

# Planning Committee



Application Address	Haven Hotel, 161 Banks Road and 159 Banks Road; Sandbanks Hotel, 15 Banks Road; and Harbour Heights Hotel, 73 Haven Road, Poole.
Proposal	Major Outline application with details of access appearance, layout and scale to be determined and landscaping for consideration as a reserved matter. The application proposes the demolition of all existing buildings (over all 3 sites) and the erection of a 171 bedroom hotel with associated hotel facilities, access and underground parking on the Sandbanks Hotel site; the erection of three blocks of residential apartments (119 units in total) and a restaurant with associated access and underground parking on the site of the Haven Hotel; and the erection of a 38 suite aparthotel with associated hotel facilities, access and underground parking on the site of the Harbour Heights Hotel.
Application Number	APP/17/00379/P
Applicant	Jacob Carr Homes Limited
Agent	Pure Town Planning
Ward and Ward Members	Canford Cliffs Councillor Mohan Iyengar and Councillor May Haines
Status	Public Report
Meeting Date	30 June 2022
<b>Summary of Recommendation</b>	<b>Refusal of planning permission</b>
Reason for Referral to Planning Committee	Referred by the Head of Planning under Part 3, 2.2.3 (f) of the Council's constitution as the application is potentially contentious, raises a number of material planning issues that are in the wider public interest to be considered by Planning Committee rather than under delegated powers
Case Officer	Clare McCarthy

## Executive Summary

The application was submitted in 2017 to the legacy Borough of Poole Council. The application has been subject to a number of amendments since 2017 as the applicant has sought to resolve various objections and planning issues throughout the course of the assessment. Following these extended negotiations between the Council and the applicant, some objections have been overcome with solutions

found resulting in amended plans secured to address most of the planning considerations. Members will have to balance all relevant planning issues when making a decision on the application, assessed against development plan policy and other material considerations.

### **Representations received**

Objections were received from over 6000 individual addresses locally and further afield in the UK. A summary of the objections has been provided within the consultation section of the report. The primary objection has consistently been to the loss of the Haven Hotel and proposed redevelopment for residential accommodation.

### **Planning History**

The Haven Hotel was constructed in 1887 and the Harbour Heights and Sandbanks Hotels in the 1920s. Since the 1960s there has been a long planning history of extension at all three individual hotels, including supporting tourist, leisure and business conference facilities. In 1974 outline permission was granted to demolish the Haven Hotel and erect 41 flats, but no reserved matters application was submitted, so it was not implemented. This is the first application for complete redevelopment of the three hotel sites as one linked development.

### **Principle of development over three sites enabling investment in remaining tourist accommodation**

The proposed development of the 3 hotel sites has been considered and assessed as a single application, with demolition of all three hotels and two to be retained in hotel use, funded by the residential development of the Haven Hotel site. The proposal therefore results in the net loss of one hotel and net loss of 22 Bedrooms.

Policy PP23 of the Poole Local Plan seeks to retain hotel stock where practical to do so. Policy PP23 does, however, allow for some loss of hotel stock where it can be adequately demonstrated that the loss is necessary to enable investment in the remaining tourist accommodation on site or elsewhere in Poole. This policy evidently allows for redevelopment of existing hotel stock where it can be used to enable investment in remaining tourist accommodation, which can take place off-site as a means of facilitating investment in new hotel facilities.

Although there are references in the application documents to “enabling development” (i.e. the Design and Access Statement), for the avoidance of doubt, officers do not consider the scheme to constitute “enabling development” of the type that is usually related and applied to heritage asset enhancement, namely a scheme that would not be in compliance with development plan policy and would otherwise be unacceptable in planning terms, but is the only practicable means of generating the funds necessary to secure the future of a heritage asset (or in this case, the funds necessary to secure the replacement of the 2 hotels). This application seeks to use development to cross-subsidise across the three sites to deliver investment in new and improved hotel accommodation.

The reference to enabling investment in policy PP23(2)(b)(ii) is not therefore a requirement for “enabling development” in the sense described above. The loss of one hotel necessary to facilitate (by cross-funding) the redevelopment of the other two hotels, resulting in similar room numbers and qualitative improvements overall, is capable of falling within Policy PP23(2)(b)(ii).

In this instance the enabling investment in the redevelopment of two hotels through the loss of one, was assessed through submitted viability related information that addresses the re-development of the 3 sites in a single application. It has been adequately demonstrated that the residential development on the Haven site is required to fund the redevelopment of the Sandbanks and Harbour Heights site for new tourism accommodation.

The viability testing has looked at alternative cross-funding arrangements, including residential development on the Harbour Heights site (which is in a lower flood risk area). The Harbour Heights Hotel site was demonstrated not to be a viable alternative, to fund the redevelopment of the Sandbanks and Haven Hotels. Therefore, the principle of two hotels being replaced through the loss of the Haven Hotel has been accepted through viability assessments to enable investment in the remaining tourist accommodation.

Accordingly, there is no objection to the principle of this development, which would enable investment in remaining tourist accommodation through cross-funding, in compliance with Policy PP23(2)(b)(ii) of the Poole Local Plan.

### **Flood Risk concerns**

The Environment Agency has objected to the proposals on flood risk grounds. It has not been demonstrated how the development would be flood resistant and flood resilient and safe for its lifetime, due to lack of adequate flood wave overtopping modelling and without a flood risk assessment that incorporates the flood modelling results before designing the flood defences.

Further flood modelling work is required before a revised Flood Risk Assessment can be prepared with a flood defence design to reflect the results of the flood modelling analysing wave overtopping.

The Environment Agency also maintain concerns at the Sandbanks Hotel, classified as having the same vulnerability as a residential use in flood terms, from wave overtopping and flood risk.

Underground car parks remain a flood risk concern at both these sites. Emergency planning work would also need to be undertaken to ensure safe escape at times of flooding once a suitable flood risk assessment has been provided.

The applicant has sought to provide the information requested, but to date it has not been possible to provide it to the standard that the Environment Agency require, in order to demonstrate the development will be flood resilient. In view of this, the applicant has decided not to provide any further flood modelling and sensitivity testing leaving the key issue of flood risk unresolved. Without this information an updated

Flood Risk Assessment cannot be provided to ensure that an appropriate design of flood defences would be in place at the Haven and Sandbanks Hotel sites.

The Environment Agency therefore maintain their objection to the proposal on grounds of lack of evidence of wave overtopping to provide a suitable flood risk assessment or design flood defences at the Sandbanks and Haven Hotel sites. In this instance the development fails to comply with paragraph 159 and 167 of the NPPF because the most vulnerable use within the development, being residential use, is proposed to be located where there is greatest flood risk, at the Haven Hotel site. Permanent residential units are proposed at ground floor level and over all 6 floors, without a suitable flood risk assessment to demonstrate by wave overtopping modelling how the development as a whole would be flood resilient for its lifetime.

The proposal is therefore concluded to be unacceptable in flood risk terms and not compliant with Poole Local Plan Policy PP38 Managing flood risk, and the NPPF section 14 - Meeting the challenge of climate change, flooding and coastal change. This position also results in the application not being able to pass the exception test as set out at paragraph 164 of the NPPF.

The application is recommended for refusal on this fundamental point of principle, together with a failed flood policy exception test at the Haven Hotel and Sandbanks Hotel sites, being in high flood risk zones where there is insufficient evidence to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and reducing flood risk overall.

Committee are advised that the Town and Country Planning (Consultation) (England) Direction 2021 requires that if the Planning authority is minded to grant permission for the development where, as in this case, there has been a sustained attempt from the Environment Agency to seek changes, but the Agency has concluded that it is unable to withdraw its objection, the Secretary of State would need to be notified on this application before a decision to grant permission could be made.

### **Impact of development on character of area and wider landscape setting**

Having regard to the evolving character of this part of the Sandbanks Peninsula and Haven Road towards Canford Cliffs, modern architecture has become the prevailing pattern of development in the approval of apartment blocks, shops, restaurants and other commercial uses. In contrast the character of the dated Haven, Sandbanks and Harbour Heights hotels, retain little of their original design qualities, having been extended over many years with different design approaches. The replacement of the three hotel sites with a nautical curvilinear design approach, would befit the maritime location and the character of the area with modern building designs; and would provide sustainable design benefits and green roofs.

Landscaping specification and detailed landscape layout remains a reserved matter although illustrative layouts of landscaping on the sites have been provided. The sites of the Sandbanks and Haven Hotels currently have limited landscaping or trees

due to the footprint of the proposed buildings. However, underground car parking proposed would reduce the amount of hardstanding and enable soft landscaping on site to be enhanced.

The overall height of the proposed flats at the Haven Hotel site has been reduced significantly during the process of the application seeking to minimise impacts on character and appearance and surrounding landscape. The proposed flats at Block B and Block C would at six storeys, however, be 1.8m above the highest point of the existing Haven Hotel building and would stand taller than tree canopy. This would alter the character and appearance of the building heights in the immediate area, which has resulted in an objection from the Urban Design Officer. Natural England's Dorset AONB Officer also objected due to impact of the development on long distance views. These two related but separate impacts are discussed as follows.

#### Impact on the character of the area

It is a feature of the Sandbanks area, and an important part of its intrinsic character, that development has not extended above the tree canopy over the years. The proposal at six storeys will therefore not accord with this established pattern, scale and character of development on the peninsula. This impact will likely be mostly evident from within the Poole area from public vantage points when looking towards the peninsula.

Whilst it is recognised that a change in character is not always harmful it is considered in this case to result in an adverse impact to the character of the Sandbanks area that for so long has maintained a scale of development that sits just below the established tree canopies. This aspect of the scheme is considered to be contrary to policy PP27 that seeks to ensure development reflects or enhances local patterns of development.

#### Impact on the Dorset AONB

Natural England have also identified that the scale of the proposal will have a harmful impact on the setting of the Dorset AONB as the scale of development will interrupt the existing longer views of the site when looking from within the AONB.

To help address the scale of the two six storey apartment blocks proposed at the Haven Hotel site landscape mitigation and tree planting can be secured via a S106 obligation. Natural England have confirmed that the mitigation would offset the impact of the sixth storey at the Haven Hotel site and overcome the impact on the AONB.

The landscape mitigation would ultimately be capable of being effective in respect of the AONB impact but would take several decades to be as effective on the character of Sandbanks Peninsula when looking at the site from within Poole. However, the additional tree planting on the Peninsula will in time improve the impact of the built form at the Haven Hotel site on the character of the headland. Therefore, in time the harm to character could be overcome as the trees mature, particularly in recognition of the other benefits that arise from the proposal as a whole though application of the planning balance.

## **Neighbouring amenity**

At the Harbour Heights Hotel, the set back of the upper storeys on the north-western side has improved distances with Conning Towers, and it is considered that there is sufficient distance to protect the privacy and amenities of neighbouring residential properties.

A public restaurant and gym exist at the Haven Hotel site and has a relationship with existing residential properties in the local area. Therefore, the retention of a smaller public restaurant and gym in the proposed apartment block, with associated noise and traffic would not change the existing character of the headland or be harmful to neighbouring properties to the site.

