congested and constrained location.

172. We acknowledge that you are required to make a determination within a reasonable timeframe and such ground investigations are unlikely to be forthcoming prior to your determination. In light of the additional diversion details we have recently received from the consultant, and confirmation from the applicant that it is their intention to divert conflicting sewers, then we are prepared to remove our holding objection but request the planning officer include appropriately worded pre-commencement conditions to address the sewer diversion works and proximity to existing asset concerns that Wessex Water have raised.

173. The proposed basement construction is not able to proceed with the current public sewer arrangements and Wessex Water will not enter into a section 185 sewer diversion agreement unless it is fully achievable. It is therefore essential and in the interests of all parties that any sewer diversion works are agreed to our satisfaction pre-construction. We have also asked that the developer ensures residential blocks are located a minimum 15 metres from the wet well of foul sewer pumping station to protect the amenity of the future residents from odour and noise nuisance that may arise from our operational activities at the pumping station site.

174. We also encourage the applicant to engage with us as early as possible regarding the existing surface water pumping station building which requires unrestricted access and is in close proximity to the hotel block. Noise nuisance due to operational activities are to be expected at the surface water pumping station at time of day or night.

Poole Quays Forum:

175. According to the local authority's own SSA14, the application site "sits between contrasting development types with the tall, bulky Dolphin Quays development neighbouring to the west and the lower scale, two-storey housing to the east". Development proposals for the Thistle site therefore need to "respond sympathetically to its setting within the Conservation Area and provide a transition in height, scale and massing between its neighbours". Dolphin Quays, built seventeen years ago, is seven storeys high and caused a great deal of local dismay and resentment for its sheer scale.
176. Poole Core Strategy PCS23 references the need for high quality design on Poole Quay. The PQF Neighbourhood Plan sets out a number of policies relevant to this application including PQF1-5, PQF10 and PQF11 and the comments which follow reflect these in assessing how the current application responds to the area's character, scale, grain and identity. Development proposals within the conservation area are required to preserve or enhance the character or appearance of the conservation area.
177. Contamination- Prior planning applications for this site have detailed the contamination which lies within the existing made-up ground, most notably hydrocarbons. This application appears light on proposals to remove spoil safely from site, how to treat the balance and how the site is to be de-watered whilst the excavation phase is progressing.
178. Utilities- There are two operational sewage pumping stations within the site serving the wider Poole Town community. These are in the freehold ownership of Wessex Water. There is currently a 600mm diameter sewage pipe running through the middle of the site. Given this purports to be a detailed application it is concerning to note that the applicants appear not to have engaged with Wessex Water, despite Wessex confirming that their plans conflict with an obligation not to build within 3.5m of either the central sewer pipe or the Perry Gardens foul sewers to the rear. Proposals to re-imagine the appearance of the surface water pumping station would imply that this is within the applicant's gift to achieve, but both sites remain operational pumping stations with access required by the utility provider at all times.
179. Density and Height- The application covers a site area of some 1.29 hectares. 228 residential units would suggest a density of 177 units per hectare. However, the mixed-use nature of the application includes an hotel with bar/restaurant and three further commercial units. This adds another 6,589 square metres of built development, which assuming that an average apartment size might be 65sq m would add another 101 units if that space had been residential, thereby equating to 329 residential units per hectare. Such densities are almost unheard of outside of major capital cities and PQF regard them as thoroughly excessive.

180. Despite the latest minor amendments to the applicant's proposals, reducing the hotel eaves height by 2.68m, the fact remains that the proposed buildings dwarf the existing residential homes to the north and east. The applicant's consultants confirm Block 'C', at 32.65m high, to be over three times the height of the fishermen's cottages lying immediately to the east of the site. The Borough's SSA14 is clear in its aspiration to graduate the frontage buildings down from the excessive heights of Dolphin Quays to the more humane scale of buildings to the east, but this application completely ignores that, with proposed buildings that are up to two storeys higher than Dolphin Quays itself! The result is a series of oppressive and over-dominant structures which would, if built, detrimentally affect their neighbours to such an extent that even the applicant's consultant is forced to acknowledge in its Design and Access Statement (2.10) "*a low level of less than substantial harm arises from the increase in scale in the eastern part of the site*".
181. A mathematical assessment of 'vertical sky component' or 'annual probable daylight hours' is no substitute for an overshadowing schematic visually demonstrating the effects of the scheme on existing properties at different seasons and times. Existing residents should be furnished with this information, particularly since the application has not been exposed to the rigor of a full public consultation as a result of the Covid epidemic.
182. The applicant has provided a limited number of visualisations of its proposals, but more are required, we would like to see more visualisations from ground level along the Quay, which is the angle from which most visitors and local people will approach the development. This, we suspect, will reveal the extent to which real-world side views of the unremittingly slab-sided blocks B & C will dominate the streetscape. Despite the modest reduction in ridge height, views 7 & 8 clearly show the undesirable degree to which the proposed hotel also impacts the view down Stanley Road. We would like to see additional visualisations from East Quay Road, as block D appears to have escaped detailed analysis.
183. Vehicle movements- under the current proposal, all vehicle movements will be via Ballard Road so, at the very least, vehicle movements here are set to double. In support of a major application, it would be usual to provide a traffic study which first establishes the existing traffic levels and then goes on to model the impact of parking and servicing of the new scheme upon local roads and residents. A proper traffic assessment is required here in order to comply with policy PQF4.
184. Open space- Based on 228 households, the Borough's open space requirement for this application projects the need for an area of land 1.861 hectares in size to accommodate the needs of its new residents. PQF2 is clear – open spaces should be of high-quality design and offer meaningful space to be enjoyed by residents and their families, where children can interact and communities can form. This application fails to offer the space to achieve this.

185. Design - Block A is thoughtfully set back at the upper levels to reduce the impact upon residents of Dolphin Quays, although residents further back in that development will not welcome the long blank wall looming over the top of the existing Dolphin Quays multi-storey car park. Block A's roofline does at least drop down a floor towards its northern extremity, but the long flat-faced eastern elevation lacks interest until the point it tapers at its northern end.
186. In contrast to the set-back upper floors of Block A, Block B is an unremittingly vertical eight-storey construction with no attempt to set back the upper levels to reduce its overbearing dominance over the quayside. The double-height 'read' of the highest floor serves to further this impression and the prominent 'exposed frame' facade treatment does nothing to reduce the impact. Both flanks are monotonous, with unwavering facades and a rigid, unyielding roofline, broken only by windows extending awkwardly from elevation to roof.
187. Block C, at over 32 metres, is the highest building, two floors higher than neighbouring Dolphin Quays and by far the worst. It is difficult to see the merit of a claimed industrial heritage. The result, with its diminishing floorplates and haphazard windows reaching ever skyward is disappointing, unattractive and of poor design.
188. Block D, which runs across the rear of the site, appears unchanged from its earlier iteration since none of the more recent files submitted make reference to it. The only elevations we found of it were under a 9th October 2020 file marked 'Block D Proposed Plans' and it is at risk of receiving less attention than those blocks which front the Quay, but to residents living immediately to the north of the site, this monotonous, flat-topped horizontal structure, without break or deviation, could become their reality. The southern elevation is more animated, with the addition of balconies and larger windows, but any harbour glimpses that may have been afforded to local residents between the front blocks are completely irradiated by the defensive blockage of Block D.
189. The splayed floorplate of the Hotel offers an interesting and quite successful gateway to the site when viewed from the eastern approaches. The split of accommodation across two blocks with the one nearest the roundabout being lower is a nod to policy SSA14, but it remains a vastly over-scale structure, despite the modest reduction in height of the latest iteration. The projected view when approaching from Stanley Road is shocking, as the proposed structure with its ski-jump roof towers over the cottages that were for generations the homes of fishermen who made their livings fishing from the quayside.
190. Internally, it is disappointing to note that the new hotel will lack the space and flexibility to accommodate meeting space for functions or weddings. Despite now being a rather tired venue, the existing hotel has had a long

and successful history of accommodating weddings, popular primarily for their quayside setting. The modest scale of guest bedrooms also offers little ability to accommodate families. It would appear that this pared-down offering is aimed squarely at the lower end of the travel market, with few facilities, which is a disappointment. A more aspirational offering would have had the potential to enhance the tourist experience, increase dwell times and encourage guests with higher disposable incomes to spend money on a regenerated quayside.

191. The Basement area now accommodates a lower parking provision. Whilst this is in line with the Borough's revised parking policy, we continue to question how this will work in practice. The provision of just two car-club spaces is not, in our view, adequate compensation for the spaces lost. Access into the basement car park remains convoluted. No security barrier to prevent unauthorised access of either the basement as a whole or the area reserved for hotel guests. Finally, the commercial units are a welcome addition to the planning mix which could increase the vitality of this part of the Quay in line with PQF11.
192. General- the lack of material planning gain or community benefit, together with the total absence of any affordable housing provision when the target for such applications remains at 10% renders this application non-compliant with policy PCS6. The mix of residential accommodation and unit sizes is curious. There are a significant number of 3-person 1.5-bedroom apartments, which are generally less popular with buyers and occupiers than full two double-bed units. There are very few three-bed units and where they are present, they are predominantly tucked away in the rear block D.
193. Conclusion- The proposals defy the requirement of SSA14 to respect the existing low-rise dwellings to the east, and the architecture does very little in our opinion to satisfy either PCS23 or PQF11's requirements for high-quality design on Poole Quay. It fails to respond positively to the area's character, scale, grain or identity and it would not raise the standard of architecture, landscape and design within the PQF plan area.
194. **Cllr Mark Howell:** Earlier comments still stand. The hotel building is a storey too high.

Planning Assessment

Site and Surroundings

195. The application site is located within the south-east side of Poole High street and within Poole town centre. The site fronts on to Poole Quay and has extensive harbour views. To the west of the site is the Dolphin Quays development which is 6- to 7-storey block of mixed development with commercial and retail units at ground and part of the first floor and residential

apartments. Sit behind Dolphin Quays and abutting the site on its east is the car park which serves the residential apartments.

196. To the south of the application site is Poole harbour and Poole Quay Boat Haven Marina. To the east of the application site there is vehicular access for the fishermen who land their catch opposite the south-east side of the site, and further east is the RNLi lifeboat museum, a locally listed building (LLB).
197. To the north and east of the site is residential with a mix of cottage style properties to the north-east of the site and 3- and 4-storey flatted blocks and dwelling houses to the north. Also to the north of the application site is a weighbridge which is locally listed. There is a group of trees close to northern boundary. Adjacent to the site is a Water Pumping station. Within the boundaries of the site is a WWII pill box, which is locally listed, and an electricity substation which serves the water pumping station.
198. The site is within the Town Centre Heritage Conservation Area. None of the locally listed structures listed above will be demolished as a result of this proposed development.

Key Issues

Principle of Development – Policy

199. The site is identified in Policy PP6 of the Poole Local Plan as an allocated site (T12 Quay Thistle). The local plan allocates it for a mixed use development including a hotel and approximately 180 homes; create a strong building frontage to the Quay; preserve or enhance the Town Centre Heritage Conservation Area giving particular attention to the quayside location; provide a transition in scale to the existing residential properties to the rear and east of the site, and improve pedestrian connections- between these properties and the quayside; and enhancement of the public realm on the Quay.
200. The settlement strategy in Policy PP2 identifies that 6,000 residential units will be delivered in Poole town centre over the plan period to 2033. This represents 42% of the total of 14,200 units to be delivered across the plan area and is the single largest element of the proposed supply. PP2 advises that housing densities will be considered on a case by case basis, but should optimise the potential of a site with the aim of meeting or exceeding the minimum indicative densities. This minimum density is set at 100 dwellings per hectare in the Policy.
201. 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 building, 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. This policy also requires that car parking and turning areas do not dominate the site or materially harm neighbouring privacy and amenity.