As flats are proposed above the restaurant and gym at the Haven site, hours of operation would be limited by condition, to protect residential amenity. Similarly, a condition would be required to secure appropriate noise attenuation within the building to reduce impact.

Height reductions and reduced massing of the buildings proposed at the Haven Hotel and Sandbanks Hotel sites has reduced to an acceptable level any overbearing impacts on neighbouring properties, particularly in relation to the two-storey dwelling at 159 Banks Road adjacent to the Haven Hotel.

It would be possible at the Haven Hotel and Sandbanks Hotel for balconies to have obscure glazed screens, to prevent overlooking and loss of privacy to neighbouring properties, where needed and subject to condition in compliance with Poole Local Plan policy PP27

## **Affordable housing**

Whilst it has been demonstrated in the viability assessment that the scheme cannot make a full contribution of 40% of 119 flats towards affordable housing, the applicant has agreed to enter into a planning obligation based on the viability assessment allowing for £2,180,620 to be allocated for affordable housing offsite. This amount would provide the equivalent of a 20% contribution to affordable housing which is half the normal requirement and could be allocated to sites where land values are lower and more affordable homes could be built, in compliance with Poole Local Plan Policy PP11(b) and (g).

## **Traffic, parking and sustainable transport**

Whilst a shortfall of parking would arise at the proposed Harbour Heights and Sandbanks Hotels, sufficient parking could be provided as part of the development, alongside off-site parking meters in the locality, which would together be acceptable. Parking would exceed requirements at the Haven apartments proposed; but this is not significantly more than the BCP Parking Standards SPD January 2021, so would be acceptable. Electric charging points would be provided by condition and cycling provision is acceptable at all three sites which are also on bus routes to accord with Policy PP34 and the BCP Parking Standards Supplementary Planning Document

## Summary

The economic, social and environmental benefits to the proposal include:

- i. Significant benefits to the tourist economy with cross-subsidy from the proposed residential development to retain almost the same number of hotel bedrooms condensed into two new modern hotels, and significant qualitative improvements to the accommodation and facilities, together with a boost to the housing supply of to 119 dwellings and a contribution towards affordable housing.
- ii. S106 Affordable housing contribution of £2,180,620 (20%)
- iii. S106 Provision of £100,000 off-site landscape mitigation to be followed by £10,000 per year for 80 years to be spent on a fund for Tree Planting at Sandbanks and landscaping in Dorset AONB and Heathland.
- iv. Sustainable building design with carbon reduction exceeding requirements
- v. Enhancements to sustainable transport, ECharging and cycles,
- vi. New Public rights of way at Sandbanks and Haven Hotels providing beach access.
- vii. Employment opportunities during construction of the development
- viii. CIL of £1,959,922, following future Reserved Matters applications, as well as New Homes Bonus and Council Tax.

However, it is recommended that this application be refused due to the potential flood risk and uncertainty over what flood defence and resilience mitigation is needed in this case. The Environment Agency have raised these concerns throughout and have sought further modelling to better understand the flood risk in order to inform the requisite flood risk mitigation. With flood risk concerns remaining unresolved both in terms of level of risk and mitigation needed, it is not possible to be able to conclude development plan and national policy can be met on flood matters. This situation also leads to failure of the NPPF flood exception test that should be passed in order for planning permission to be granted.

The development has therefore not demonstrated that it would be safe for its lifetime in respect of flooding, taking account of the vulnerability of its users, or that it would not increase flood risk elsewhere or reduce flood risk overall failing to comply with the NPPF para 164 b) and Poole Local Plan policy PP38, so it would not meet the requirements of the exception test, It would also fail to meet the requirements of the relevant flood risk paragraphs, 159 and 167 of the NPPF, as it has not been satisfactorily demonstrated that the proposed development at the Haven Hotel and the Sandbanks Hotel would be appropriately flood resilient.

Although other matters have been negotiated to be included in a S106 Agreement, in accordance with Planning Policies and the NPPF, should the application be refused, there is no mechanism to secure the agreed matters. Therefore, in the absence of such an Agreement, the S106 matters that are required to be secured form further reasons for refusal would be:

- i. Harm to Dorset Heathland within 5km of the application site, due to SAMM payment not being secured to mitigate effects on Poole Harbour Nutrients and Heathland.

- ii. Insufficient ecology mitigation and compensation for impacts of additional residents' use of the adjoining heathland and harbour areas, including provision of a Heathland Warden and office at the Haven Hotel site.
- iii. Inability to secure off site landscape mitigation and tree planting at the Sandbanks Peninsular to offset the impact of the 6<sup>th</sup> floor height of the Haven apartments on the Dorset AONB
- iv. Failure to secure a contribution for affordable housing. A S106 contribution of £2,180,620 (20%) was agreed following viability assessments, and an off-site exception was agreed for its provision due to different land values across Poole to comply with Policy PP11 (a) and (b).

Should the application be subject of a future appeal it would be possible for a draft S106 agreement to be provided with the statement of case, for consideration at that time to provide a mechanism to overcome these reasons for refusal.

### **Description of Proposal**

1. This major application seeks Outline Planning Permission, providing full details of access, appearance, layout and scale, and leaving only landscaping details for consideration as a reserved matter. Illustrative landscaping details have been provided to support the application.
2. Demolition of all the existing buildings is proposed at the Harbour Heights, Sandbanks and Haven Hotels, to allow for redevelopment in a phased approach. Underground car parking is proposed on all three sites.
3. It is proposed to start the redevelopment with construction of a replacement 171 bed hotel on the site of the existing Sandbanks Hotel (currently 77 bed), followed by replacement of the Harbour Heights Hotel, (currently 38 bed), with a 38 bed aparthotel, (self-catering holiday apartments with access to all hotel facilities, and potential to subdivide 12 apartments into one bedroom apartments and one bedroom hotel rooms), followed by construction of 119 flats at the Haven Hotel site, in place of the 116 bed hotel currently on the site.
4. The clearance of the existing buildings and the redevelopment of the three sites would result in new buildings of a greater scale in terms of height than previously developed (Harbour Heights: one existing building of 3 storeys to one proposed building of 6 storeys; Sandbanks: three existing buildings of 2, 3 and 4 storeys to one building of 6 storeys; and Haven: two existing buildings of 2 and 4 storeys to two buildings of between 6 storeys and one building of 4 storeys).
5. The application is not supported by an Environmental Impact Assessment (EIA), as the screening opinion, undertaken by the Secretary of State, indicated that no EIA was necessary in this instance, primarily due to the sea forming a physical barrier which would limit impacts on the Studland Heath and Dorset AONB from people and pets accessing these sensitive sites from Sandbanks Peninsula.



6. The proposal comprises the demolition of the existing buildings and the comprehensive redevelopment of 3 separate sites, comprising 119 residential apartments in three blocks with a restaurant and gym at the Haven Hotel site; 171-bedroom hotel with associated hotel facilities at the Sandbanks Hotel site; and 38 hotel suites/apartments with associated hotel facilities at the Harbour Heights Hotel. All three sites would provide associated access, parking and landscaping. Landscape details remain a reserved matter for all three sites, and all other details form part of the considerations in full.
7. The three hotels are owned by the FJB Hotel Group and are combined in one application to enable investment in improved hotel facilities at two of the three hotel sites through the residential development of one hotel site. The investment in this case is the proposed residential development at the Haven Hotel site, which the applicant has demonstrated is required to fund the hotel/tourism redevelopment at the Sandbanks Hotel and the Harbour Heights Hotel. As summarised above and addressed further below, the scheme is not considered to be “enabling development” as such (a scheme that would not be in compliance with development plan policy and would otherwise be unacceptable in planning terms but is the only practicable means of generating the funds necessary to secure the replacement of the 2 hotels). The proposal is a scheme that cross-funds the new and improved hotel accommodation, in compliance with Policy PPG23(2)(b)(ii).
8. The proposal aims to consolidate the existing tourism accommodation across the 3 sites onto the Harbour Heights Hotel and Sandbanks Hotel sites by creating a 38-unit aparthotel and a 171-bedroom hotel respectively, replacing the outdated and inefficient existing buildings. The consolidation of hotels on the two sites by increasing the number of hotel rooms proposed at the Sandbanks Hotel would almost fully compensate for the loss of existing hotel rooms at the Haven Hotel.
9. The clearance of the existing buildings and the redevelopment of the three sites would be replaced by new buildings of a greater scale in terms of height and mass than previously developed (Harbour Heights: existing building 4 storeys and proposed 6 storeys; Sandbanks: existing buildings 3 to 5 storeys and proposed one building of 6 storeys; and Haven: existing two buildings of 2 and 4 storeys and proposed one building of 4 storeys and two buildings of 6 storeys).
10. The Aparthotel at the Harbour Heights would provide self-contained apartments (rooms feature en-suite bedrooms and living rooms), in addition to hotel facilities for visitors and local residents to use.
11. In addition to the guest accommodation, the proposed development at Harbour Heights would provide a swimming pool with sauna and steam room facilities, bar and restaurant facilities conference and function rooms on both the ground floor and fifth floor, both with outdoor terrace areas overlooking the harbour to the south-west of the hotel.

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

12. The three hotels subject of this application are all located within Canford Cliffs ward. The Harbour Heights Hotel overlooks Sandbanks Peninsular and Poole Harbour from an elevated position, in a sylvan setting, and with comfortable spacing with adjoining properties. The Sandbanks and Haven Hotels are situated on the Peninsular with their setting dominated by the sea to the east and the harbour to the west. All three hotel sites overlook the beach, the sea and Poole Harbour.
13. The Sandbanks coastline is characterised by a mix of residential apartments and dwellings, hotels, shops, restaurants car park, public amenities, recreational resources and is also a protected wildlife habitat. Sandbanks Road and Banks Road and Haven Road are part of sustainable transport corridor with bus service and ferry link to Studland. Flood defences and groynes also form part of the beachline.
14. Haven Hotel - The Haven Hotel is situated at the end of Sandbanks peninsula at the mouth of Poole Harbour, adjacent a four-storey block of flats known as Golden Gates and the Haven Ferry Café shop and public toilets, which together form a cluster of buildings alongside the chain ferry to Studland.
15. In contrast No. 159 Banks Road to the north-east is a single detached house well screened by mature trees and hedging and landscaped garden leading to the beach.

The Haven Hotel has access to a small beach and is sited at the entrance to Poole Harbour with waterside frontage and views over Brownsea Island, Poole Harbour and the Isle of Wight. The site area is approximately 1.05 hectares. A large part of the Haven hotel site is within the Poole future flood zone 2133, including almost all the existing hotel footprint. The northeast of the site adjoining 159 Banks Road and most of the main hotel buildings are in present day flood zone 1, with only the southern boundary of the Haven Hotel application site (and the south-eastern edge of the existing building) falling within the EA present day zone 3.

16. In terms of the layout of surrounding development, buildings lines are loose with dwellings often set well back from the road within long and thin plots. Many of the flatted blocks were formed through the amalgamation of original plots. There is a widespread mix of building types present within the streetscene from a variety of architectural periods.
17. The Hotel building on site today was built in the mid 1920's around the original building dating back to 1887, and is arranged over basement, ground and three upper floors, the top floor being incorporated within a mansard roof. Elevations are white rendered. The building has been extended on the south side with a covered terrace at ground floor level and has an extension to the east elevation to incorporate a leisure club and spa containing sauna and steam room, gymnasium, aerobics studio, health and beauty treatment rooms and outdoor swimming pool and hot tub.