202. 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.
203. Policy PP29 Tall buildings identifies that the Town Centre and the Twin Sails regeneration areas are considered the most suitable locations for tall buildings as part of the strategy to direct the highest densities to the Town Centre. Outside of these areas tall buildings may be considered acceptable where they are adjacent to main junctions, arrival points, or open spaces and contribute to delivering wider community benefits such as affordable housing, health or education facilities, places of worship, community facilities or commercial uses that add to the social, economic or tourism offer of the town.
204. The preamble to this policy considers a tall building as any building over six storeys in height, or those substantially taller than its neighbours. This policy states the developments including a tall building must (a) make a positive contribution to the townscape, ensuring any heritage assets and their settings are preserved or enhanced and that adjacent residential properties are not dominated; (b) respect or enhance key views and existing landmarks; (c) respect good architecture and use of materials; (d) be positioned and designed to remove any adverse environmental, ecological and climatic impacts, including those on European and internationally important sites; and (e) create an attractive external environment that provides natural surveillance to the public realm. In the circumstances, it is considered that all proposed buildings in the scheme would fall to be considered under this policy.
205. The extent to which the scheme complies with the criteria PP6 & PP29 in particular will be examined within the remainder of the report. However, as a mixed-use scheme including residential and a hotel, there is policy support for the proposals under Policy PP6 and for high density residential development under the settlement strategy (PP2).

Principle of Development – Housing delivery

206. 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 applications are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals.

207. The Housing Delivery Test for Poole Local Plan was published in January 2021. In high level terms, the Housing 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 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 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. Consequently the tilted balance is engaged.
208. The site is located within a Conservation Area. As outlined in footnote 6 to Paragraph 11 (of the NPPF), the tilted balance will not apply where the guidance in the NPPF provides a clear reason for refusal in respect of the impact on designated heritage assets. The extent to which the scheme complies with the heritage policies in the NPPF – and therefore whether the tilted balance is still engaged - will be examined in the Heritage Impacts section below.

Design and Impact on Heritage Assets and the Character of the Area

209. Paragraph 130 of Chapter 12 of the NPPF (Achieving well-designed places) states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area over the lifetime;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

210. This application proposes 228 flats. These would be a combination of 66, 1 bedroom flats, 151, 2 bedroom flats and 11, 3 bedrooms which would be accommodated across 4 buildings. The area has a varied urban character and a number of well documented urban design issues which include the bulky Dolphins Quay development to the west of the site. To the north of the site is the locally listed weighbridge and within the front part of the application site is the locally listed pill box, both of these structures will be retained, with the pill box becoming a landscape feature within the proposed public realm close to the entrance to the hotel.
211. Paragraph 197 states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
212. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
213. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
214. Paragraph 201 states that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
215. Paragraph 202 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, the harm should be weighed against the public benefits of the proposal.

216. Paragraph 203 states that 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 significance of the heritage asset.
217. PP30 of the Poole Local Plan states that development within conservation areas should preserve or enhance Poole's heritage assets in a manner that is proportionate with their significance.
218. The site falls wholly within the conservation area, however the boundary runs along the north of the site meaning that the residential dwellings to the northeast are outside of the Conservation area. Dwellings to the east of the site fronting East Quay Road and part of Ballard Road fall within the Conservation Area.
219. There are a number of tall buildings to the northwest of the application site which includes four 11-storey 1960s residential tower blocks close to the application site, as well as Barclays, Merck House, Corfe House, Keel House, Old Orchard. All of these buildings sit outside of the Conservation Area, but they are visible in views into and within the Conservation Area. A number of these tall buildings sit adjacent to or opposite more human scale buildings which include 2 and 3 storey dwellings/flatted blocks adjacent to the 1960's residential tower blocks. The Dolphin Quays development which sits to the west of the application site is a part 6- to 8-storey high building which is read as one block of development. The car park serving Dolphin Quays, accessed from Fishermans Walk is within the Conservation Area.
220. Historically the site was a gas works. The Conservation Area appraisal identifies the site within the Quay Character Area. It identifies that land to the east of the Quay Thistle Hotel as derelict within a prime tourist area. The appraisal also considers that the Dolphin Quays development dominates the area as its height and massing exceeds the tallest of the quay buildings. A characteristic of this Character Area are pedestrian lanes between central quayside buildings to Strand Street, the pavement to the front of the site outside the Thistle Hotel is identified as a pedestrian priority area.
221. **Layout**- The site is a prime development site within the town centre which has laid underdeveloped for a number of years. With regards to the pre application submission and engaging the South West Design Review Panels, the design, layout and scale of the development has changed markedly, as has the design, scale and massing of the proposed hotel building.

222. The adopted Town centre SPD shows the layout of this development site being derived by perimeter blocks. However, this doesn't mean to say that the only layout considered to be acceptable is the one in this SPD. Each application is to be treated on its own merits.
223. To mitigate flood risk the ground levels of the site need to be raised and there would be a basement car park which runs underneath building blocks A to D excluding the commercial ground floor areas, and the rear part of block A and block D, and most but not all of the floor area of the hotel.
224. The layout of the development of long linear buildings fronting the quay reflects the layout of historic buildings typically found further to the west along the Quay, which have small alleyways between blocks with buildings at the rear sited perpendicular which are glimpsed from the Quay. This form of layout was encouraged and supported by the SWDRP meetings. It is considered that the building widths of the proposed blocks do reflect some of the large buildings found on the historic quay. It is important to note that the gaps between the blocks are significantly wider than the historic blocks, which were originally commercial buildings rather than built as residential buildings. The wider gaps between buildings enable more daylight and sunlight between blocks of the proposed development, which is a benefit to the future occupants of these units.
225. Block A is set behind the building line of Dolphin Quays back and within the application site to ensure the residential amenities of the occupants of the flats at Dolphin Quays are not materially harmed. The ground floor commercial/retail units are stepped forwards to give an active frontage along the quayside, albeit at a higher level. The raised floor levels are a policy requirement to mitigate the development from flooding.
226. The proposed site layout provides ramped and staired pedestrian access into the site from the Quay and East Quay Road. The site therefore provides accessible and permeable links through the site to the neighbourhood at the rear and to the High Street, from the Quay.
227. The layout of the proposed blocks on the site does not follow the illustrative perimeter block plan shown in the Town Centre SPG for this allocated site. The proposed layout does however follow the pattern of development for other parts of the Conservation Area with tall buildings fronting the Quay being linear blocks with narrow walkways between these blocks and a block running perpendicular at the rear. Consequently, it is considered that the proposed layout does not cause substantial harm to the existing pattern of development in the Conservation Area.
228. **Scale** - Historically the site was used for the import of coal products. There were large coal storage bunkers/sheds to the North of the site, while the southern section was an open area used for transshipment. Gantry cranes connected the facility with wharfage on the quayside. Historic England and

the Urban Design Officer considers that the construction of the buildings take some reference from the long lost coal sheds which formerly occupied the site, with large gables facing the harbour.

229. In terms of scale, the historic quayside has a varied scale and detail of buildings with single storey ex-industrial buildings juxtaposed against the historic warehouses of 5 stories and more.
230. It is acknowledged that the development will be of significant scale and higher in part than Dolphin Quays. However, as noted above it is located . Following the advice in PP29 Tall Buildings, the applicant took the pre-application proposals to the South West Design Review Panel. On the second panel meeting Blocks A to D presented were not that dissimilar to this application. The panel considered in regard to the buildings that *“height can be further justified by having somewhere to take in views by the public- and this will enhance its destination status.”* The development falls to be considered under policy PP29. In this regard it is an appropriate location for tall buildings due to the context outlined above. The blocks are not that dissimilar in height to Dolphin Quays and Block D at the rear is not that dissimilar to the existing neighbouring flats and dwellings which sit to the north.
231. The tests are therefore whether the tall buildings make a positive contribution to townscape, preserving the setting of heritage assets, not dominating residential properties, respecting key views/landmarks, represent good architecture & use of materials, have acceptable environmental impacts and create an attractive external environment.
232. Block A is six storeys in height and constructed of red brick with a simple gable design. The scale of the building is similar to Dolphin Quays and would not be apparent in wider views of the site. The set back of the main building ensures the existing units of Dolphin Quays retain an outlook while the existing multi-storey car building is obscured. The balconies help to provide articulation to the building and external amenity space for residents.
233. Block B is seven storeys and constructed in a dark grey gladding system with vertical louvres with a double gable roof. The height of this building starts to rise above the height of Dolphin Quays and but is not considered to be apparent in wider views. Amended plans received in April 2021, made alterations to the framing of the building with the grey cladding system extending the framing down each edge of the building which addressed the Council’s Urban Design comments that the cladding on part of the building made the top floor overtly prominent and appear to float above the floor below.
234. Block C is nine storey and clad in red tiles. This is the tallest building that forms part of the proposal and undeniably exceeds the height of adjacent buildings. The form of the building reduces the bulk of the top floor and is a

successful way of helping to reduce the visual impact of this building. The red tiles reflect the red bricks used on some of the traditional buildings within the local area and the form has been designed to reflect the historic building which once stood on the site. While there are no existing buildings in the local area with this form, the approach has been developed as part of an analysis of the site history and character of different forms that existed along the quay.

235. Block D is 4/5 storey, with the fifth floor stepped away from the rear boundary. The existing properties to the rear are set at a slightly lower level. The diagram on page 52 of the Design and Access Statement shows how the roof form will be comparable to the height of the existing building. From street level, the fifth floor section of the building being set back would not appear dominant in views south down East Quay Road. At four storeys the development reflects properties within the wider Skinner Street area and provides a transition in scale from the existing residential area to the buildings proposed fronting the quay. Given the site context the proposed red brick and bay balcony elements are suitable architectural approach within the site context.
236. In terms of the proposed hotel building, the amendments made to the building with a slight reduction in the roof height and terracing being set into the steeply pitched hotel roof facing east to the Stanley Road terraces, are considered to improve the scale by breaking up in the roofscape. Notwithstanding this the Conservation officer considers *“the large roof slope, massing and appearance of this pair of linked hotel buildings remains out of place with that of the neighbouring housing on Stanley, Ballard and Perry Gardens Riad and the locally listed RNLi Lifeboat Museum.”* Undoubtedly, the views of the proposed hotel building from these roads would change given the site is currently largely undeveloped.
237. The only views which it is concluded there would be an adverse impact on the visual amenity of the area is in views from Stanley Road which lies within the CA. Historic England consider that the scale and massing of built form is significant but based on the information provided the development with buildings of significant scale on this site will not adversely affect the setting of any designated heritage asset, or the character and appearance of the conservation area. Notwithstanding, these concerns of this scale of this hotel block, the case officer considers that given the combined layout, scale and appearance of built form is acceptable across the rest of the site and would not cause harm to the character and appearance of the Conservation Area, which is a designated heritage asset.
238. There is therefore a potential conflict with PP29 (b) if views from Stanley Road are regarded as a “key view”. In this regard, this is a residential street set back from the quayside. The “key views” in the immediate for the purposes of PP29 area can reasonably be regarded as along the quayside and in the approaches from Baiter to the east back towards the town centre

and the longer range views from Poole Park as it is understood these were identified in the tall buildings study carried out as evidence for the Local Plan. In this regard, the impacts are considered acceptable in respect of Policy PP29.