18. The conference centre is situated in the North-West corner of the site. It was constructed in the late 1980's and a two-storey building with part brick and part rendered elevations beneath a pitched tiled roof.
19. Within the grounds of the Hotel there is car parking for approximately 164 vehicles, an outdoor 'all weather' surface tennis court, 20m outdoor swimming pool, terraces overlooking the water and access to an adjacent, small, sandy beach. The vehicular entrance from Banks Road is controlled by a coded barrier.
20. The Harbour Heights Hotel - The Harbour Heights Hotel, originally built in the 1920s, is a full-service hotel comprising of 38 ensuite letting bedrooms, restaurant, bar and conference/function facilities and was refurbished 18 years ago. The site extends to approximately 0.462 hectares and falls by 6 metres towards Haven Road and the harbour.
21. The Hotel is situated in a predominately residential area, forming part of group of larger scale buildings including flat blocks to the west.
22. There is no strong pattern of development or building line in the immediate to Haven Road. There is widespread mix of building types and styles within the streetscene dating from throughout the 20th Century. Conning Towers adjacent is a striking art deco building, whilst others in the vicinity are, traditional mid and late 20th century developments and there are some highly contemporary schemes also scattered throughout the area.
23. The area has a sylvan character that is dominated by the topography of the area which slopes towards the harbour. Densities in the area range widely due to the mix of apartment blocks and individual two storey dwellings.
24. The Hotel occupies an elevated position on Haven Road, overlooking Poole Harbour and the Sandbanks peninsula. with views to Brownsea Island and Studland. The whole site lies within Flood Zone 1.
25. The front entrance of the hotel faces the main car park and access from Haven Road and has a total of 42 parking spaces within a lower car park, a large, surfaced car park adjacent to the hotel entrance and to the side of the hotel accessed from Chaddesley Glen.
26. The hotel is a substantial detached 4 storey building with lower ground, ground, first, second and third floor levels. The principal section of the hotel has been extended over the years and is of traditional construction with rendered and painted elevations beneath a mansard, slate covered roof with areas of flat roofing in part. There is a further small two storey flat roofed block adjacent to the car park which provides 6 staff letting bedrooms/offices and laundry facilities.

27. Due to the sloping nature of the site, the main entrance to the hotel is from ground floor level at the northern elevation, whilst the conference room and hotel garden is situated at lower ground floor level, to the rear of the building. Situated to the rear of the reception is the bistro and bar, seating approximately 70 people, leading to a function room utilised for private functions and weddings for up to 120 guests.
28. Extending the length of the hotel is an extensive tiered terrace/deck which provides outdoor seating for the restaurant and bar with expansive views of Poole Harbour.
29. The Sandbanks Hotel - The Sandbanks Hotel is situated within a transitional area between the 'mainland' and the neck of the Sandbanks peninsula, where there is a predominance of contemporary developments throughout the streetscene. The site has parts in present day Flood Zone 1, 2 and a large part in Flood zone 3. Most of this red line application site is in future flood zone 2133
30. There is a mix of uses in the vicinity, which include shops and cafes and leisure, although the majority of buildings are in residential use, taking advantage of the views over the harbour towards Brownsea Island and the beach towards Studland.
31. The area has a coastal character that is dominated by the sea to the east and the harbour to the west. There is little soft landscaping, which is a stark contrast to the Canford Cliffs to the north. There are a range of densities in the locality due to the mix of large apartment blocks and detached dwellings. There is a strong building line towards the beach frontage, but plot sizes vary with many original plots now amalgamated to form flattened blocks.
32. The Sandbanks Hotel contains a of cluster of large-scale buildings, together with its immediate neighbours with the 'Mirage' development of 29 flats to the north-west: and the five storey 'ACE' development immediately adjacent to the south-west. Beyond this group there are also several some smaller scale developments on both sides.
33. The Sandbanks Hotel, built in the 1920s, is a full-service hotel comprising 110 ensuite letting bedrooms and a range of conferencing, leisure and food and beverage facilities. The property benefits from both sea and harbour views and is situated on a site of approximately 1.029 hectares.
34. At the front of the Hotel building is the car park which is accessed directly from Banks Road. The car park provides space for approximately 110 vehicles.
35. The Hotel is a substantial detached property arranged over lower ground, upper ground, first, second and third floors. The building comprises rendered elevations under a mansard, slate covered roof with areas of flat roof in parts. The 1970s extensions to the building were designed with functionality in mind rather

than high quality aesthetics and the buildings are partly mansard roof and partly flat roofed.

36. To the rear of the Hotel there is a large terrace with conservatory along its length which overlooks and provides direct access onto Sandbanks beach. The main terrace area has an external bar and catering facility and benefits from external infrared patio heaters. At the south-western end of the Hotel is a further terraced area for sunbathing and a children's adventure playground with sand surface. In the north-eastern corner of the Hotel is the former Sands Brasserie now used as a function room. This building is of blockwork construction.

### **Relevant Planning History**

37. There is a long planning history of extensions to all three hotels and supporting tourist, leisure and business conference facilities, as summarised below.
38. The Haven Hotel was built in 1887 and expanded in the 1920s before being acquired by FJB in the mid 1970's. In 1974 outline permission was granted to demolish the hotel and erect 41 flats but no reserved matters application was submitted. The proposal did not proceed and since that time there have been no comprehensive redevelopment proposals submitted at the site. The hotel has been extended on the south side with a covered terrace at ground floor level in a conservatory style. An extension to the east elevation was approved to incorporate a leisure club and spa containing sauna and steam room, gymnasium, aerobics studio, health and beauty treatment rooms and outdoor swimming pool and hot tub and then the conference centre was approved in the late 1980s fronting Banks Road and Ferry Way.
39. The Harbour Heights Hotel was built in the 1920s and has had numerous extensions to the principal section and to provide a two-storey block of 6 staff accommodation, offices and laundry, garages and stores in the 1960s and the sun terrace in 1978. An application to demolish the Harbour Heights Hotel and erect a 5-storey block of 33 flats was refused in 2000 and in 2015 a proposed replacement of the annexe building with a terrace of townhouses was dismissed on appeal. The hotel was comprehensively refurbished internally about 20 years ago.
40. The Sandbanks Hotel was built in 1920 and the original building remains within the fabric of the vastly extended hotel on site today. There has been a history of applications refused to redevelop the site with 16 storey high flats in 1959, an 8 storey 90 bed hotel and 90 flats in 1963 and 7 storey flats refused in 1965. The Sandbanks hotel was bought by FJB hotels in 1967 and since that time has been run as a hotel. There have been numerous applications for additional hotel facilities and staff accommodation approved from the 1960s onwards and it was last renovated in 2011.
41. There has been no planning history of combining development of the three hotel sites and redeveloping all three sites two as hotels and one as flats, as proposed in this application.

### Pre-application Enquiry

42. The pre-application enquiry submitted on 7 November 2016 was for an 8-storey redevelopment of the Sandbanks Hotel in place of the mix of 2, 3 and 4 storeys currently on the site. The proposal was to consolidate the hotel accommodation from all three sites onto one site from the Haven and Harbour Heights hotels, and for both these hotels to be redeveloped as flats, the Harbour Heights with 8-storeys and Haven Hotel site as 14 storeys, 13 floors for residential and the top floor as a destination restaurant. There were also two detached dwellings proposed in place of one at 159 Banks Road.
43. Pre-application meetings took place on 16<sup>th</sup> November 2016 and 27<sup>th</sup> January 2017. At the first meeting advice was offered to significantly reduce the scale of the proposed buildings on all three sites to reflect the scale of the adjoining developments and tree canopies, to address the impact upon the character of the area and neighbouring amenity. In addition, the loss of two hotel sites to residential use was considered unacceptable and contrary to tourism policy.
44. At the second pre-application meeting the reduced scale of the proposed development at the Haven Hotel site, from 14 storeys to 10 storeys was recognised as an improvement; but concern was still raised about the height and scale of Sandbanks and Haven Hotel sites. Changes were sought to reduce the mass and impact of the Harbour Heights development to the North-West. The proposed retention of hotels at The Harbour Heights Hotel and Sandbanks Hotel, was seen as an improvement on the pre-application scheme, where the Sandbanks Hotel was proposed to be the only remaining hotel and to accommodate hotel rooms removed from both the Harbour Heights and Haven Hotels. The original planning application was submitted in March 2017 when former tourism policy DM5 – Tourism and the Evening Economy required viability reports to comply with of the Poole Core Strategy 2009. Policy DM5 was superseded by adopted Poole Local Plan 2018, Policy PP23(2)(b)(ii) which then altered the manner in which any viability report would be assessed, if considered as part of an enabling investment

### Application as submitted and amended plans during application

45. The planning application when first submitted in March 2017 showed one 10 storey block of flats on the Haven Hotel site and three other separate blocks of flats, two 5 storeys high and one 4 storeys high facing Banks Road. The site for this application included the Haven Hotel and 159 Banks Road. The Sandbanks Hotel was submitted at 6 storeys high as was the Harbour Heights hotel with smaller tiers at the top floor.
46. In June 2018 amended plans were received setting back the fourth and fifth floors of the Sandbanks Hotel and Harbour Heights Hotel on the North-west elevation, as well as reducing the Haven Hotel site from 10 to 6 storeys. The Haven Hotel site was reduced to three blocks of flats with Block A proposed as 4 storeys high facing Banks Road and Blocks B and C proposed as 6 storeys high.

The site area has been reduced so that the application site no longer includes 159 Banks Road. The Sandbanks Hotel plans reduced mass and floor area at 5<sup>th</sup> and 6<sup>th</sup> floor level.

47. At the Harbour Heights Hotel, the overall number was reduced from 40 units to 38 units, due to the reduction in mass and floor area of the top tiers of the building. An option for more one-bedroom apartments was also introduced by proposing 36 x 2-bedroom suites and 2 x 1 bedroom suites, but with 12 of the two bedroom suites to feature lockable internal doors, enabling the rooms to be split into a one bedroom suite and one bedroom hotel room, for visitors.
48. In June 2020, further amendments were received lowering ceiling heights of Block B at the Haven flats to reduce overall height of the building to 1.8m higher than the existing hotel. The materials on block C on the Haven site were changed to Purbeck Stone. The extent of the basement to support future ground level landscaping at the Haven site was clarified; and a proposed public footpath was shown around the edge of the Haven site.
49. At the Sandbanks Hotel the extent of the upper floors was shown reduced and 1.8m high glass privacy screens were inserted to the top floor on the plans, to protect the amenity of the future occupiers of the neighbouring penthouse.
50. Ecology and landscape details were also added to the plans on all three sites in August 2020.
51. In December 2021 proposed flood defence designs were amended at the Sandbanks and Haven Hotels, including a revised footpath alignment and height alongside the sea front at the Haven site and glass screen and raised sea wall at the Sandbanks Hotel site; but no further changes to the general layout of the sites or the elevations were made

### **Constraints**

52. In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, regard shall be had to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty – section 85 - Countryside and Rights of Way Act 2000.