239. However, any harm on views within the Conservation Area from Stanley Road towards the site would need to be given due weight in the assessment of the impacts on the Conservation Area as a heritage asset.
240. **Impact on Locally listed Buildings non designated heritage assets -** Within the proposed hard landscaped area of the pedestrian entrance to the hotel fronting the Quay, the existing WW II locally listed pill box on the site will be retained. The applicants propose boundary treatment around this pill box, details of which will be secured by condition. Therefore, subject to details of the proposed boundary treatment, the pill box will become a 'visible' non designated heritage asset within the public realm for the local residents and visitors to enjoy.
241. The locally listed weighbridge abutting the northern boundary of the site will be retained in situ, with an area of soft landscaping proposed to the south of the weighbridge. The RNLI building on the foreshore and west of the application site will not be physically altered by the proposals.
242. Paragraph 203 of the NPPF states that the "*effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset*". It does not stipulate the level of weight that should be attributed to the harm.
243. In this case the locally listed buildings both within and abutting the site and in close proximity of the site are being retained and the proposed development therefore would not result in any loss of these non-designated heritage assets. The development will of course impact on their current setting. In terms of harm, as discussed above it is considered that the pill box and its significance would be better revealed as a result of this proposed development and this is a benefit. The locally listed weighbridge will be an example of old and new development juxtaposed to each other, with landscaping proposed adjacent to the weighbridge.
244. The RNLI lifeboat building is on the seaward side of the Quay and thus separated from the hotel development by The Quay. As noted above the application site currently does not contribute to the character of the Conservation Area and is not considered to contribute to the setting of the lifeboat building. The appreciation of this building will continue to be primarily from the quayside but with a backdrop of much larger modern buildings across the road to the north. It is considered that there is a moderate impact on the setting of this building but there would not be a

substantial impact on the significance of this heritage asset. In the case of the weighbridge and World war II pill box, it is likely that the proposal would better reveal the significance of these non-designated heritage assets.

245. **The existing building, its contribution to the Conservation area and its demolition:** The application site falls within the Town Centre Heritage Conservation Area and the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (S72). The hotel building is neither a Listed nor Locally Listed building.
246. The Council's Conservation Officer considered the hotel on the site was an early transitional development replacing the industrial uses of the past and the current hotel has a neutral impact in the Conservation Area. Historic England consider that the existing hotel building and sprawling car parks have a negative impact on the conservation area's character and appearance. Therefore, whilst there are differing views to the contribution the existing hotel has within the Conservation Area, the conclusion is there is no objection to its demolition, as no harm to the Town Centre Heritage Conservation Area has been identified from its redevelopment. Moreover this would be the logical result of its allocation for mixed-use development under Policy PP6/T12 which does not require retention of the existing building under this policy.
247. **Public Realm & Landscaping** - The original submission provided a landscaped area which was graded up from the pavement level, requiring a reduction in pavement and road width. This was considered unacceptable by Highways officers due to the site fronting onto a pedestrian priority area, which requires the width of the pavement to be retained as existing as a minimum. The revised proposal retains the existing pavement and highway widths. A retaining wall with ramps and stepped access along the Quay is proposed to provide access up to the podium level with retail and commercial units fronting the Quay on this level. The proposed retaining wall includes seating areas set into this wall at the current ground level along the Quay. It is considered that the inclusion of a quality soft landscaping scheme will lead pedestrians up onto the raised level and the hotel with its destination restaurant/bar with views over Poole Harbour on the far east side of the site. This provides opportunity to pull footfall to the very end of the Quay.
248. The Quay is a pedestrian priority link. The current access to the car park within the site is from the Quay. The proposed entrance to the site for the basement parking serving residential and the hotel; servicing the emptying of bins, and hotel drop off will be from Ballard Road and therefore will be a betterment to the existing vehicular access arrangements on site in terms of the use of the public areas on the quayside.

249. There is little meaningful landscaping across the existing site. There is a tree belt along the northern boundary of the site, to the north of the car park and interspersed planting across the front part of the site being predominately cabbage palms.
250. The proposed development incorporates a number of trees to be planted within the site. A number of mature trees are required to be planted along the Quay side of the site which will provide appropriate mitigation for the microclimate which will be created with regards to wind. Substantial trees will not be sited above the semi basement, therefore the tree roots will have the required space (depth and breadth) to grow and establish within the site. There are also a number of smaller trees proposed within the site along with substantial soft landscaping including hedge planting. Each flat at ground floor level would have a small area of private terrace. The proposed use of hard landscaping materials including concrete block paving, resin ground gravel and natural stone planks all help to create an attractive environment.
251. The amended layout plan shows a number of street trees proposed along the pavement. Given the pavement is a pedestrian priority area consideration needs to be given the number and siting of proposed trees to ensure that clutter on the pavement is kept to a minimum, given there is an existing bus stop and a beryl bike parking area on the pavement. This can be covered by condition #29.
252. Historic England consider that the success of the development will depend on the detail and materiality. A condition would be attached requiring the proposed materials for each building to be agreed (condition #23).
253. **Conclusion on harm to designated heritage assets:** In terms of the development overall, it would have less than substantial harm to the significance of the Town Centre Heritage Conservation Area, the designated heritage asset. 284. Therefore in accordance with paragraph 202 of the NPPF this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. This is set out in the Planning Balance section of the report.

Acceptability of Proposed Commercial/Retail Units

254. This application proposes three commercial/retail units which would have an active frontage along The Quay. These units range from 208 sqm to 296 sqm.
255. The Poole Local Plan adopts a town centre first approach. The application site is within the town centre where commercial/retail use is supported. The applicant is asking for a flexible uses, which fall under use classes E/F1 and F2. These are defined as follows;

- Class E includes Shops, Financial and professional services, Food and Drink, and business use (offices or industrial process which can be carried out in a residential area without causing detriment to the amenity of the area), non-residential institutions such as clinics, health centres, day nurseries, day centre, and assembly and leisure such as indoor recreation and gyms.
 - Class F1 includes non-residential institutions such as public museums, public libraries, halls, exhibition halls, place of worship.
 - Class F2 includes indoor (and outdoor) sports or recreation.
256. Operating hours can be secured by condition (#34 below) to mitigate against the potential conflict with the existing residential properties adjacent to the site and proposed residential properties. In addition, it would be prudent to condition details of any extract ventilation which might be required on a unit should a food operator occupy any of the units, this is secured by condition (#13)
257. The proposed commercial units would contribute to the vitality and viability of the quayside in an area with significant public footfall. It would maintain retail and other main town centre uses within an accessible town centre location. The economic benefits of this will be given due weight in the balancing exercise. This aspect of the scheme is considered to be in accordance with Policy PP22 of the Poole Local Plan and section 7 of the NPPF and is consistent with the allocation for mixed-use under Policy T12.

Affordable Housing

258. 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. This proposal has 228 units which triggers the requirement of affordable housing. Due to the location of the application site within the town centre, under PP11, the affordable housing contribution to be sought in relation to this current proposal is 10%.
259. The applicant has submitted an Economic Viability Assessment, which has been assessed by the District Valuer Service. The assessment carried out sensitivity testing which when excluding ground rents (legislation is likely to be in place in the next 12 months regarding unfair leasehold practices in respect of ground rents) concludes that the proposed development is not viable. As such, there is no scope for a contribution to affordable housing.
260. Whilst it is acknowledged that provision of affordable housing is subject to viability, it noted that this proposal is on an allocated site within the Town Centre, which is important to the delivery of the Council's Strategic Objectives and the housing target of 6,000 units within the town centre. This supports the delivery of new dwellings (whether affordable or not) in sustainable locations. Notwithstanding the lack of viability in the scheme to

deliver affordable housing, Policy PP11 is subject to viability testing and the proposal therefore meets the requirements of Local Plan Policies PP11 and PP40.

Impact on living conditions of neighbours and future occupants

261. Policy 27 requires development to be compatible with surrounding uses and not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.
262. The closest residential neighbours to the development site are those flats in Dolphin Quays which are adjacent to and have an outlook over the site, sited to the west of the application site. In addition, the four storey flatted block (7-31 East Quay Road) and townhouses at the end of Perry Gardens sited to the north of the site and a mix of two storey terraces, three and four storey residential properties and flatted blocks on the opposite side of the road on Ballard Road and Ballard Close, sited to the north east and east of the application site.
263. The applicant has submitted a sunlight and daylight assessment, and recently submitted an overshadowing report to demonstrate the impact that the proposal would have on its surrounds. This report considers the impact the impacts in terms of 'no sky line' (NSL) which is a measure of the distribution of diffuse daylight within a room – or put another way, it differentiates between which part of a room receives direct skylight. Here the test is that if an existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. In addition, the Vertical Sky Component (VSC) is assessed which is a measure of the amount of sky visible from a centre point of a window. The target is if the VSC at the centre of a window is more than 27% (or if not, then it is more than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected. In summary this report concludes that 88.3% of rooms would fully comply with the Buildings Research Establishment (BRE) target values and 99.41% would meet the alternative target values generally used to evaluate daylight levels when developing underutilised sites.
264. The report also considers sunlight using the 'Annual Probable Sunlight Hours' (APSH) method of assessment. The report based on the amended scheme concludes that most of the windows assessed comply with the BRE target values. In terms of impact on Dolphin Quays it was considered the windows assessed only marginally qualify for assessment and essentially face east, limiting the amount of sunlight they can receive.

265. It should be noted that this report included assessing non habitable windows and entrance doors to several of the buildings which have skewed the results slightly, to the detriment of the applicant.
266. Impact on flats in Dolphins Quays - In terms of the submitted sunlight and daylight assessment, this has looked at the residential floors within the block rather than the commercial floors, which is an acceptable interpretation. With regards to the VSC results some of these windows post development will not meet the BRE targets, as will be the case with the NSL results. In terms of the NSL assessment most of the windows assessed will fully comply with the BRE target values. This is in part due to the undeveloped nature of the application site. Whilst there will be loss of amenity to some of the occupants of the most affected flats, given the development will be in the main sit behind and to the east of the existing car park serving Dolphin Quays, the proposal (block A) is not considered to appear overbearing to the occupants at Dolphin Quays. A character of Poole Quay is the close proximity of buildings adjacent to each other a number of which are in residential use.
267. Windows in the Dolphin Quays development currently have an outlook to the multistorey car park to the north-east which serves Dolphin Quays, across the gap in buildings to the south-east of the multistorey and across the undeveloped landscaped area to the front of the existing hotel. The building of block A will inevitably close this existing gap and outlook from the eastern side of Dolphin Quays generally. It is considered this is a likely consequence of the allocation of the site and the need to use this key town centre site effectively and efficiently, particularly in delivering frontage development of a scale in keeping with the quayside's character. The separation gap between the windows and balconies on this elevation with the west elevation of block A is substantially more than the gap behind Dolphin Quays to the car park, and is not considered to be overbearing on the occupants of the flats which have windows on this elevation.
268. In terms of overshadowing, the proposed block A will result in some overshadowing to the north-east elevation of Dolphin Quays. There are habitable rooms on the east and north east elevation of Dolphin Quays which will be affected by Block A in particular. The upper storeys of the flatted block in Block A will be set back from both the front building line of Dolphin Quays and from the easternmost elevation of Dolphin Quays. The lower floors (ground and first floor) of Dolphin Quays includes windows that serve commercial premises and these have not formed part of the assessment. There will be views of Block A and the outlook from these windows will change. There will be oblique views between the blocks and the amenity of the occupants of the east facing habitable rooms and balconies will change.
269. In terms of privacy the proposed Block A has no habitable room windows above the ground floor level on the west elevation. There will be oblique

views between the front elevation of Block A and the west facing windows and balconies on Dolphin Quays but these views will not amount to a material loss of privacy. The extent of harm to living conditions is considered in the context of this being a town centre site where suburban separation and window-to-window distances would not typically be achieved. There will therefore be a moderate impact on the outlook from these neighbours from Block A due to the increased height and projection southwards over the current hotel. This impact will be weighed in the balancing exercise.