### **Public sector Equalities Duty**

53. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other relevant duties**

54. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
55. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
56. For the purposes of this application, in accordance with Section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

### **Consultations**

#### **Environment Agency** – Objection

57. The proposal is not supported by a suitable Flood Risk Assessment (FRA). The modelling undertaken by the applicant is still not fit for purpose.
58. The Environment Agency's concerns lie principally with the Sandbanks and Haven Hotel sites, and in particular the introduction of basement car parks to both sites and ground floor self-contained dwellings to the Haven Hotel site.
59. Confidence is needed in the flood modelling and results provided, to be achieved by improving the model, wave data, model calibration, sensitivity testing, and testing of post development scenarios. Without this additional confidence in the modelling data, it does not form a suitable basis for a site-specific flood risk assessment.
60. Therefore, the FRA(s) submitted do not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance (PPG).
61. Without the completed modelling assessment work, it has not been possible for the applicant to produce an FRA which demonstrates that any flood defence or development designs are satisfactory (i.e., that the development will be safe over



its lifetime, and that there is no resultant increase in flood risk elsewhere). An approved site-specific FRA is also crucial to determining elements such as emergency planning.

62. To overcome the objection the applicant should address the points in the model review comments dated 9th February 2022 (ref: WX/2017/130433/08-L01). Once the model has been agreed, the applicant then needs to update their site-specific FRA, to include an assessment of this information, which meets the requirements of the National Planning Policy Framework and its associated PPG.
63. Emergency Planning - We also have significant concerns about the level of flood risk shown in the modelling outputs for the Sandbanks Hotel. The wave overtopping report shows that under the future 0.5% 2021 scenario this site, around what appears to be the main courtyard & entrance, is subject up to 2.4m of flooding, representing a "significant risk to most."
64. Following the completion of modelling work. Based on the information available in the current report, we advise that this is assessed by Emergency Planners and that a suitable plan is agreed demonstrating how the risk represented due to significant depths of flooding around the building, will be suitably managed over the lifetime of the development.
65. If you are minded to approve the application contrary to our objection, we request you contact us prior to a decision being made to allow us to make further representations. Should our objection be removed, we may recommend the inclusion of conditions on any subsequent approval.

**BCP Local Lead Flood Authority** - No objection to surface water flooding subject to conditions.

66. The main flood risk to the two coastal sites is coastal flooding especially taking into account climate change as dealt with by the Environment Agency. There is some minor predicted surface water flooding. The main source is each site's existing paved area, and the entrance of the basement car parks.
67. Confirmation of the threshold height of basements at Sandbanks and Haven Hotels sites being 3.6m and permeable surfacing of the access road and ramps into the underground car park, as annotated on the site layout plans, will assist in preventing surface water flowing into the basement car parks.
68. It was suggested permeable ramps could also assist. Whilst it is good to know that pumps will deal with flooding, if it occurs, to be sustainable the LLFA are looking for physical features such as higher thresholds and permeable ramps so floodwater entering the basement can be avoided other than in exceptional circumstances.

69. From a drainage and surface water flooding point of view there are no objections subject to sustainable urban drainage conditions requiring a detailed and finalised surface water management scheme to be approved, with details of maintenance and management of the surface water sustainable drainage scheme, to include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime, to ensure future maintenance of the surface water drainage system and to prevent increased risk of flooding.

### **BCP Planning Policy – Objection**

70. **The Harbour Heights hotel** flood zone 1 – sequential test not required
71. **The Sandbanks Hotel** - A large part of the site is within EA present day flood zone 3 including a large part of both the existing hotel building footprint and proposed development. Most of this red line application site is in future flood zone 2133 (small area on northeast falls outside).
72. **The Haven Hotel** - This site includes the existing Haven Hotel. A large part of the application site is within the Poole future flood zone 2133 including almost all the existing hotel footprint. Of the three proposed blocks of residential accommodation on the Haven Hotel site, the block to the northeast of the site is flood zone 1, so if it were just this block a sequential test would not be required. The block to the southwest of the site is wholly within the future flood zone 2133, and the eastern most block is largely within the 2133 future flood zone so the sequential test would be required. The southern boundary of the Haven Hotel application site (and the south-eastern edge of the existing building) falls within the EA present day zone 3, but the three proposed blocks do not fall within the present-day zones 2 or 3.

### **Sequential Test**

73. The NPPF sequential test for flood risk considers whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF para 162).
74. Whilst the Council cannot demonstrate that the Poole area has a 5-year supply of deliverable housing land (published figures indicate a 4.1 year-supply), this does not negate the need for the sequential test, nor mean that it has been passed.
75. As the development is proposed across three distinct sites, it is concluded that it cannot be argued for the purposes of the sequential test that the development proposed across the three sites would need to be accommodated on one site. Therefore, to consider whether the proposal passes the sequential test, it is necessary to consider:
- i. whether there are alternative sequentially preferable sites (either one site or disaggregated) that could accommodate 119 flats/apartments (currently proposed on the Haven Hotel site).
  - ii. how/if the sequential test should be applied to the Sandbanks Hotel site for the redevelopment of the hotel.

76. Taking the Council's normal approach we would require a Poole area-wide area of search (legacy authority area). This has been the planning policy view to date on this application.
77. Regarding alternative sites, the NPPG (034 ID: 7-034-20140306) states:  
*"The developer should justify with evidence to the local planning authority what area of search has been used when making the application."*
78. The applicant has indicated that suitable alternative sites must be harbour side sites and sites that have coastal views and direct access to the beach. To date the Council's planning policy advice on this application has considered this to be too restrictive.
79. However, in the light of the NPPG advice, in this particular case, it is considered that it is reasonable (and pragmatic) to interpret this policy requirement in the context of generating sufficient financial benefit to support the two hotel sites which form part of the proposal i.e. to consider the availability of sequentially preferable sites that can deliver the suitable financial return rather than just sites elsewhere in the Poole-wide area than can deliver the housing number.
80. Provided BCP Planning is supportive of the strategy of losing the Haven Hotel to enable retention and regeneration of the Sandbanks Hotel and Harbour Heights Hotel (and are satisfied that this accords with policy PP23); and are satisfied that this scheme is the only foreseeable way of securing the regeneration of the existing Sandbanks and Harbour Heights hotels (which may otherwise be lost to other uses), then it could be argued that the area of search should be limited to Sandbanks and the Harbour Heights Hotel site.
81. On that basis, the published 5-year supply indicates that there are no alternative sites that could accommodate the development (either as a whole or disaggregated). Therefore, the sequential test is passed.
82. The Council previously requested further viability work from the applicant to investigate whether the apartments could be located on the Harbour Heights site which is in flood zone 1 (no sequential test needed) and would enable retention of the Sandbanks Hotel and the Haven Hotel. Planning officers have accepted (following assessment of the required viability information) that this is not a viable option.
83. Redevelopment of the Sandbanks Hotel, even for a replacement hotel, would trigger the sequential test.
84. However, given its use will not change and the vulnerability classification of the site will remain unchanged; there is fall-back position, whereby if this application is not permitted, the existing hotel use would be retained.
85. The NPPF (para 159) would require the proposed development to be flood resilient for its life and to not increase flood risk elsewhere; and to meet all the requirements

of NPPF para 167. Therefore, there is in principle a potential benefit in flood risk terms of redeveloping this site in this instance, as it could replace an existing hotel with a more flood resilient hotel (albeit more bed spaces). In view of this fall-back, and if the replacement hotel is indeed more flood resilient than the existing hotel (based on EA/BCP Flood team advice); it is considered that the sequential test and exception test need not be applied to the Sandbanks Hotel.

86. However, in any event, it must be demonstrated that the Sandbanks Hotel proposal would be flood resilient for its lifetime and would not increase flood risk elsewhere (NPPF para 159) and meet all the criteria of NPPF para 167 and Policy PP38). These matters have not been demonstrated to the satisfaction of the Environment Agency (EA letter dated 4 May 22).

### **The Exception Test – Haven Hotel**

87. Paragraph 163 of the NPPF makes it clear that the sequential test needs to be passed before the exception test can be applied.
88. Para 165 makes clear that both elements of the exception test should be satisfied for development to be permitted.
89. Regarding the Haven Hotel, which based on the restricted area of search (see above) would pass the sequential test, the exception test would need to be applied.
90. NPPF Para 164 sets out the requirements of the exception test:

*“The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be clearly demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.”*

91. **Part (a) of the exception test:** It is considered that a case could potentially be made that the application provides overriding wider sustainability benefits to the community; the key ones being redevelopment of two aging hotels which otherwise may fall into further disrepair and potentially even be lost to other uses.
92. The hotel industry is an important part of the economy for Poole. Whilst the proposal would result in a small reduction in hotel accommodation (bed spaces- 22 bedrooms); it would result in a significant improvement in the quality of such accommodation available in this popular tourist destination which is important to the Poole economy.

93. The decision-maker would need to consider the overall sustainability/community benefits in the light of the full range of planning issues including for example environmental impacts, affordable housing contributions, landscape character, transport/travel, provision and public access to the beach and leisure and recreation facilities (policies PP31, PP23, PP24, PP26, PP35 and PP11 and relevant SPDs).

### **Conclusion of Sequential and Exception Tests**

94. Based on the area of search for the sequential test, the sequential test is passed. To accord with national and local plan policy the sequential test and both elements of the exception test must be passed.
95. Part (a) of the NPPF para 164 exception test is for consideration of the decision-maker to determine whether there are overriding wider sustainability benefits to the community.
96. However, advice from the EA indicates that the proposal currently does not meet the requirements of the exception test (part b) NPPF para 164.
97. The proposals also fail to meet the requirements of NPPF paras 159 and 167 as it has not been satisfactorily demonstrated that the proposed Sandbanks Hotel and the development at the Haven Hotel site are appropriately flood resilient (NPPF para 159 and 167) and Poole Local Plan PP38 Managing Flood Risk.

### **Natural England - No objection subject to mitigation/avoidance measures being secured**

98. Natural England advises the authority that this application lies in a highly sensitive location and that the authority will need to ensure that in determining the proposal it affords each aspect sufficient consideration. The main issues under consideration are effects on the following designated areas:
- Dorset Heathlands SPA, Ramsar and Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC
  - Poole Harbour SPA, Ramsar
  - Dorset AONB
99. Natural England advises the authority that impacts on the Solent and Dorset Coast from the proposal may be scoped out as not having a Likely Significant Effect.
100. Dorset Heathlands and Poole Harbour recreation impacts avoidance. The development will lead to additional recreational impacts arising from additional residents on the Dorset Heathlands and in Poole Harbour SPA, Ramsar.
101. Because of the proximity of the application sites to these sites and unique access considerations e.g., access to heathland at Studland peninsular being by ferry only, which reduces some aspects of adverse impacts, as well as very lim-

ited opportunities for direct HIP mitigation, discussions with the Council and applicant have taken place and focussed on influencing visitor behaviour of those accessing the harbour, once on the peninsula.

102. Currently there is a lack of face-to-face engagement with very large numbers of visitors to both the peninsula and those accessing the Harbour for recreation.