270. Impact on terraced properties 48-56 Skinner Street - In terms of the submitted sunlight and daylight assessment, this advises with regards to the VSC results that other than the rear facing window to the ground floor extension at 52 Skinner Street, the windows fully comply with the BRE target values. In terms of the NSL assessment all windows assessed will fully comply with the BRE target values. The windows most affected are the secondary windows on the south elevation closest to the development. All windows assessed for the APSH fully comply with the BRE target values.
271. The Block A which will be closest has an adequate separation distance (approximately 30m) to negate any harmful overlooking, and is not considered to be overbearing to the occupants of these properties. In terms of overshadowing, the shadow diagram for 21st December shows that there will be some shadow cast from the development in the winter, which will apply to no. 52, 54 and 56 all day, but there will be no overshadowing from the development at other times of the year. Overall these are considered to be acceptable impacts on the living conditions of these neighbours
272. Impact on flats to the north 7 to 31 East Quay Road - The 4-storey flatted block at 7 to 31 East Quay Road is designed as a '+' shape building. The closest elevation to Block D will have a separation distance of 16m, there are windows on this elevation, however these are secondary windows with the main outlook to the east and west. Given that these are secondary windows on this closest elevation and trees sit to the south between the proposed Block D and this elevation, on balance this separation distance is considered acceptable and still complies with the indicative 15 – 20m window-to-window distances shown in the recently issued national design guide for example. The proposed Block D will generally be sited 22m from the south elevation of 7 to 31 Skinner Street, which is an acceptable separation distance to not be overbearing.
273. In terms of the submitted sunlight and daylight assessment, with regards to the VSC results, 38 of the 54 windows assessed fully comply with the BRE target values. All but one of the windows assessed will maintain a VSC of at least 14.5% in the post development condition. The windows most affected are the secondary windows on the south elevation closest to the development. All windows assessed for the APSH fully comply with the BRE target values.

274. In terms of overshadowing, given the orientation of the proposed Block D to this building there will be overshadowing although most of this will be to the southern part of this building, other than at the height of summer. It is important to note that the building itself already causes a shadow over other parts of the building and the trees to the south also cause overshadowing to this building. It is considered that the degree of overshadowing would not cause material harm to the occupants of these flats. There will be a moderate impact to the living conditions of these neighbours from the proposed Block D and this will be given due weight in the balancing exercise.
275. Perry Gardens (north of the site) - There will be a 22m separation distance between Block D and the side elevation and rear garden to 54 Perry Gardens, with trees sited within the 22m. This is considered to be an adequate separation distance to negate a material loss of privacy.
276. The VSC results indicate that all but one window to the property complies with the BRE target values. The window that falls below the target is the first floor south facing window towards the rear elevation and this is a bathroom window. The NSL results indicate that all the windows assessed comply with the BRE target values, thus there will be a negligible reduction in daylight levels. All windows assessed for the APSH fully comply with the BRE target values.
277. In terms of overshadowing the shadow diagram for 21st December shows that there will be some shadow cast from the development in the winter, from lunchtime onwards, but not at other times of the year. Given the orientation of the dwelling and rear garden, the proposed Block D which is separated by the access road will not appear overbearing to the occupants of 54 Perry Gardens and is considered to have an acceptable impact on neighbours in Perry Gardens.
278. Impact on 23-50 Baiter Gardens (north east of the site) - This group of properties are a flatted block, and sited the furthest from the proposed development, compared to the other buildings within the assessment. In terms of the VSC results, all the windows of these properties will fully comply with the BRE target values, as will the NSL results. It is considered that the daylight results will only have a negligible effect on the daylight levels to these properties and all habitable rooms will remain well-lit following the development. All windows assessed for the APSH fully comply with the BRE target values.
279. In terms of overshadowing, the shadow diagram (21st December) shows that there will be some shadow cast from the development in the winter in the late afternoon, but not at other times of the year. The impact to these neighbours is considered acceptable.

280. Impact on 51 to 56 Baiter Gardens (north east of the site) - The group of properties are a flatted block, and sited to the south of 23-50 Baiter Gardens. The outlook from this block on the front elevation is to the open space in front of the proposed hotel building. In terms of the VSC results, all the windows of these properties will fully comply with the BRE target values, as will the NSL results. It is noted that one of the ground floor windows fails to meet the VSC target values but this is the entrance door to the flatted block. It is considered that the daylight assessment shows windows will remain with good levels of daylight following the development. All of the habitable room windows assessed for the APSP fully comply with the BRE target values.
281. In terms of overshadowing, the shadow diagram (21st December) shows that there will be some shadow cast from the development in the winter in the late afternoon, but not at other times of the year. The separation distance would be around 25m from the nearest elevation of the hotel which is considered to be acceptable to maintain adequate privacy. The impacts to these neighbours is considered acceptable.
282. Impact on 1 -2 Ballard Close and 1A Stanley Road (to the north east/east of the site) - The proposed footprint of the hotel building is set well back within the east part of the site. There would be a separation distance of 27m between the north facing hotel rooms and the south west elevation of the flats and dwellings opposite (and in excess of 27m separation distance to the cottages at 1 to 5 East Quay). The hotel building will change the existing outlook from the front elevation of these properties. However, given the separation distance of and that the building recedes away from these properties as it increases in height on the north-east elevation, the hotel will not be lead to a material loss of privacy for these occupants and is not considered to be overbearing.
283. In terms of the VSC results, all the windows of these properties will fully comply with the BRE target values, as will the NSL results. The submitted assessment shows a negligible effect on the daylight levels to these properties and all habitable rooms will remain well-lit following the development. All windows assessed for the APSP fully comply with the BRE target values. In terms of overshadowing, the shadow diagram (21st December) shows that there will be some shadow cast from the development in the winter in the late afternoon, but not at other times of the year. The impact on these neighbours is considered acceptable.
284. Impact on future occupants of the development - The majority of flats in Block A are single aspect. It is noted however that no unit is single aspect facing north which is advised against in the national design guide (the units predominantly face east) and habitable accommodation is considered to receive sufficient daylight and outlook. Flats within Blocks B and C would have mostly single aspect flats facing east and west, although the end facing units on each floor would be dual aspect flats.

285. Flats within Block D would have primarily a north and south elevation would be dual aspect with bedrooms windows on the north elevation and kitchen/living areas on the south elevation. Whilst the outlook from these bedroom windows would be onto trees, the windows are full height glazed windows and full height windows with maximum glazing would be used for the kitchen and living areas of the flats which are south facing. Therefore, adequate living conditions for the future occupants of these units would be provided.
286. The separation gaps between the new buildings are considered to be adequate to prevent harmful overlooking or loss of privacy between future occupants of the development bearing in mind the town centre location. The proposed ground floor flats have private terraces which are at the street level. Most of the terraces will have an area of soft landscaping to the front which includes ground cover planting and therefore provides a buffer to the public realm and pedestrian links through the site. The flats provide natural surveillance to the public realm. A number of the upper floor flats have balconies.
287. In summary given the proposal is on a town centre site, and the character of the quay is one of small alleyways with tall buildings either side (a number of which are in residential use), it is concluded that the proposals would provide adequate living conditions for proposed occupiers.
288. Impact on living conditions of neighbours and future occupants – Conclusion: For the majority of neighbouring properties, the scheme will have acceptable impacts on their living conditions. The scheme provides acceptable living conditions for proposed occupiers. There will be moderate impacts to the outlook of units within Dolphin Quays and to the privacy and outlook of properties to East Quay Road and this potential conflict with Policy PP27 will be assessed in the balancing exercise.

Accessible and Adaptable Dwellings

289. In accordance with Policy 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. The applicants confirm that all units meet the building regs requirement. These provisions can be secured by condition. The scheme complies with this policy.

Enhanced Tourism Offer

290. Policy PP23 of the Poole Local Plan refers to Tourism and the evening/night time economy and states that development that supports growth and generates employment in Poole's tourism sector will be encouraged. New hotels will be supported provided that such development would not have an adverse impact on the character and appearance, amenity and function of adjoining sites and the surrounding area. The policy also allows for

proposals which add vitality and viability to Poole's main evening/night time economy, provided that the development will not either, individually or cumulatively, harm the character of the area or residential amenity in terms of noise, light, and other emissions, or result in a harmful concentration of food and drink uses.

291. The location of the site has prime views across Poole Harbour, Brownsea Island and beyond. There are a small number of hotels within this area with close proximity to the town centre shopping and leisure amenities and good transport access. The proposal for a modern 118 bedroomed hotel would significantly increase the current hotel provision and this is welcomed by the Tourism officer. The hotel will have a bar within the entrance lobby and a bar and restaurant at roof terrace level which would be open to non-residents. Therefore, adding to the vitality of the area and offering a destination restaurant/bar to both residents and visitors to Poole. Given there is an existing hotel on site with bar/restaurant open to non-residents the proposal is not considered to not harm the character of the area, harm nearby residential amenities or lead to a harmful concentration of food and drink uses.
292. The only concern raised by the Tourism officer was the lack of car parking provision for staff. In turning to the newly adopted Parking Standards SPD the site falls within a town centre location (zone A), the SPD requires 1.5 parking space per bedroom which is for staff and residents. The highways officer considers that the proposal in terms of hotel staff parking meets the aims of the adopted Parking Standards SPD (examined in detail below).
293. The proposed hotel will provide a much needed enhanced tourism offer, with prime harbour views for a number of hotel rooms, with the hotel located in a highly sustainable area, and within the town which will provide much needed increase in footfall and spending by visitors to the hotel within the town.
294. The scheme is considered to comply with Policy PP23 where there is policy support for such proposals. The economic benefits of this aspect of the proposal is given significant weight. In order to secure this benefit, a requirement is recommended as part of a s106 agreement to ensure its delivery before more than one of the residential blocks is commenced as part of an agreed phasing plan.

Impact on Trees and Proposed Landscaping

295. The main group of trees on site are along the northern boundary of the site, four are within the application boundary and three are outside. The Arboricultural Impact Assessment identifies two Norway Maple (T2 & T5) as both category B and two silver birch (T6 and T4) as category B and C respectively. Category B trees are trees classified of moderate quality and value, and category C trees are of low quality and value. The arboricultural

assessment proposes pruning to provide sufficient separation between the trees and proposed buildings. Other works proposed to T5 and T6 will be to remove the current hard surfacing which is within the Root Protection Areas of these trees. The basement proposed for the development falls outside of the Construction Exclusion Zone for these trees. The Council's arboricultural officer raises an objection due to the proximity of the proposed Block D to these protected trees for the following reasons (i) north facing habitable rooms overlooking into the tree canopy; and (ii) the tree species- Norway Maples will require consistent pruning due to vigorous regrowth in response to being pruned.

296. As set out in paragraph 285 above, the habitable north facing rooms serve bedrooms to dual aspect flats which have south facing lounge/dining/kitchen windows. The bedroom windows have full height windows to maximise light into the rooms. Given these rooms are bedrooms with full height windows, it is considered that this would be an acceptable outlook and the Council could reasonably control future requests to prune or fell the trees. The applicant has been asked to consider planting alternative species of trees of a suitable size, which is felt to be appropriate mitigation to future requests to prune or fell the trees. However, the applicant considers that the existing trees should not be under threat of being pruned or felled but is content to consider a condition that requires replants to be agreed should the need arise once the development is constructed.
297. If there were to be future requests to fell these trees (where protected by being within the Conservation Area) these would need to be considered on their merits at the time. However, the scheme provides an opportunity of achieving more suitable tree species being delivered within the site.
298. The Council's arboricultural officer also raises concerns with the change in levels proposed. The plans show the land to be graded up to the rear elevation of Block D. There is no material planning reason why this is required and the applicant could come forward with lower levels to mitigate this concern. (Revised plans are being submitted to deal with this issue).
299. It is considered that the benefits of delivering a sizeable housing scheme and a modern fit for purpose hotel which would enhance the tourism offer would outweigh the potential loss of these trees which could be replaced with more suitable species for their location. There are a number of other trees within the site which are categorised as C or U (where trees should be removed for sound arboricultural management) the majority being Cabbage Palm found towards the front of the site.
300. The proposal includes significant new planting (over 100 new trees) across the site as mitigation for tree removal mainly cabbage palms, and mitigation for microclimate (wind). The precise details of tree species and location can be secured by a condition. The overall benefits of the additional planting means that the scheme is considered to comply with Policy PP27.

Parking, Access and Servicing

301. 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 for the residential units would comply with the SPD. The proposal is providing significant levels of parking above those in the SPD. The key aim of zero parking in new developments within town centres is to reduce levels of car use both for traffic congestion and environmental reasons.
302. With this development providing car parking in excess of the levels stated in the SPD, it needs to provide mitigation to discourage car use. A contribution of £180,000 towards the Route One bus service is required as appropriate mitigation to encourage lower car use, and can be secured by though a S.106.
303. In order to reduce reliance on car ownership, car trips to the site and to meet the aims of encouraging sustainable travel, Car Club provision and a Travel Plan with sustainable travel vouchers have been sought. These are to be agreed though the S.106 agreement. Therefore, with such mitigation, the level of car parking proposed for the residential units is accepted by the BCP Highways Officer.
304. The traffic generation resulting from the scheme can be accommodated within the existing highway network without failing the test in the NPPF that the residual cumulative impacts on the road network would be severe (para. 111). Electric Vehicle Charging (EVC) would need to be provided in line with the Parking Standards SPD. The applicant has shown EVC points on the plans. These will be secured by condition (#22). In terms of parking to serve the hotel, the newly adopted SPD requires 0.5 car parking spaces per bedroom for staff and visitors. This proposal meets the SPD parking requirements.
305. The access to the site would be from Ballard Road, and previous issues relating to the perpendicular parking close to this entrance have been resolved by these spaces being removed. The width of the access and the circulation space for the hotel entrance and associated servicing is considered to be acceptable. The width and location of the access within the site is of an acceptable size to enable a refuse collection vehicle to drive within the site to collect residential waste. Provision of all vehicle
306. The amended plans now propose to keep the roadway and pavement along the Quay the same width as existing. The existing bus stop is able to be retained in its current location as can the Beryl bike location. The scheme provides 404 cycle parking spaces, the majority in the basement (362 spaces) in a mix of Sheffield & 2-tier Josta rack. Provision for cycle parking

for the hotel and commercial units as well as visitor parking is also provided with a total of 42 spaces at podium level. This is considered acceptable.

307. Due to mitigating flood risk within the site, levels are raised above the current levels. There would be suitable stepped and ramped access to accommodate those with buggy's or wheelchair users entering and egressing the site from both The Quay and at the back of the site onto East Quay Road.
308. The proposals would have acceptable impacts on highway safety and the capacity of the wider highway network. It complies with provisions of Policies PP34 and PP35 of the Poole Local Plan and BCP Parking Standards SPD.

Waste Collection

309. The proposal has 228 flats, 3 x commercial units and a 118 Bed hotel. The applicant has provided a Delivery and Service Plan report. The proposal provides dedicated bin storage areas within the ground floor of each building, located close to the internal shared surface. The amount of space provided is considered adequate to meet the BCP guidelines on waste storage provision. There is an access point onto/from Ballard Road which is a shared surface and of a suitable width to allow a waste refuse vehicle access on to the site and to turn on site to allow suitable collection of waste.
310. For the hotel there is dedicated bin store at ground floor level of the hotel which will be accessed from Ballard Road. The BCP Waste Operatives raise no objection to the location or size of this bin store. The scheme is considered to comply with Policy PP27 in this regard.

Flood Risk

311. The application site lies within Flood Zones 2 and 3. The site falls within the defined Town Centre area for regeneration and growth, and as an allocated site for development in the Local Plan, no further sequential or exceptions test are required for this proposed development (NPPF para. 166).
312. In line with paragraph 167 of the NPPF, this application has been supported by a site specific flood risk assessment. This proposal has been designed in a way to protect the development from risk of flooding over the lifetime of the development, and this includes the semi basement car park. To mitigate flooding of the semi basement car park, the proposed access road is a ramped access which has a high threshold of 3.51m AOD which prevents water egress into this semi basement parking area. The finished floor levels of buildings across the site will be 3.0m AOD for the commercial units and 4.24m AOD for the residential blocks, which is above the minimum required level for both commercial and residential development within this flood zone.

313. Due to the differences in levels, there will be both steps and ramps into the site along the Quay and at the rear off East Quay Road. It needs to be acknowledged that in the event of a flood, part of this public realm will be temporarily flooded, but the entrance into the buildings and the large area of public realm within the site will be protected from flooding.
314. The Environment Agency (EA) have reviewed the applicants' flood risk assessment (FRA) and drainage strategy submitted in support of this proposal. The EA are satisfied that the principles of the proposed development meet their published Local Flood Risk Standing Advice in that the commercial residential accommodation would be set at 3.0m above ordnance datum and that the residential accommodation will be set at/or above 4.24m AOD. In addition, the EA notes that the high threshold of the entrance into the semi basement car park and associated landscaping is to be set at 3.51m AOD to prevent the ingress of flood water into this car park.
315. A condition is proposed to ensure that the development is built in accordance with the mitigation within the submitted FRA, including the basement (#10). With these safeguards, the scheme is considered to comply with Policy PP38.

Drainage and Sustainable Drainage Systems (SuDS)

316. A drainage strategy has been submitted in support of the proposed development. The head of FCERM confirm that a condition requiring details of SUDs for surface water disposal to be agreed (#9). Adequate drainage would need to be provided to meet building regulations.
317. Wessex Water originally put in a holding objection on this application as there are a) buildings proposed over existing sewer pipes; and 2) it is unclear if the 15m odour buffer zone around the pumping station would lead to any conflict with the proposed blocks of residential dwellings and the pumping station. The applicants engineering consultant has been liaising with Wessex water on ways to overcome this issue with suitable re-routing of sewer pipes.
318. Wessex Water has recently advised that the applicant has provided sufficient information to date to give them the confidence that the sewer pipes could be diverted. Wessex Water still require confirmation that the closest blocks to the foul water pumping station would be at least 15m away which is the distance required by Wessex Water. To this end the applicant has provided a plan which shows that the closest Block D would be sited 15m from the wet well of the foul water pumping station in order to protect the amenity of the future residents from odour and noise nuisance that may arise from operational activities at the pumping station site. In an earlier response Wessex Water pointed out that they have large tankers attend the foul water pumping station and this may involve blocking of the access road. From a noise perspective there are already existing dwellings close to this

foul water pumping station. The blocking of the access road serving the development, by a tanker servicing the foul water pumping station is not considered to represent sufficient cause in itself to refuse this application.

319. Wessex Water also encourage the applicant to engage with them as early as possible regarding the existing surface water pumping station building which requires unrestricted access and is in close proximity to the hotel block. Noise nuisance due to operational activities are to be expected at the surface water pumping station at any time of day or night. With regards to the existing surface water pumping station which is sited on the southern part of the site adjacent to the locally listed world war II pill box, this will be surrounded by the hard landscaped area around the entrance to the hotel. Therefore, Wessex Water will have unrestricted access to the pumping station.
320. The applicant accepts a pre commencement condition which requires the rerouting of sewer pipes to be agreed in consultation with Wessex Water prior to the commencement of the development, including demolition. Refer to condition no. 33. With these safeguards, the scheme is considered to comply with Policies PP38 & PP27 in this regard.

Renewable Energy and BREEAM

321. The applicant has provided an Energy Strategy Report in which it assesses different types of renewable energy technologies. This report concludes that Ground and Air Source heat pump systems for heating and hot water would be a suitable renewable energy to utilise and indications are that overall development would exceed the Policy PP37 requirement of 20% by providing a 31% reduction in energy use from renewables. Photovoltaics are proposed to be used on Block C. A condition would be attached requiring the precise details to be submitted and approved in writing (#26).
322. The commercial/retail units and the hotel building would be subject to BREEAM. The application has been supported by a detailed BREEAM Pre-Assessment report. The report identifies that the hotel can achieve a BREEAM 'Excellent' rating and the commercial/retail units can achieve a BREEAM 'Very Good' rating. The total amount of non-residential floor space is over 1,000 sqm, thus the developer would be expected to meet the BREEAM 'Excellent' rating for the hotel and the retail/commercial units. It is understood that the developer is unable to meet excellent for the retail/commercial units. Whilst disappointing, the floor space of the retail units would be under 1000sq m and thus on balance is acceptable. Details for this will be secured by condition (#24).
323. In terms of the design of the buildings, concern was raised at the Design Review Panels that the applicant would have to provide an overheating analysis of the units to demonstrate that the rooms would not overheat. The report concludes that based on location there are no external noise or air

quality concerns and therefore provision of natural ventilation via window opening is acceptable. This report concludes that the development would comply with the relevant Building Regulations for ventilation rates. Through design measures on each building e.g. fenestration ratio, solar shading by balconies, and recessed windows and appropriate window coverings e.g. blinds, will reduce the amount of heating entering the buildings in the summer.

324. With these aspects secured by the proposed conditions, the development is considered to be acceptable under Policy PP37.

Open space and recreation

325. This application has been considered by Environmental Services with regards to the provision or mitigation for open play parks, youth facilities, open space, play pitch provision, enhancements to open space, play parks and amenity spaces; and natural environment improvements.
326. Children and young people (play): - There is insufficient play space provided on site to meet the needs of the development. Given this is a town centre site, play space is not required on site. The BCP open spaces officer considers that a contribution of £20,000 towards the upgrade of Green Road play park would be appropriate and proportionate mitigation which can be secured via the proposed s106. Furthermore, a contribution of £20,000 is required towards a current BCP project at Baiter Park to replace and improve the current wheeled play facility, which again can be secured through a s106.
327. Off site open space: - Open space standards are set in the legacy Borough of Poole Local Plan Open Space Needs Assessment (OSNA) (Nov 2017) that is still current and adopted within BCP Council. These policies are reinforced in the Poole Local Plan, specifically Policy PP24 - Green Infrastructure, PP25 - open space and allotments, PP26 - Sports, recreation and community facilities and PP31 - Poole's coast and countryside. PP25 states that where provision cannot be secured on-site the Council will require off-site provision in lieu of on-site provision secured through a s106 agreement.
328. According to the Open Space Needs Assessment this represents an open space requirement of 1.861 hectares for this development. The proposed scheme does not include any green space provision (strategic parks, local parks, amenity green space, natural/semi-natural greenspace, pitches, allotments). Therefore, the residents will look elsewhere for this provision. It is important to place this development in its local context, there are the strategic parks of Poole Park, Baiter and Whitecliff and Hamworthy Park all within less than a 2km walk, plus the small but good quality play area at Green Road nearby.