103. Natural England, in discussion with the authority have agreed a package of measures which will facilitate contact with and the influencing of the very substantial number of visitors as they await entry to the ferry. The applicant will fund a warden at the Sandbanks location in perpetuity with an office space in the application site and resources to provide to visitors.

104. This will secure mitigation for visitors accessing the Dorset heathlands during the sensitive summer months and for recreational users of Poole Harbour in the sensitive period of the autumn and winter months.

105. These measures will need to be in place pre-occupation and secured by the authority through a S106, however sufficient information is available at this time to allow Natural England to advise the authority that they will avoid an adverse effect on integrity.

106. A Heathland SAMM contribution will be required under the guidance set out in the Dorset Heathlands SPD through a S106 agreement.

107. A Poole Harbour recreation mitigation contribution under the guidance set out in the Poole Harbour Recreation Planning Framework SPD 2019-2034 will need to be secured through a S106 agreement.

108. Nitrogen Reduction in Poole Harbour SPD 2017, the application will generate additional levels of nitrogen nutrients in Poole Harbour SPA, Ramsar. The authority will need to secure a suitable sum through its CIL mechanism.

109. Dorset Heathlands Air Quality Strategy 2021, the application will generate additional levels of air pollutants on the Dorset heathlands designated sites through additional traffic movements. The authority will need to secure a suitable sum through its CIL mechanism.

110. Mitigation Contributions, Natural England advise that the various mitigation contributions will need to be secured in advance of occupation of the application sites. Some flexibility may be provided through phasing arrangements. This may be set out in the S106.

111. In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C323/17)) which concluded that the avoidance/mitigation, e.g. as

set out in the Dorset Heathlands Planning Framework (2020- 2025) SPD, Nitrogen Reduction in Poole Harbour (SPD 2017) and draft Poole Harbour Recreation Supplementary Planning Document (SPD), cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise your authority to undertake an Appropriate Assessment of the application under Reg 63.

- 112.Draft Appropriate Assessment (AA), Natural England advise the Council that in principle the AA provided will allow the authority to conclude no adverse effect on integrity of the following habitats sites:
- Dorset Heathlands SPA, Ramsar and Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC
  - Poole Harbour SPA, Ramsar
  - SAMM mitigation sums Natural England note that there are minor discrepancies in the SAMM mitigation sums calculated between the AA (£40,480) and the those indicated in the viability evidence. Appendix 1 - 2018-1218 Appendix 1 - Haven Hotel Appraisal (£44,071), these appear to be a result of annual mitigation figures per flat changing over time. However, the principle is agreed, and the detailed calculation should be secured at the time a S106 is signed off.
- 113.The authority will need to have regard to the requirement under the Conservation of Habitats and Species Regulations 2017, such that where mitigation contributions are necessary and provided through its CIL, it is certain that sufficient funds will be available to secure the contributions which the AA bases its conclusions.
- 114.Natural England has provided minor comments to the AA wording, on the basis that these are acceptable to the authority, Natural England can advise that subject to the above avoidance/mitigation measures being secured the authority can reach a conclusion that the application will not have an adverse effect on the designated habitats/European sites.
- 115.Dorset AONB - Natural England, the authority and the Dorset AONB Team have had positive discussions with the applicant concerning the prominent location of the Haven Hotel in the setting of the Dorset AONB. The applicant has taken on advice concerning the visual appearance of the proposal, modifying the external surfaces and making efforts to avoid the three buildings appearances to appear to be a single large unit.
- 116.Concerns remain which are shared by the AONB Team, and our Senior Landscape Advisor set out below relating to ongoing visual impacts, which may not be ameliorated.
- 117.To this effect the applicant has taken on advice from Natural England and the AONB Team to secure a wider and ongoing package of measures in an agreed

area of the AONB and its immediate vicinity in BCP. These measures will provide some upfront funding and an annual sum which in total will secure £800,000 landscape mitigation and enhancement over 80 years.

118. This package will need to be secured through a S106 agreement with the authority and then may need the AONB Team to be signatories. Subject to this being secured Natural England has no objection to the proposal on landscape grounds.

119. Biodiversity - The applicant has submitted a number of proposed mitigation measures (bird/bat boxes and landscaping details) relating to Biodiversity, these will need to be secured through a planning condition.

### **Natural England - Landscape and Seascape**

120. Despite being outside of the Dorset AONB the location of the scheme is within the setting of this nationally designated landscape and is a key element in the landscape of Studland, Brownsea Island and Pool Harbour. We understand that the local authority considers the scheme to be major development. In respect of the setting of designated landscapes National Planning Policy Guidance states: *“Land within the setting of these areas [designated landscapes] often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account”*

121. Following a review of the amended design, Natural England judges that despite the reduction in height and other alterations to the structure's adverse effects on the statutory purpose of the Dorset AONB remain, in as much that the natural beauty of the designation will be harmed by the scheme. We accept the applicant's statement that a further reduction in the height of the structures would render the scheme economically unviable. Whilst we agree that the applicant has taken the need to be 'sensitive' to the statutory purpose of the Dorset AONB into account through the revisited design, which has reduced the severity of the adverse effects, adverse effects nevertheless remain. We note that these adverse effects will endure for the projected lifetime of the scheme.

122. The NPPF paragraph 177 (c) requires an assessment of the extent to which moderation of adverse effects from major development upon designated landscapes can be achieved. Although the proposed development is in the setting and not within the AONB, it is a major development, and this paragraph is referenced for the purposes of assessing the need to moderate impacts. The redesign of the proposed structures can be seen as embedded mitigation, whilst secondary mitigation in the form of tree planting and landscaping has also been incorporated into the design. However as noted above, these measures are not sufficient to reduce the adverse effects to an acceptable level. As further embedded and secondary mitigation measures are not possible Natural England



considers offsite moderation measures would be appropriate in this instance to help address the visual impact concerns raised.

123. Natural England advises that the package of offsite moderation measures proposed by the Dorset AONB partnership will fulfil the requirement contained in paragraph 176 for development to minimise adverse impacts on the AONB. It is our view that their proposal will deliver a package of measures consistent with those already agreed as mitigation by Parengo for the Wytch Farm oil field. Considering the geographical extent of the AONB, which will be adversely affected by the scheme, we consider the Dorset AONB package to be proportionate and provides for future flexibility through the nature of funding offered.

### **Dorset AONB Landscape Visual Impact and Compensation**

124. The exceptional landscape and scenic qualities of areas affected by the development proposal, including locations on Brownsea Island and the Studland peninsula, are well recognised. I consider that the proposal would result in some detrimental effects on such sensitive locations, including effects on the following Special Qualities of the AONB:

#### Contrast and diversity – a microcosm of England’s finest landscapes:

- Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes
- Tranquillity and remoteness
- Dark night skies

#### A living textbook and historical record of rural England

- An exceptional undeveloped coastline

125. There is some conflict with AONB’s Management Plan April 2019 Policies.

126. C1.a: “Support development that conserves and enhances the AONB, ensuring sensitive siting and design respects local character. Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest. Major development decisions need to include detailed consideration of relevant exceptional circumstances.” The increased scale and relatively high-impact design of the proposal is not considered to complement the relatively undeveloped character of affected areas within the AONB, notably Brownsea Island and Studland beaches.

127. C1.f: “The AONB’s coast will be conserved and enhanced, and significant weight will be given to maintaining its undeveloped and tranquil nature. The importance of the AONB’s coastal areas as the setting for the World Heritage Site (WHS) will be recognised and the presentation and visitor experience of this asset will be protected from both individual developments and cumulative effects of incremental change.” The intensification of effects from built influence are considered to erode the tranquil and undeveloped character of sensitive coastal receptors within the AONB.

128. C1.h: "The landward and seaward setting of the AONB will be planned and managed in a manner that conserves and enhances the character and appearance of the AONB. Views into and out of the AONB and nonvisual effects, such as noise and wider environmental impacts, will be appropriately assessed." This policy confirms that the concerns expressed in relation to policy C1.f. are relevant to development sites within the setting of the AONB.
129. C4.c: "Protect and where possible enhance the quality of views into, within and out of the AONB." For the reasons I have explained in relation to specific viewpoints, the proposal does not protect or enhance a number of highly sensitive views within the designated area.
130. C4.f: "Avoid and reduce cumulative effects that erode landscape character and quality." The intensification of development within the site, alongside the relatively high-impact design, lead me to consider that the development would make a notable contribution to the cumulative effects of the conurbation. The prominent position of the site is influential in terms of emphasising its contribution to the cumulative effects of the conurbation.
131. In determining the application, I would also refer you to the following recommendations made within the following Management Plan Policies, which may be beneficial in terms of informing your opinion regarding the planning balance:
132. C2.d: "The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty."
133. C2.e: "The conservation and enhancement of the AONB's special qualities will be a significant consideration in the planning balance." C2.f: "Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered."
134. From our recent discussion involving Natural England and the developer, I believe that there may be reasonable grounds to consider compensatory funding in this case, in order to offset the effects of the proposal that have not been fully addressed through design mitigation measures undertaken to date. Therefore, impacts arising from the increased mass and height of the building, as well as other features, including the increased amount of glazing that will be visible from the AONB, could be compensated for by the funding of mitigation measures that conserve and enhance views out from the AONB, as well as measures that improve landscape quality within the AONB (including areas where the development may not be visible). In my opinion, this particular application has the potential to counterbalance its visual effects on highly sensitive locations in relatively close proximity, by funding wider enhancement measures within the AONB and

in locations that are prominent in views from the AONB, such as parts of the Sandbanks peninsular.

135. Dorset AONB's Management Plan contains examples of compensation packages that have been agreed in the past, such as for the Weymouth Relief Road and the Wytch Farm oil gathering operations. The AONB's Management Plan also contains a specific policy relating to such arrangement. Specifically, Policy C2.f. states that: "Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered."
136. As I indicated in my email on 20/11/20, the AONB Team appreciates that the Council will need to reach a balanced view on the application, considering both the harm and the benefits. In order to approve the application, the Council would need to regard the benefits of the application as being substantial within the balancing exercise.
137. Concerning the scope for further mitigation, I should highlight that I have not analysed the interrelated viability of the three sites in detail and therefore expect the Council to undertake a thorough appraisal.
138. I am primarily concerned with the visual effects of the redevelopment of the Haven Hotel site, which enables the redevelopment of two other hotel sites. Should the Council accept the case being made, to enable redevelopment through the Haven Hotel scheme, and consider that the viability of the proposed arrangement prohibits further substantial mitigation/reduction of the Haven's design, the AONB's compensation policy may be applied.
139. Concerning the harm, it is clear that the proposals will intensify the effects of built development on highly sensitive locations such as Shell Bay, the southern portion of Brownsea Island and parts of the open waters of Poole Harbour.
140. In order to develop a compensation model to offset this harm, analysis has been undertaken to estimate the visibility of the development within the terrestrial parts of the AONB within 5km of the site.
141. The affected area has then been subject to a compensation calculation with the same funding intensity per hectare as used for the Wytch Farm Landscape and Access Enhancement Fund.
142. Based on this exercise, it is considered that the developer should make an up-front contribution of £100,000, to be paid upon commencement of development (including the demolition of the existing buildings at any of the hotel sites, as they all form part of the same application). Further to this, annual payments of £10,000 per year (index-linked) will commence 12 months after the occupation of

the first flat in the development of the Haven Hotel site and continue for 80 years.