329. There is no play pitch provision within the application site or availability on existing open spaces to incorporate new formal playing pitches. As such Open Spaces recommend a contribution to the strategic improvements of pitches across BCP Council as an off-site contribution. This is to be guided by the existing Bournemouth and Poole Sports strategy (PPG17), the draft BCP Council Playing Pitch Strategy (due for imminent publication), the Local Facility Football Plan and relevant Green Infrastructure standards. A contribution of £30,000 is required for football pitch improvements, including sand slitting and drainage; and also Cricket pitch improvements at Whitecliff recreation ground.
330. A contribution to offset the increase in pressure on nearby spaces is required by the BCP Open Spaces Officer. A contribution of £10,000 is required to enhance the quality of open space provision such as key site infrastructure (benches, bins, notice boards, fencing). Enhancements for biodiversity on nearby open spaces to offset over a Hectare of provision that should be made on-site is required by the BCP Open Spaces Officer. A contribution of £10,000 is required for the creation of meadows, tree or hedge planting.
331. The above amounts have been calculated having regard to the other allocated and regeneration sites within the town. The developer is required to make a percentage contribution towards the total costs. The specific details are set out above for the scale and size of development the contribution the Head of Environmental Services seek a total contribution of £90,000. The LPA consider that this request meets the tests of CIL 122, in that this planning obligation is (a) necessary to make the development acceptable in planning terms; (b) directly relevant to the development; and (c) fairly and reasonably related in scale and kind to the development. This planning obligation has been agreed by the applicants and would be secured by a s106 agreement.
332. With this mitigation for offsite provision secured via the proposed s106, the scheme is considered to comply with the policies in para.327 above.

Impact on the Natural Environment

333. Natural England raise no objection to the proposal provided that the appropriate mitigation measures for Poole Harbour Special Protection Area (SPA) Dorset Heathland and nitrogen offsetting to Poole Harbour are collected through the appropriate measures of CIL and S.106 payments.
334. A preliminary ecology appraisal (PEA) has been submitted and a single bat emergence survey took place in June 2020. The survey concluded that no roosting bats were found during the evening survey undertaken at the site. Biodiversity enhancements would be expected for this proposal in accordance with policy PP33 of the Poole Local Plan, condition 31 deals with the biodiversity enhancements required.

335. SANG provision - Policy PP32 requires major developments above a threshold of 50 residential units to provide either on site SANG provision or provide the appropriate mitigation by way of a contribution towards off site provision. In carrying out the appropriate assessment for the development it is considered that residential needs will be met by the delivery of the ongoing expansion of and improvements at the Upton Country Park SANG. Contributions in this case are secured through CIL.
336. 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
337. 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.

Land Contamination

338. The Environment Agency advise that the previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is adjacent to Poole Harbour SSSI/SPA/Ramsar and located upon a secondary aquifer A. The submitted Desk Study and Site Investigation Reports demonstrate that it will be possible to manage the risks posed to controlled waters by this development. The Environment Agency advise that further detailed information will however be required before built development is undertaken. The Environment Agency believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission.
339. In light of the above, planning condition no. 5 is proposed requiring the submission of a remediation strategy and this is considered to be an acceptable safeguard for this issue.

Air quality

340. The applicants have submitted a Landscaping Statement from Place Design & Planning dated May 2021. It is noted that this indicates the potential location for car park extraction vents within planting beds, with the final locations, design and size of the vents yet to be determined. Environmental and Consumer Protection consider that the final locations and design can be secured by an appropriately worded condition.
341. Environmental Health required the application to be supported by an assessment which looks at the potential air quality impacts on relevant receptors, as appropriate within the development. The main area for the applicant to consider was the proposed access to the site which will be from Ballard Road and the proximity to residential properties. Since these comments were made the no. of parking spaces has been reduced by 55 spaces. Given that there is already an access to the existing car park with 100 spaces serving the hotel and Policy PP35 requires a proportionate approach towards mitigation, it is considered on balance that a condition (#32) is appropriate in order to comply with PP35.

Schools and Education

342. The development requires an education contribution to mitigate the impact of the development. The total no. of places required to serve this development is;
- 5 x Early years places
 - 7 x Primary years places
 - 5 x Secondary places; and
 - 2 x post 16 places
343. For the scale and size of development, the contribution the education authority seek is £373,641. The LPA consider that this request meets the tests of CIL 122, in that this planning obligation is (a) necessary to make the development acceptable in planning terms; (b) directly relevant to the development; and (c) fairly and reasonably related in scale and kind to the development. This planning obligation would be payable by S.106 agreement at a phase to be agreed. With this mitigation for increased education demand, the scheme is considered acceptable.

Health Provision

344. This proposal in increasing the population would have an impact on the local NHS resources in terms of Primary and Community Care. The NHS requires a financial contribution towards a surgery or a number of surgeries in the catchment area of Poole. Having regard to the other regeneration sites and allocated sites within the town, the developer is required to make a percentage contribution towards the total costs. For the scale and size of development the contribution the NHS seek is £19,133. The LPA consider that this request meets the tests of CIL 122, in that this planning obligation

is (a) necessary to make the development acceptable in planning terms; (b) directly relevant to the development; and (c) fairly and reasonably related in scale and kind to the development. This planning obligation would be payable by s106 agreement at a phase to be agreed and would acceptably mitigate these impacts.

Summary

345. The loss of the existing hotel building, a negative building within the conservation area would not cause harm to the character and appearance of the conservation area. The site would be redeveloped with a mixed-use scheme including a new hotel and residential as well as commercial space which is supported by the allocation in Policy PP6/T12.
346. The non-designated heritage assets (locally listed WW II pill box, weighbridge within and abutting the site would be retained, and thus there would be no loss of non-designated heritage assets. The significance of the development on these non-designated heritage assets and the RNLI lifeboat building on the east side of the Quay would be low.
347. The proposed development would lead to less than substantial harm to the designated heritage asset in this case the Town Centre Heritage Conservation Area. This less than substantial harm needs to be carefully balanced against the public benefits of the development.
348. The proposed development would be constructed to finished floor levels which would protect the development and the occupants from flood events during the lifetime of the development.
349. The proposed replacement hotel with an additional 48 bedrooms would be an enhancement to the tourism offer for the town, and the restaurant and bar located on the top floor with panoramic view of the harbour and the Purbecks beyond with the potential to become a visitor destination.
350. The proposed development would result in impacts to the living conditions of the neighbouring residential occupants which will need to be given due weight in the balancing exercise.
351. The proposal can be constructed whilst retaining the most significant existing trees on site. However, the development would potentially lead to future pressure to prune or fell protected trees. Given the species of tree reacting to pruning by vigorous growth, it would be more appropriate that existing trees are felled and new trees more suited to its surroundings are planted in a similar location if required.
352. The proposal would provide more parking that required by the newly adopted Parking Standards SPD, however, to mitigate the additional parking, a s106 contribution is required towards the Bus Stop 1 route to

provide an alternative to using the car for travel, within what is a highly sustainable location. Acceptable cycle parking is provided.

353. The proposal is unable to provide any affordable housing contribution, in part this is due to proposed changes in legislation which will stop the practice of ground rents being charged, which would ultimately affect this proposed development.

Planning Balance

354. The site is allocated for mixed-use development in the adopted Local Plan. Delivering on such complex schemes will often require balancing competing factors in order to arrive at a recommendation on its acceptability.
355. The scheme delivers on the proposed mixed-use sought by Policy T12. It provides for the hotel which is specific to the mixed-use required by the Policy. The scheme delivers in excess of the “approximately 180 homes” mentioned in the Policy by a quarter. As an approximate total, a scheme in excess (or with less) units is not by default in breach of this policy, however a planning judgement would need to be taken on whether this higher number of units was unacceptable. It is expected that were there to be unacceptable harm in delivering more than the approximate figure of residential units, this would be revealed in the assessment of the relevant material considerations – impact on character, impact on neighbours, traffic/highway impacts. Consequently if these factors were considered acceptable – after due weight had been given to where the tilted balance applies – then it is considered that the scheme should not be refused simply because it exceeds this approximate figure of 180 units.
356. The scheme acceptably reflects the pattern of development along the quayside and is considered to comply with the requirement in T12 to create strong building frontage to the Quay. The scheme complies with enhancing public realm on the Quay and improving pedestrian links.
357. Concern is expressed by your Heritage Officer as to whether the scheme complies with the requirement to preserve or enhance the Town Centre Heritage Conservation Area (which is also a statutory requirement) and also provide a transition in scale to the existing residential properties to the rear and east of the site. Historic England also raise the issue of whether a reduction in the scheme in line with the approximate housing numbers would address potential townscape impacts. These point to a potential conflict with T12 which needs to be balanced.
358. In this case, there is agreement on the heritage responses that the proposal would cause less than substantial harm to designated heritage assets (the Conservation Area). Therefore this needs to be weighed against the public benefits of the proposal. Delivering the quantum of mixed-use development sought in the allocation will inevitably result in high-density of considerable

scale. The site is appropriate for such an approach – reflecting its allocation – and it is considered the scheme otherwise complies with the tests in the Tall Buildings Policy PP29 with the outstanding issue of the impact on the Conservation Area.

359. The proposal would provide net gain of 228 flats, towards the overall housing supply in the area where there is a shortfall in delivery of 499 dwellings. As such this proposal would make a sizable contribution to this shortfall and this is given significant weight
360. There would be economic benefits associated with the construction of the proposal and long term activity of the future occupants in terms of working locally and spending locally benefiting the commercial and retail operators within the town centre, and from more people living in the town centre. The proposal would provide an additional 38 jobs generating greater disposable income spent in the local area;
361. The proposal offers a modern fit for purpose hotel which would significantly enhance the current tourism offer with an additional 44 bedrooms and with the higher building more rooms would have rooms with a view of Poole harbour, and therefore would enhance the tourism offer that Poole has to offer. Furthermore the restaurant/bar would become a visitor destination being located on the top floor of the hotel development with views over the harbour and to the Purbecks. There are also economic benefits from the proposed commercial units.
362. Whilst the hotel & mixed-uses are a requirement of T12, there are nonetheless substantial economic and social benefits stemming from the scheme including improvements to the public realm along the quayside. These are given considerable weight.
363. The scheme will have effects on existing dwellings within Dolphin Quays and to the north on East Quay Road by reason of an impact on their outlook. The scheme has demonstrated it is otherwise compatible with the living conditions of surrounding properties in terms of privacy, daylight/sunlight levels and overshadowing. Regard is had to the urban location and the pattern of development in the area, particularly along the quayside and the need not to stymie schemes with additional benefits through applying residential living conditions requirements inappropriate for the location.
364. In this case, the benefits of the scheme are considered to significantly and demonstrably outweigh any potential conflict with PP27 in terms of any loss of outlook or overbearing impact to existing dwellings in Dolphin Quays and East Quay Road.
365. The scheme has acceptable impacts on the wider highway network in applying the test in paragraph 111 of the NPPF. The scheme makes appropriate provision for alternative means of transport, including cycle

parking and mitigation for levels of parking in excess of the lower levels acceptable within this Zone A location defined in the parking SPD.

366. The scheme has demonstrated, with appropriate safeguards and mitigation in the proposed conditions and legal agreement that it complies with policy and national guidance with respect to providing accessible and adaptable dwellings, meeting renewables and building standards, providing acceptable drainage, meeting flood risk, providing acceptable waste facilities, addressing land contamination and air quality and making provision for open space and recreation, education and health provision.
367. The scheme has an acceptable impact on trees and provides for acceptable landscaping. The applicant has demonstrated there is insufficient viability to deliver affordable housing. These factors are therefore neutral in the balancing exercise.
368. This therefore leaves the impact on the Conservation Area as the remaining aspect. Redevelopment of the site for the quantum of development set out in the policy allocation would as a matter of course result in extensive development on the site and consequent buildings of scale to accommodate this. The area is one where such scales are consistent with existing development. It is noted there is some criticism of the Dolphin Quays scheme's impact on the Conservation Area and quayside and the existing hotel does not contribute to the area's character.
369. The proposed scheme has shown how it is informed by the historic pattern and form of development along the quay in a way which is less easy to identify with the current buildings above. A reduction in the number of units as suggested by Historic England may arguably remove a storey from some of the residential blocks, but there would still be significant scale in 180 units on the site and the increase in units is not considered unacceptable in itself.
370. The scheme does step down in the hotel building and Block D as the site transitions west-to-east and south-to-north to the residential streets to the east and north. The hotel and Block D are taller than the 2- & 3-storey residential development to the north and east but due to the separation provided by East Quay Road and the roundabout adjacent to the RNLI building, it is considered that the scheme acceptably complies with the requirement in T12 to transition in scale to the residential areas to the east and rear.
371. It is accepted that there will be impacts from the scheme on views within the Conservation Area, including from the quayside and the streets to the east but nonetheless there is less than substantial harm to the heritage asset. Applying the guidance in paragraph 202 of the National Planning Policy Framework (2021), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will facilitate the delivery of the mixed-use development

sought by Policy T12 which as this has been adopted recently through the Local Plan process is considered to be its optimum use. In this case, the public benefits in this case are considered to significantly and demonstrably outweigh any harm to the heritage asset.

372. As a consequence, it is considered the tilted balance continues to apply to the scheme as the application of policies in the Framework that protect areas or assets of particular importance do not in this instance provide a clear reason for refusing the development proposed. Additional weight is therefore attached to the approval of the scheme in delivering additional residential units over and above the approximate number sought by Policy T12.

Section 106 Agreement/CIL compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@ £271	@ £97
	Proposed	228		
	Net increase	228	£61,788	£22,116
Total Contributions			£ (plus admin fee)	£ (plus admin fee)
CIL	Zone		@ £sq m	

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373. 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.
374. The applicant has agreed to pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM via a s.106.
375. In conclusion the scheme is considered to represent sustainable development and complies with the development plan and national guidance as a whole and is recommended for approval.
376. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

RECOMMENDATION

377. It is therefore recommended that this application be Grant Subject to completion of a s106 agreement to secure the following heads of terms;
1. Submission of a phasing plan to include delivery of the hotel to an agreed trigger.
 2. A financial contribution of £61,788 (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 2108 and the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (Adopted April 2020).
 3. A financial contribution of £22,116 (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).
 4. A financial contribution of £373,641 towards education, in accordance with Policy PP39 of the Poole Local Plan adopted November 2018.

5. A financial contribution of £19,188 towards the cost of medical facilities in Poole, in accordance with Policy PP39 of the Poole Local Plan adopted November 2018.
6. A financial contribution of £180,000 towards Route 1 bus service (in phased payments e.g. £60,000 prior to first occupation, £60,000 at 90 units £60,000 at 180 units, and monies to be returned to the applicant if not spent within 5 years of being), in accordance with Policy PP34 and PP35 of the Poole Local Plan adopted November 2108.
7. The securing of a residential Travel Plan. To include a minimum of 1 voucher for each residential unit. Voucher to offer residents a choice of a minimum 3 month free; bus pass travel pass, train travel pass, Car Club use credit, bike hire scheme credit per household. Vouchers/credits to be provided upon each household occupation. In accordance with Policies PP34 and PP35 of the Poole Local Plan adopted November 2018 and the BCP Parking Standards Supplementary Planning Document adopted January 2021.
8. 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 the first residential unit occupation, in accordance with Policies PP34 and PP35 of the Poole Local Plan adopted November 2018 and the BCP Parking Standards Supplementary Planning Document adopted January 2021.
9. The securing of enhancement of the existing bus stop/shelter on The Quay to the front of the site to have Real Time Information, in accordance with Policies PP34 and PP35 of the Poole Local Plan adopted 2018.

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:

18.033.100.01, Site Location Plan R2 received 07 April 2021

18.033.100.02, Block Plan (Existing) R1 received 07 April 2021

18.033.100.03, Block Plan (Proposed) R1 received 07 April 2021

18.033.100.10, Site Ownership Plan R1 received 07 April 2021

18.033.150.00, Existing Plans - Ground Floor R1 received 07 April 2021

18.033.150.01, Existing Plans - First Floor R1 received 07 April 2021

18.033.150.02, Existing Plans - Second Floor R1 received 07 April 2021

18.033.200.00, Proposed Masterplan R8 received 10 June 2021

18.033.200.01, Basement R7 received 18 May 2021

18.033.210.00, Proposed Site Section A R2 received 09 October 2020

18.033.210.01, Proposed Site Section B R3 received 07 April 2021

18.033.210.02, Proposed Site Section C R3 received 07 April 2021

18.033.215.00, Street Elevation A R1 received 07 April 2021

18.033.215.01, Street Elevation B R0 received 09 October 2020

18.033.215.02, Street Elevation C R0 received 09 October 2020

18.033.300.00, Block A - Level 00 R3 received 07 April 2021

18.033.300.01, Block A - Level 01 R2 received 09 October 2020

18.033.300.02, Block A - Level 02 R2 received 09 October 2020

18.033.300.03, Block A - Level 03 R2 received 09 October 2020

18.033.300.04, Block A - Level 04 R2 received 09 October 2020

18.033.300.05, Block A - Level 05 R2 received 09 October 2020

18.033.300.06, Block A - Roof Plan R2 received 09 October 2020

18.033.310.01, Block A - Elevations R3 received 07 April 2021

18.033.400.00, Block B - Level 00 R5 received 10 June 2021

18.033.400.01, Block B - Level 01 R4 received 07 April 2021

18.033.400.02, Block B - Level 02 R4 received 07 April 2021

18.033.400.03, Block B - Level 03 R4 received 07 April 2021
18.033.400.04, Block B - Level 04 R4 received 07 April 2021
18.033.400.05, Block B - Level 05 R4 received 07 April 2021
18.033.400.06, Block B - Level 06 R4 received 07 April 2021
18.033.400.07, Block B - Roof Plan R4 received 07 April 2021
18.033.410.01, Block B - Elevations R5 received 10 June 2021
18.033.500.00, Block C - Level 00 R3 received 07 April 2021
18.033.500.01, Block C - Level 01 R3 received 07 April 2021
18.033.500.02, Block C - Level 02 R3 received 07 April 2021
18.033.500.03, Block C - Level 03 R3 received 07 April 2021
18.033.500.04, Block C - Level 04 R3 received 07 April 2021
18.033.500.05, Block C - Level 05 R3 received 07 April 2021
18.033.500.06, Block C - Level 06 R3 received 07 April 2021
18.033.500.07, Block C - Level 07 R3 received 07 April 2021
18.033.500.08, Block C - Level 08 R3 received 07 April 2021
18.033.500.09, Block C - Roof Plan R3 received 07 April 2021
18.033.510.01, Block C - Elevations R3 received 07 April 2021
18.033.600.00, Block D - Level 00 R2 received 09 October 2020
18.033.600.01, Block D - Level 01 R2 received 09 October 2020
18.033.600.02, Block D - Level 02 R2 received 09 October 2020
18.033.600.03, Block D - Level 03 R2 received 09 October 2020
18.033.600.04, Block D - Level 04 R2 received 09 October 2020
18.033.600.05, Block D - Roof Level R2 received 09 October 2020
18.033.610.01, Block D - Elevations R3 received 09 October 2020

18.033.700.00, Hotel - Level 00 R3 received 07 April 2021
18.033.700.01, Hotel - Level 01 R3 received 07 April 2021
18.033.700.02, Hotel - Level 02 R3 received 07 April 2021
18.033.700.03, Hotel - Level 03 R3 received 07 April 2021
18.033.700.04, Hotel - Level 04 R3 received 07 April 2021
18.033.700.05, Hotel - Level 05 R3 received 07 April 2021
18.033.700.06, Hotel - Level 06 R3 received 07 April 2021
18.033.700.07, Hotel - Level 07 R3 received 07 April 2021
18.033.700.08, Hotel - Roof Plan R3 received 07 April 2021
18.033.710.00, Hotel - Elevation A R4 received 07 April 2021
18.033.710.01, Hotel - Elevation B R4 received 07 April 2021
18.033.710.02, Hotel - Elevation C R4 received 07 April 2021
18.033.710.03, Hotel - Elevation D & E R4 received 07 April 2021
18.033.710.04, Hotel - Elevation F R4 received 07 April 2021
18.033.710.05, Hotel - Elevation G R4 received 07 April 2021
18.033.710.06, Hotel - Elevation H R4 received 07 April 2021
845_PL_GA_001, Landscape General Arrangement Plan P03 received 07 April 2021
845_PL_GA_002, Rendered Landscape Masterplan P01 received 07 April 2021

Unless otherwise specified by conditions attached to this permission.

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

3. AA01 (Non-standard Condition)

Prior to the commencement of the development full details and plans of the following as set out below, shall be submitted to and approved in writing in conjunction with consultation with Wessex Water.

a) Proposed ground floor and basement plans to show the existing sewers crossing the proposed layout, to highlight where the conflicts with the basement structure and sewers arise, and how this will be resolved.

b) The 15 metre odour buffer to be shown on the proposed ground floor plans to demonstrate that the blocks of residential buildings are outside the 15 metre nuisance zone for the foul pumping station.

The scheme shall thereafter be carried out in accordance with the approved plans.

Reason: In the interests of residential living conditions and protection of existing sewerage infrastructure.

4. AA01 (Non-standard Condition)

No works (excluding demolition) shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: The area is of archaeological potential and it is important that any archaeological features and finds are properly recorded.

5. AA01 (Non-standard Condition)

Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by the Local Planning Authority. This strategy will be based upon the Phase 1 (ref: CGE/16433, April 2020) and Phase 2 (ref: CGE/16433a, September 2020) Site Investigation reports submitted with the application and include the following components:

- (i) A detailed risk assessment based on the results of the site investigation and an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- (ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

6. AA01 (Non-standard Condition)

Prior to each phase of development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

7. AA01 (Non-standard Condition)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

8. AA01 (Non-standard Condition)

Prior to the commencement of the development (other than demolition and site clearance / remediation), plans and particulars of the following shall be

submitted to, and approved in writing by, the Local Planning Authority in respect of the basement:

- (i) layout;
- (ii) materials;
- (iii) lighting;
- (iv) levels;
- (v) sections;
- (vi) structural supports / columns and beams;
- (vii) means of escape (whether by stairs and / or lift);
- (viii) means of ventilation / extraction (which will be based on an air quality assessment that models predicted vehicle movements during the operational phase);
- (ix) the ramped vehicular access; and
- (x) details of satisfactory vehicle clearance heights, including on the ramped vehicular access

No residential unit shall be occupied or non-residential use commenced until the basement and vehicular access ramp have been completed in accordance with the approved details.