143. This funding will be primarily spent within the AONB up to 10km from the development site to conserve and enhance the character and appearance of the designated landscape. A portion of the funds may also be used for wider initiatives that soften the appearance of the urban area when seen from the AONB, such as funding the tree planting within the Sandbanks and Poole areas. As with the Wytch Farm Fund, the money would be primarily administered through grants, on projects that meet at least one of the following three priorities:

- Strengthen the character of the surrounding landscape by creation, conservation, enhancement and management.
- Enhance biodiversity by the conservation, enhancement and management of boundary features (such as hedgerows, veteran trees and earth banks), woodlands (such as rhododendron control) and rural lanes; and / or
- Improve rights of way and / or facilities to provide car-free access and conserve tranquillity.

144. The AONB Team presently employs a member of staff to administer landscape enhancement applications and it is considered that there is scope for the Team to play a central role in administering the compensation package.

Subject to the signing of a S106 agreement reflecting the compensation arrangements indicated above, I would consider the development to have the potential to offset the harm it generates by delivering wider conservation and enhancement measures during its lifespan.

**BCP Highway Authority – No objection subject to conditions.**

145. Haven Hotel site - Provides amounts of car and cycle parking more than those required by our Parking Standards SPD and therefore this amount is considered acceptable.

146. Harbour Heights Hotel site - The amount of car parking proposed is considered acceptable. As referred to in our earlier reports if each use within the building is taken as an individual use, then there would be a shortfall in the amount of parking to that specified within the previous Council parking guidance and this is still the case with our current Parking Standards SPD (35 space shortfall). However, as we've outlined previously taking each use individually would not be the correct method of calculating the likely parking demands. Staff could work in multiple uses within the building and there is likely to be crossover attendances at the various uses from patrons within the building such as people attending functions or staying in the suites would use the restaurant and bar areas. There are also on-street Pay and Display parking facilities within close proximity to the site. The amount of cycle parking is in accordance with the Parking Standards SPD. Therefore, the LHA does not object to the amount of car parking proposed in this element of the proposal.

147. Sandbanks Hotel - The current proposal has a shortfall to the Council's current Parking Standards SPD as it did to the previous Council parking guidance. However, as referred to in our previous LHA reports (in particular our report of 14th May 2020) there is a significant existing shortfall in parking provision with the existing Sandbanks Hotel site and this is a material consideration.

148. Therefore, the Highway Authority are not in a position to object to the lack of parking as the proposal will have no more material parking impact on highway safety than the existing hotel site.

149. Electric Vehicle Charging can be dealt with by planning condition.

150. In order to reduce both car parking demands and vehicle trips to the sites we would seek the proposed leisure gym/spa/treatment room areas are restricted to:

- Haven Hotel Site – residents of the building only and
- Sandbanks Hotel Site – Overnight guests of the hotel only.

#### **BCP Rights of Way Officer - No objection**

151. The amended plans from a Public Rights of Way perspective are very good and now introduce two new Public Footpaths that will become valued local assets. The creation of these new Public Footpaths will need to be detailed into the s106 agreement.

152. One more detail is that with regard to the newly proposed Public Footpath through the Sandbanks Hotel, visibility of users of the path would be obscured by a hedge. I note from the comments made by the Crime Prevention and Design Advisor that this area can suffer from some antisocial behaviour during the summer months, so the inclusion of bollard style lights or ground lights along the path edge could help to improve the perceived and actual safety of the path.

#### **BCP Environmental Services- No objection subject to condition**

153. Construction Environmental Management Plan (CEMP) (All Sites) The environmental impacts of the demolition and construction phases should be assessed. The imposition of a condition is therefore requested to require the submission of a Construction Environmental Management Plan (CEMP) that should assess dust, noise and vibration impacts and the measures necessary to minimise such impacts.

#### **BCP Tourism Liaison Manager - Support in Principle**

154. Confirmation of Hotel Room Numbers – Existing and Proposed Confirmation is required of the current number of rooms available across the existing three hotels, along with the number of rooms that will be delivered as part of the development to determine the actual net number of rooms as part of the development. This includes planning application documentation that clearly shows the suites at Harbour Heights can be subdivided to provide two separate letting rooms. At present, the applicant has advised that the majority of suites within the Harbour

Heights Hotel are intended to be two double bedrooms with the ability to subdivide them into two separate letting rooms if needed, giving the potential for up to 74 rooms being available, but this detail is not clear within the submitted documents.

155. Confirmation of Public Access to Hotel Facilities Confirmation that the leisure/conference/restaurant/bar/gym & spa/watersports facilities will be fully open and accessible to non-residents and the general public throughout the year. At present, there is confusion on the accessibility of these facilities to the public (Sandbanks Hotel site). The facilities need to be available to the public to compensate for the loss of these facilities at the Haven Hotel, and presumably to be an important aspect of the hotel's viability.

156. Phasing of Development and Hotel Provision - The phasing/timing of the development programme should be kept to an absolute minimum and the work at each site should be actioned in the following order. The Sandbanks Hotel needs to be developed, completed and operational prior to the development of works at the Haven Hotel commencing. This would mean that there is still a large hotel in operation whilst the other is worked upon. If the Haven was to be developed first, then their rooms would be lost, closely followed by the Sandbanks Hotel rooms whilst that development took place. The Harbour Heights development should also only commence following the completion and operational opening of the Sandbanks Hotel.

### **BCP Tree officer - No objection**

157. Sandbanks Hotel only has shrubs and not protected trees so need for an Arboricultural Assessment for this site.

158. Harbour Heights - Arboricultural Impact Assessment and Method statement (AMS) is acceptable. There is a group of poor-quality Leyland Cypress T19 and G20, which could be removed in favour of some better replants with Maritime Pines in their place. Please condition the content of the AMS and condition a pre-commencement meeting and report from arboriculturalist once the tree protection is in place.

159. Haven Hotel redevelopment will require removal of 3 fairly low quality but visible trees. The Arb Method Statement suggests this can be mitigate through replants. I would like to see a minimum of 3 trees replanted in a prominent location with adequate rooting space and above ground space to mature. The species and location and planting pits, if necessary, should be agreed by condition.

### **BCP Urban Design Comments**

160. Overall, I do not consider that the proposals at the Harbour Heights or the Sandbanks Hotel can be considered harmful to the character of those areas. I do note that the extent of the top floor of the Sandbanks hotel has been reduced in size and I believe that represents a positive change to that part of the application.

161. The comments set out here provide an updated position based on the amended plans from August 2020 which:

- Reduce the height of block B on the Haven site
- Change the materials on block C on the Haven site
- Clarify extent of the basement to support future landscaping at the Haven site
- Amendments to provide a public footpath around the edge of the Haven site
- Reduce the extent of the upper floors on the Sandbanks Hotel site

162. The proposal involves constructing three new blocks on the site. Block A to the north of the site close to Banks Road and blocks B and C to the south of the site overlooking the Harbour.

#### Haven Hotel Site

163. **Block A** - No significant amendments have been received in relation to block A.

Due to its scale at four storeys this building will appear more prominent in the streetscene than the existing conference centre which is two storeys to the eaves with a large, pitched roof sloping away from the road. However, the overall height of the proposed flat roofed block is comparable to the ridge height of the existing conference centre. The proposed scale and modern appearance of the block reflect the pattern of development in the Sandbanks area. This block is therefore considered to reflect local patterns of development in accordance with Local Plan Policy PP27.

164. **Block C** has been amended through a change of materials with Purbeck stone to the horizontal banding. This provides a better degree of visual separation to block B and lightens the appearance of the structure, which is welcomed.

165. **Block B** remains an extremely large block on the east section of the site. The amendments seek to reduce the height of block B through a reduction in floor to ceiling heights. The total height is now stated as being 1.8 taller than the existing Haven Hotel. The reduction in height is welcome but I remain concerned about the visual dominance of both block B and C blocks.

166. One of the overriding and key characteristics of the Sandbanks peninsular is the tree canopy and the fact that all the buildings sit below the canopy of the trees. As such in views to and within Sandbanks, buildings appear nestled amongst the trees and the landscaping is any important characteristic.

167. The landscaped nature of the peninsular is readily apparent from views out of the Purbeck part of the Dorset AONB and other parts of Poole, including higher vantage points at Upton Heath and Canford Heath. The existing tree and other vegetation cover is noted as being an important part of the character of the Sandbanks peninsular within the Poole Landscape Character Area Assessment, The Shoreline Character Area SPG and the Poole Characterisation Study.

168.While the elevation plans show the indicative tree lined back drop above the proposed buildings this is indicative and is not apparent in the verified CGIs. From an additional site visit it is clear that the treed backdrop would not be visible in views of the site from Shell Bay.

169.While the proposed building is shown on the elevations as 1.8 meters taller than the existing building, the existing building is not a uniform across its width, with the wing facing the car park being lower and a different angle. The additional height over the existing building in combination with the position of the proposed blocks and their footprints continue to result in the blocks being taller than the backdrop of trees. While in longer views from high points this is unlikely to be noticeable it will be readily apparent in views from Shell Bay, within the Dorset AONB.

170.I remain of the opinion that the increased height fails to reflect the important local characteristic of building being subservient to the tree canopy and introduces and overtly dominant form of development.

171.I acknowledge that the location of the site is in some respects a gateway location marking the entrance to the harbour, and while this may justify a landmark in this instance, I do not believe a landmark should be achieved through the introduction of a tall building which does not respond adequately to its context. A landmark can just as effectively be achieved through a strikingly designed lower scale development.

172.I have previously suggested that a floor of development should be removed to enable the landscaped backdrop to the site to be made visible. The applicant has provided a response to these concerns stating that the height of the development did not factor in the Secretary of States EIA of the screening opinion. From an EIA perspective this is a valid conclusion; but not in relation to Policy PP27 of the Local Plan which requires development to reflect or enhance local patterns of developments and Policy PP31 of the Local Plan which requires proposals have regard to the landscape setting of the town.

173.Other points - Clarification surrounding the extent of the basement and commitment to tree planting between the blocks is welcomed. The landscaping is important to differentiating between the blocks and enhancing their setting. The use of basement car parking to reduce the amount of hard standing on the site is also a positive feature.

174.However, these aspects do not outweigh my overall concern with the scale of the blocks at the Haven Hotel site.

### **BCP Ecologist – No objection subject to conditions and mitigation**

175.The Biodiversity & Landscape Enhancements plan proposes use of Erigeron ‘Sea Breeze’ which is very invasive, and the suggested rhododendron should not be used but replaced by native species.



176. Some of the species to be encouraged are inappropriate as they require highly specialised habitat that is not supplied by this development and do not occur in the immediate area and are not native.
177. At present this is more a landscape plan than biodiversity plan, especially as many plants are garden cultivars, with just mention of bat boxes on trees, without giving number and ideally some should be built into buildings to give long term enhancement as boxes on trees are liable to be lost due storms and future arboricultural work.
178. Although bat boxes are proposed on the plans, the locations shown for these bat boxes, all bar the last, appear to be near windows, so not located away from direct effect of man-made lighting, which is advisable for bat boxes to have chance of being used. If the area beneath these boxes will be accessible to residents, this activity could deter use by bats.
179. Within Biodiversity & Landscape Enhancements plan there is mention of bee and bug hotels but no detail. While the specifications within soft landscaping notes, while suitable for some species, will not be suitable for all that require low nutrient sandy soils.
180. The above are details that could be resolved by condition, and also recommend that windows facing seaward or to the harbour have reduced light transmission windows and no internal lighting below top of window lines, to reduce effect of light from development on birds and bats that move through this area. If a Heathland warden is secured in relation to heath and harbour SPAs, then I have no objection as that would provide the necessary Biodiversity enhancement and mitigation.

### **Dorset CPRE – Object**

181. The view from the protected land at Shell Bay would be severely impaired by the proposed re-use of the 'Haven Hotel' site. The proposal is an inappropriate over-development and would have an adverse impact on the character and safety of the area and its setting. The proposal reduces tourist choice and would lead to the permanent loss of employment opportunities in the tourism industry. Concerns relating to the timeframe for delivery of the development.

### **Dorset Police (Crime Prevention and Design Advisor)- Comments**

182. Harbour Heights Hotel Site - Parking accessible from Haven Road is set back from natural surveillance and screened by trees. No mention of any gate to control access to the main car park which may lead to security/intrusion problems. The hotel function rooms will make the control of parking and access a challenge given the number of visitors.

- 183.Sandbanks Hotel Site -This area suffers from anti-social behaviour problems in the summer months and therefore careful attention should be paid to gates and entrances. An outdoor pool and water activity area will attract people that are not guests. Security would be needed to the access to the ground floor car park and exits from the car park to the building will need to be security controlled, particularly the lifts and emergency exit. The siting of the function room on the 5th floor will also need careful thought in terms of access and movement.
- 184.Haven Hotel Site - The underground parking requires controlled access and egress. Security will need to be carefully built-in as there are 4 external emergency access points, two of which are at the bottom of a flight of steps that surface in locations in areas with public access. Restaurant access and security will need careful monitoring. The public realm should not be accessible through the residential private zone allowing an intruder scope to gain access to private areas without risk of challenge. Access to the site during the summer has been quite problematic as a small hotel. There is potential for an exacerbation of the angry exchanges that already take place at this location. It is unlikely that residents will want to travel by bus or bicycle to the extent that the Transport Assessment suggests.
- 185.Any activities/works taking place within the Marine area below the mean high water springs mark may require a marine licence from the Marine Management Organisation in accordance with the Marine and Coastal Access Act (MCAA) 2009. A wildlife licence is also required for activities that would affect a UK or European protected marine species.

### **National Trust - Object**

- 186.Height and scale of the proposed residential blocks at the Haven Hotel site. This includes their impacts on the character and appearance of Sandbanks and the views and setting of the Dorset AONB, and the use of the nearby Dorset heathlands.
- 187.Landscape and Visual Impact Assessment (LVIA) The proposed development at the Haven Hotel site will not closely match the height of the existing building as stated in the LVIA. The visualisations of the new buildings suggest that, unlike the existing hotel, the proposed Blocks B and C would not have a backdrop of trees. The LVIA does not include images with the proposals transposed onto the existing (baseline) views, which means the conclusions of the LVIA cannot be effectively reviewed.
- 188.The LVIA notes that visibility will be greater in winter, whilst apparently basing its conclusions on summer months only. The LVIA concludes that no “adverse” changes will result at the various viewpoints. In reality, the proposed development would be notably more prominent in many local and long-distance views, without a backdrop of trees, and is therefore likely to have an adverse impact on landscape and visual amenities, including the setting of the AONB and Heritage Coast. The LVIA shows that the considerable bulk and massing of the proposed blocks would be clearly visible from Purbeck to the south and Brownsea Island to

the west. Significant concerns in respect of the height, scale and form of the proposed blocks continue to apply. This relates to the impacts on the views and setting of the Dorset AONB, as well as on the character and appearance of the Sandbanks peninsula itself.

189. Ecological Impacts Concerns remain regarding the potential recreational impacts of the proposed development on the Dorset Heathlands. It is noted that the applicant is offering to fund a warden post to mitigate the impacts of the proposed residential development (119 units). However, the Trust has not agreed to take on the employment of any warden post and any such references to the National Trust should therefore be removed. Moreover, it is not considered that the proposed warden post would mitigate the increased use of the nationally important sites of Studland and Brownsea, and it could by default lead to increased usage.

#### **NHS Dorset Clinical Commissioning Group – No objection**

190. The increased population would have an impact on the local NHS resources in terms of Primary and Community Care. A financial contribution is therefore requested to fund the additional NHS infrastructure. Following the submission of revised proposals and the reduced number of residential flats that are proposed at the Haven Hotel site from 196 to 119 units with an associated reduction in the number of potential patients from 470 to 285 patients (based on an average occupancy of 2.4 persons per unit), it is advised that a contribution of £13,993 would be required to fund additional NHS infrastructure to meet the demand arising from this increased population. These requirements are no longer secured through S106 agreements.

#### **Poole Harbour Commissioner – Comment**

191. During the construction phase due consideration needs to be given to the lighting of the site and its impact on the navigational channels.

#### **Poole Quays Forum – Object to Parts of application**

192. HAVEN HOTEL -This is Poole's premier site, and it deserves the very best treatment. The loss of a hotel in favour of flats is regrettable. The 'privatisation' of the site is unacceptable.
193. The hotel has provided free public access overlooking the spectacular entrance to Poole Harbour with wonderful views across Poole Bay, Old Harry Rocks and Studland. This should not be lost.
194. Block C in particular enjoys a wonderful aspect across the busy harbour entrance to Shell Bay and the Purbecks beyond – a magnificent location for a restaurant, bar, terraces and lawn directly accessed from the beach and ferry. The developer has the opportunity to massively benefit from the redevelopment of this site and in return for that opportunity, it is reasonable to expect benefit to the public realm. In terms of architectural form, disposition of the separate blocks

and scale, the proposal works well. The architectural style is predictable given the Sandbanks context - international, modernist, inoffensive, mercifully under-monstrative but rather bland, repetitive and uninspired. Given that the ground floor spaces should be public, a grander scale would work here, with a progressive declension in scale through the storeys above.

195.SANDBANKS HOTEL - We are pleased to note that this site will continue as a major hotel facility. The scale is considered acceptable as is the organic, sinuous plan form. This is a welcome, light-hearted and festive approach which works particularly well on this very prominent beachside location.

196.HARBOUR HEIGHTS- If the restaurant/bar/terrace areas overlooking the Harbour are made available to non-residents, the loss of hotel rooms would be adequately mitigated. The scale, form and architectural detail are all considered acceptable. The most significant view of the development will be from afar. The crisp layered form, hopefully with the 'green' roof planting spilling over the elevations, should work well.

### **RSPB – Object**

197.Impact on Bird Species - Lack of surety that the proposal will not have associated impacts on nearby protected areas and features. Bird Surveys have been provided. Impacts on migratory bird movements have now been lessened by the reduction in building height. More comprehensive assessment of potential impacts should have been undertaken (terns foraging and breeding area) and appropriate mitigation proposed.

198.Recreational Pressure on Dorset Heaths/Poole Harbour - Potential impacts of increased recreation on the Dorset Heathlands and Poole Harbour does not appear to have received any consideration.

199.Potential increases in recreation and associated impacts on protected sites should be considered and satisfactorily mitigated.

200.Biodiversity Enhancement - Bio-diversity Enhancement proposals have now been put forward. No information to outline how the development results in a net gain in biodiversity. The plans appear to show green roofs and landscaped areas but without a landscape and management plan it is not possible to ascertain if these areas will contribute to local wildlife. Given the scale of this development the applicant should commit to maximising green infrastructure opportunities and features to increase biodiversity value.

### **Representations**

201.A notice of the application was put in the Bournemouth Echo, letters were sent to neighbouring properties, a site notice was posted outside the site and further consultation was carried out following amended plans. In addition to the Press Notice there have also been several press articles in the Bournemouth Echo and

the Daily Mail submitted by the applicant and by the Sandbanks Community Group, which have generated further consultee responses.

202. Over 6000 representations have been received. Of these 37 letters are in support of redeveloping the hotels as a focus for tourism at Sandbanks and the remainder include a few with comments and the vast majority as objections opposing the loss of the tourist facility of the Haven Hotel and its proposed replacement as flats.

203. The initial application in 2017 generated 3290 objections concerned about the proposed loss of the Haven Hotel as a Hotel use on the site, and to the excessive height, scale, mass and design of the proposals on all three sites.

204. Following a local publicity leaflet drop by the Sandbanks Community Group in March 2021 and publicity in the Bournemouth Daily Echo on 8 April 2021, 2,912 duplicate letters of objection were submitted and about 100 individual representations, objecting to the potential loss of a Hotel at the Haven Hotel site.

205. The main reasons for objection from the Sandbanks Community Group in December 2020 are summarised in the list below and can be seen in full on the application website.

206. In addition to the primary objections against the proposed loss of the Haven Hotel site for hotel use, there are also many other objections to each of the three sites. The concerns raised are summarised into the categories below:

- Loss of Haven Hotel as a hotel and public amenities
- Loss of quality of hotel rooms and views at Haven Hotel site to visitors.
- Designs propose monolithic architecture, not quality or exemplary
- Scale, mass and height and of Harbour Heights, Sandbanks and Haven hotel buildings are too dominating and exceed current building heights, intrusive in street scene
- Design is out of character
- Buildings above the tree line
- Overdevelopment and intensification
- Traffic & congestion at Haven Hotel affecting air quality
- Overlooking and loss of privacy
- Loss of light
- Adverse impact on landscape and amenities
- Loss of Trees
- Adverse Visual Impact on Landscape character
- Views of protected landscape at Shell Bay harmfully impacted
- Flood Risk and safety at Sandbanks Peninsula and inadequate flood risk assessment for Haven and Sandbanks Hotels
- Flood defences detrimental to coastline at Sandbanks and Haven Hotel particularly 5m high glass screen on top of 3m high sea wall.
- Sequential test should be disaggregated across Poole not restricted to the three interrelated application sites.

- Sewage and Foul water discharge from Sandbanks Hotel and Haven apartments would be a health risk in designated swimming areas
- Inadequate and inaccurate application information labelling, scales, heights of adjoining buildings, tree and CGI images false representation,
- 159 Banks Road not part of application but shown to make site seem bigger on plans
- Condition and legal agreement essential to ensure the Sandbanks Hotel and Harbour Heights Hotels should be built and operational before first occupation of the Haven to ensure the supposed benefits of this proposed scheme do materialise for the local area and visitors to it.
- Public Access to be dedicated and secured alongside Haven Hotel and Banks Road through Sandbanks Hotel to the beach at Shore Road
- Inconsistent with Poole Local Plan, NPPF framework & policy
- Not an “Enabling” application loss of Haven Hotel itself contrary to tourism policy.
- Viability lacks credibility. Sandbanks and Harbour Heights could be redeveloped without subsidy from Haven Hotel site.
- Second homes are likely and will not contribute to the economy.