Reason: In the interests of the health and safety of occupiers and customers of the proposed development.

9. DR040 (Sustainable Urban Drainage)

Prior to the commencement of development (other than demolition and site clearance / remediation), 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).

10. AA01 (Non-standard Condition)

The development shall be carried out in accordance with the submitted flood risk assessment (ref Fisherman's Dock, Poole, October 2020) and the following mitigation measures it details:

- Finished floor levels of the commercial development shall be set no lower than 3.0 metres above Ordnance Datum (AOD)
- Finished floor levels of the residential development shall be set no lower than 4.24 metres above Ordnance Datum (AOD)
- The basement car parking shall be fully protecting, including all vents and infrastructure, to be 3.51 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, and to ensure the structural integrity of the basement is maintained to prevent ingress of flood water and in accordance with Policy PP34 of the Poole Local Plan adopted 2018

11. AA01 (Non-standard Condition)

Vegetation clearance and demolition of any building on this site shall be carried out outside the bird breeding season of 1st March to 31st August inclusive, unless the land is supervised and surveyed by an ecologist which confirms that no bird nests are present. If bird nests are present vegetation clearance must be delayed until nesting is complete.

Reason: Prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981(as amended).

12. AA01 (Non-standard Condition)

Prior to the commencement of the development, a pollution prevention and response plan to Poole Harbour SSSI, SPA and Ramsar site shall be produced to cover demolition and construction phases and submitted to and agreed in writing by the Local Planning Authority. The demolition and construction phases shall take place in accordance with the agreed details.

Reason: To comply with The Conservation of Habitats and Species Regulations 2017(as amended); to ensure that the development does not impact on protected sites.

13. AA01 (Non-standard Condition)

Prior to construction starting on site and in order to ensure the acoustic performance of the development, a detailed noise attenuation report shall be submitted to and approved in writing by the Planning Authority. The report shall cover all aspects of noise attenuation within the development and in particular the following elements:

- (i) Construction Noise and Vibration Management Plan
- (ii) Acoustic performance of building envelopes and all materials to be used including the wall construction, floor construction, glazing and ventilation elements
- (iii) Details of all ventilation and other plant within the buildings and how transmission of noise will be prevented and/or attenuated
- (iv) Specific details of how noise from the operation of the commercial units will be contained and attenuated so as not to cause undue disturbance to the residential units above

In addition, post completion testing of the buildings shall be carried out to demonstrate that the acoustic attenuation requirements specified in the approved report have been achieved. Details of the testing shall be submitted to and approved in writing by the Planning Authority to demonstrate this compliance prior to occupation.

Reason: In the interests of the living conditions of existing and proposed occupiers.

14. AA01 (Non-standard Condition)

Prior to the commencement of the use of any commercial unit hereby approved, details of the proposed opening hours of the unit shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in accordance with the approved opening hours.

Reason: In the interests of the living conditions of nearby occupiers.

15. AA01 (Non-standard Condition)

A Japanese Knotweed management plan shall be produced and implemented in accordance with best guidance to prevent spread of this plant and that any waste taken off site is disposed of in correct way, if identified during the construction of the development. See <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading#contact>:

Reason: Compliance with section 34 of Environment Protection Act Section 14(1) of The Wildlife and Countryside Act 1981 (as amended)

16. AA01 (Non-standard Condition)

Prior to construction of development (other than demolition/remediation) a Landscape and Ecological Management Plan (LEMP) lasting for a minimum of 30 years as per best practice guidance shall be submitted to and agreed in writing by the Local Planning Authority, and subsequently implemented in accordance with the agreed details.

Reason: To be compliant with National Planning Policy Framework 8, 170 and 175 'Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity' and in accordance with Poole Plan Policies PP24 (2)b and PP33 'enrich biodiversity' and 'enhance biodiversity' adopted 2018.

17. AA01 (Non-standard Condition)

Notwithstanding the approved plans, the following details shall be submitted to the Local Planning Authority for written approval prior to any works associated with these matters commencing on site:

- (i) Details of any proposed trees or landscaping which are to be located on the adopted Highway, including details of the location, method of planting, timescales for planting and a scheme for future maintenance.
- (ii) A scheme of public seating along The Quay within the adopted highway frontage to the site.
- (iii) Details of a Bike Share scheme parking bay on The Quay within the adopted highway frontage to the site.

All works associated with the above shall be carried out in accordance the agreed details and implemented in accordance with agreed timescales associated with those details.

Reason: In the interests of the creation of an attractive and safe pedestrian environment and sustainable development in accordance with Poole Local Plan Policy PP35.

18. AA01 (Non-standard Condition)

Prior to any of the approved vehicle and cycle parking coming into use, details of a Vehicle and Cycle Parking Management Scheme shall be submitted to the Local Planning Authority for written approval. The approved scheme shall include details of:

- (i) The allocation of vehicle and cycle parking spaces.
- (ii) The management of vehicle parking spaces to prevent long stay car parking that is not associated with the approved residential units or hotel use.
- (iii) A monitoring strategy for on-site cycle parking use and cycle parking demand and details of how cycle parking facilities can be increased on the site should increase cycle parking demand arise.

Reason: In the interests of sustainable development and encouraging sustainable forms of travel in accordance with Poole Local Plan Policy PP35.

19. HW060 (Close Other Access(es) by Physical Works)

All other existing accesses to the site shall be permanently stopped up and abandoned within 7 days upon construction or opening up of the new access in which respect details are to be submitted to, and approved in writing by, the Local Planning Authority prior to the new access being constructed unless otherwise agreed in writing.

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

20. 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 unless otherwise agreed in writing with the Local Planning Authority. The vehicle and cycle parking shall be implemented prior to the first occupation of the commercial use or residential unit for which that parking is associated with.

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

21. 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).

22. HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development (excluding demolition and site clearance /remediation works, 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 and 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 adopted November 2018.

23. GN030 (Sample of Materials)

Prior to the commencement of each building within the development (excluding demolition and site clearance / remediation), a sample panel and schedule of all external facing and roofing materials to be used within that phase shall be submitted to and approved in writing by the Local Planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the building(s) is satisfactory and in accordance with Policy PP27 and PP31 of the Poole Local Plan (November 2018).

24. GN161 (BREEAM)

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall achieve a minimum BREEAM "Very Good" for the commercial units and "Excellent" rating for the hotel (or equivalent standard(s)). Prior to first occupation of the building, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the relevant 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 adopted November 2018..

25. GN162 (Renewable Energy - Residential)

Prior to first occupation of each block (A to D) of the residential buildings hereby permitted, details of measures to provide 20% of the predicted future energy use of each block from on-site renewable sources, shall be submitted to and approved in writing by the Local Planning Authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter.

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

26. GN163 (Renewable Energy - Non Residential)

Prior to first occupation of the buildings (blocks A to C and the hotel building) hereby permitted, details of the measures to provide on-site renewable energy sources to meet a minimum of 20% of the predicted energy use of the non-residential development, shall be submitted to and approved in writing by the Local Planning Authority. These measures must then be implemented before any non-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).

27. TR030 (Implementation of Details of Arb M Stat)

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason: To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

28. LS020 (Landscaping Scheme to be Submitted)

Prior to above ground work commencing, proposals for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting including tree planting, the retention and protection of existing trees and other site features including the weighbridge and WWII pill box.

Upon approval:

a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

c) the scheme shall be 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).

29. LS050 (Hard Landscaping)

Prior to above ground work commencing, full details and samples where requested of the proposed hard landscaping materials, including surfacing materials and colours/ kerbing/ bollards/railings/walling, retaining walls or other structures, fencing or any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall

thereafter be carried in accordance with the agreed details and completed prior to first occupation/use of the development hereby approved and thereafter retained.

Reason: To enhance the amenities of the site and to secure a well planned development in accordance with Policy PP27 of the Poole Local Plan (November 2018).

30. GN180 (Accessible and adaptable dwellings)

In advance of securing Building Regulation Compliance, the developer will identify 20% (46) 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). The units shall first have been agreed in writing by the Local Planning Authority.

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

31. AA01 (Non-standard Condition)

Biodiversity creation and enhancement as per the Preliminary Ecological Appraisal (March 2021) and Biodiversity Net Gain Assessment (March 2021) but with substitution of at least 12 swift bricks in place of 4 Schwegler Sparrow Terrace, shall be implemented prior first occupation of the development and thereafter retained.

Reason: To be compliant with National Planning Policy Framework 8, 170 and 175 'Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity' and in accordance with Poole Plan Policies PP24 (2)b and PP33 'enrich biodiversity' and 'enhance biodiversity' adopted 2018.

32. AA01 (Non-standard Condition)

Prior to above ground work commencing, an assessment of any potential air quality impacts on the relevant receptors from proposed ventilation/extraction units and from vehicle movements shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the details within the report, including any mitigation measures.

Reason: In the interests of air quality.

33. AA01 (Non-standard Condition)

Prior to the commencement of the development, the following details and plans shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Wessex Water.

- (i) Diversion of conflicting sewers across the development site (sewer diversion works);
- (ii) Confirmation of distances between sensitive receptors to existing assets of Wessex Water- the wet well of the foul sewer pumping station; and
- (iii) Details of any mitigation measures required to the hotel building as a sensitive receptor in close proximity to the surface water pumping station.

The approved details shall be carried out in accordance with the agreed plans and works in a timetable to be agreed between the Local Planning Authority in consultation with Wessex Water, unless otherwise agreed in writing.

Reason: To ensure that the functionality and operation of Wessex Water's infrastructure is not affected by the proposed development.

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 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 website:

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

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.

5. 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.

6. IN10 (28 Days Notice - Works on Highway)

A minimum of 28 days notice is required for works on the highway associated with the development. Application is to be made to the Head of Highways and Transportation Services. Only contractors approved by the Council can carry out this work.

Under no circumstances shall the following occur:-

1. Damage to the highway as a result of excavation within the site.
2. The highway be used for storage of materials.
3. The footway be crossed or used by delivery vehicles without a properly formed crossing provided.
4. The highway be used for plant carrying out works to or near the boundary of this site.

If any of the above are observed, the Council's maintenance contractor will carry out the necessary work to rectify the situation and all costs incurred recovered from the Contractor. The onus will be on the Contractor to prove that any damage to the highway has not been caused by the works.

7. IN00 (Non Standard Informative)

Pollution Prevention during Construction

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>.

8. IN00 (Non Standard Informative)

Waste Management

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>

9. IN00 (Non Standard Informative)

Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

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.

10. IN00 (Non Standard Informative)

With regards to condition 15 more information can be found at <https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading#contact>:

11. IN00 (Non Standard Informative)

Wessex Water advise that they have asked that the developer ensures residential blocks are located a minimum 15 metres from the wet well of foul

sewer pumping station to protect the amenity of the future residents from odour and noise nuisance that may arise from our operational activities at the pumping station site.

Wessex Water also encourage the applicant to engage with them as early as possible regarding the existing surface water pumping station building which requires unrestricted access and is in close proximity to the hotel block. Noise nuisance due to operational activities are to be expected at the surface water pumping station at time of day or night.

Background Documents:

Case File – APP/20/01163/F

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.