207. **Counsel opinions** have been submitted on behalf of both the applicant and third-party representatives regarding:

- questioning the need for an Environmental Impact Assessment,
- the basis for the enabling argument and viability
- linking three separate sites as one application
- flood risk, and sequential test

208. The Council has also taken legal advice relating to assessing three sites as one application through the cross funding of the three sites, testing viability of alternative options and approach to the sequential test These matters are discussed in the planning assessment contained within this report.

209. The matter of EIA was satisfied by the Secretary of State submitting a screening opinion for the EIA which demonstrated that the proposal did not constitute EIA development and the application was not required to provide an Environmental Statement.

## **Key Issues**

210. The main considerations involved with this application are:

- The principle of three sites forming one application
- Principle of residential development at Haven Hotel site and loss of hotel to provide two replacement hotels at Sandbanks and Harbour Heights Hotel sites.
- Flood risk, sequential test and exception test, flood risk assessment and flood defences.
- Impact on biodiversity and mitigation and enhancements
- Impact on landscape including Dorset AONB and mitigation
- Impact on trees

- Impact on the character and appearance of the area
- Impact on amenities and privacy of neighbouring and future occupants
- Impact on Highway safety, parking, access, traffic and bins
- Renewable energy provision
- Provision for affordable housing
- Planning obligations CIL/SAMM/S106/ Affordable housing
- Planning Balance
- Conclusion

## **Policy Context**

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

- |         |   |
|---------|---|
| PP1     | Presumption in favour of sustainable development<br>(Unless material considerations indicate otherwise)   |
| PP2     | Amount and broad location of development<br>(Sites suitable for residential use)  |
| PP7     | Facilitating a step change in housing delivery<br>(Proposal assists 5-year supply of housing)   |
| PP8     | Type and mix of housing (exception due to flats and location)   |
| PP11    | Affordable housing (part provided through development funding and offsite exception due to location)  |
| PP23    | Tourism (loss of tourist accommodation permitted where loss is necessary to enable investment in the remaining tourist accommodation on site or elsewhere)  |
| PP27    | Design (should reflect and enhance local patterns of development and neighbouring buildings)  |
| PP28(1) | Flats (scale, mass, width height and roof profile, spacing with neighbours, plot coverage reflects street, cars not dominant)   |
| PP29    | Tall Buildings (positive in townscape, good architecture, materials and surveillance, respect views, landscape designations)  |
| PP31(1) | Poole's coastal character and beaches (protect beachline, public access retained, siting and position, height and number of structures would not detract from views to and from the cliffs, the sea, the beach or chines) |
| PP32    | National, European and internationally important sites (only be permitted where it would not lead to an adverse effect upon the integrity)  |

- PP33 Biodiversity and geodiversity (seek opportunities to enhance biodiversity)
- PP34 Transport strategy (directing new development to the most accessible locations to reduce the need to travel, reduce emissions)
- PP35 A safe, connected and accessible transport network (developers to incorporate safe access to highway and sustainable transport measures to mitigate impacts on the wider transport network)
- PP37 Building sustainable homes and businesses (energy efficiency, minimise the need for artificial light, heating and cooling, maximise common walls, securing renewable energy generation)
- PP38 Managing flood risk (within the Council's future flood risk zones, proposals only permitted subject to a sequential and exception test. Sustainable Drainage Systems will be required for all major developments)
- PP39 Delivering Poole's Infrastructure (through CIL and S106)
- PP40 Viability (to ensure that development provides a fair contribution towards infrastructure and affordable housing, the Council will require applicants to submit a residual land value viability assessment where the applicant considers there is a viability issue with delivering a policy compliant scheme)

## 212. Supplementary Planning Documents

- Parking Standards SPD (January 2021)
- Heritage Assets SPD (2013)
- Dorset Heathlands Planning Framework (2020-2025)
- Affordable Housing SPD (Adopted November 2011)
- Poole Harbour Recreation SPD (2019-2024)
- Nitrogen Reduction in Poole Harbour (Feb 2017)
- Dorset Heathlands Air Quality Strategy (2020-2025)
- Sustaining Poole's Seafront (adopted Dec 2015 reviewing 2021/2)
- Storage and Collection of Waste in New Developments (2019)

## 213. National Planning Policy Framework (February 2021)

214. The NPPF (2021) sets out the approach to planning and the following sections apply to this proposal:

- 2. Achieving sustainable development, (in particular para 8 and 11)
- 4. Decision-making, (in particular para 38)
- 5. Delivering a sufficient supply of homes
- 6. Building a strong competitive economy (in particular para 81)
- 8. Promoting healthy and safe communities (in particular para 93)
- 9. Promoting sustainable transport (in particular para 110, 112 and 113)
- 11. Making effective use of land (in particular para 124)
- 12. Achieving well designed places (in particular 130)



14. Meeting the challenge of climate change flooding and coastal change (in particular paras 159 to 169 flood risk and 161, 162, 163, 166, 168 sequential test).

15. Conserving and enhancing the natural environment (in particular paragraphs: 174, 176, 180).

The sections of the NPPG relevant to the policies set out above.

## **Planning Assessment**

### **Principle of three sites as one application**

215. BCP Planning Officers sought legal advice on whether the three sites forming a single planning application, linked by ownership and cross-funding between the three sites to enable tourism development, could legitimately be considered as valid if determined as one application, or whether they should be dealt with as three separate applications.

216. In this instance, the proposed development of the three sites was made on three separate application forms, with three sets of plans. The three sites shared a single Design and Access and Planning Statement, setting out some detail of the comprehensive approach pursued and the relationship of the three sites to each other. The advice concluded that although consideration of development of multiple sites considered together in a single application occurs infrequently, a single application for the three sites, as proposed, is consistent with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

217. The main rationale for considering the applications as one is due to the appellant's case that there is a need for the three sites to be considered together, because the more viable aspects would cross-subsidise other less viable components. [Whilst the three sites can be considered within one application, a decision needs to be reached on the acceptability of each part, in order to then address the planning balance as a whole]. The Planning report below addresses this by considering the various issues arising in respect of each site and then reaching an overall conclusion. This and the detailed aspects of the investment case and details of the mechanism for cross-funding are discussed further in the remainder of the report.

### **Principle of residential development at Haven Hotel site to provide two replacement hotels at Sandbanks and Harbour Heights Hotel sites.**

218. Poole Local Plan Policy PP2 sets out the broad locations of development and seeks to direct the majority of development to the most sustainable parts of Poole; these are in order (a) Poole Town Centre, (b) District and Local Centres, (c) Sustainable Transport Corridors and (d) all other parts of the area.

219. The three sites subject of the application are located outside of the areas defined under (a) to (c). PP2 (d) states that development can still be located in

such locations where they are capable of delivering sustainable patterns of development including achieving a policy compliant level of affordable housing and incorporation of sustainable transport measures.

220. Having regard to the NPPF, paragraph 11 addresses the presumption in favour of sustainable development. For decision making this is identified as meaning:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies are out-of-date, granting permission unless:*
    - a. the application of policies in this Framework that protect areas or assets of particular importance provided a clear reason for refusing the development; or*
    - b. 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”.*

221. Footnote 8 identifies that the phrase “out-of-date” for the purposes of the NPPF includes applications involving the provision of housing where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing was “substantially below” (less than 75% of) the housing requirement over the previous three years.

222. The Council is able to demonstrate only a 4.1-year supply. The HDT for the Poole Local Plan area was published in January 2021. In high level terms, the 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 “substantially below” threshold of 75% - the number of homes required between 2017 and 2020 was 1,860 whereas the number of homes delivered in that time period was 1,361. This results in a shortfall of 499 Dwellings over the Local Plan target for that period.

223. 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. The implication of the Poole area failing to have a 5 year housing land supply and failing the HDT is that the NPPF's presumption in favour of sustainable development is engaged (unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see NPPF Footnote 7), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

224. In general terms, the proposed residential development may be acceptable under Policy PP2(d), but this ultimately will depend on whether it is possible for sustainable patterns of development to be achieved. The conclusion in this respect will need to be made in the planning balance section after all other issues

have been assessed, including potential impact on protected areas such as Dorset AONB and heathland, Poole harbour, and Flood risk.

225. In addition to Policy PP2, Policy PP23 sets out the policy for considering new and loss of tourist accommodation, both of which apply in the case of this application.

226. PP23(2)(a) sets out the requirements for new tourist accommodation, which applies to the proposed development on the Harbour Heights and Sandbanks Hotel sites. PP23(2)(a) states that proposals for new hotel accommodation will be supported provided that development does not have an adverse impact on the character, amenity and function of adjoining sites and the surrounding area. In this respect, the design of the Harbour Heights and Sandbanks replacement buildings (that will be used for tourism uses) is acceptable and no adverse impacts have been identified on adjoining sites and the surrounding area. These elements of the application are considered to accord with PP23 (2)(a).

227. With respect to the proposed residential development on the Haven Hotel site (that will result in the loss of the existing Haven Hotel), PP23 (2)(b) - *Existing tourist accommodation*, specifies that for:

*Proposals resulting in the loss of tourist accommodation (in the case of hotels, B&Bs and guest houses, those with 10 or more bedrooms) will only be permitted where it can be:*

(i) *demonstrated that the continued use is no longer financially viable and attractive to future occupiers in accordance with the requirements of Policy PP40: Viability; or,*

(ii) *adequately demonstrated that the loss is necessary to enable investment in the remaining tourist accommodation on site or elsewhere in Poole.*

228. In applying this policy there are two options for demonstrating that loss of a tourism use is necessary. Only one of (i) or (ii) needs to be met in order for PP23 (2)(b) to be satisfied.

229. At the time the original planning application was submitted, there was only a viability clause in the former local plan policy similar to PP23(2)(b)(i). The application originally submitted could not demonstrate, by means of a viability assessment, that the potential loss of the tourist facility of the Haven Hotel, was necessary at that time, as the Haven Hotel was still in use, and it had not been marketed. However, in 2018 when Policy PP23 was adopted, the applicant submitted viability assessments seeking to support the application of Policy PP23 (2)(b)(ii), by demonstrating that the loss was necessary to enable investment in remaining tourist accommodation on the Sandbanks Peninsula.

230. The application has been assessed by the District Valuer through a number of iterations and further work seeking to show that it can be adequately demonstrated that the loss of the Haven Hotel is necessary to enable investment in the remaining tourist accommodation on site or elsewhere in Poole (in this case, to

enable the delivery of the proposed tourist accommodation on the Harbour Heights and Sandbanks Hotels sites).

The rationale presented by the applicant is that this application for three separate developments, on three separate sites, all owned by the one applicant, is linked through the cross-subsidy provided by the residential development of the Haven Hotel site to the provision of 209 hotel bedrooms at the Harbour Heights and Sandbanks Hotels, (a reduction of 22 rooms from the existing total on all the three existing hotel sites). Investment in residential development of the Haven Hotel would generate sufficient profits to enable the redevelopment of the two existing hotels with modern facilities and accommodation.

Policy PP23 allows for the loss of an existing hotel provided it can be adequately demonstrated that the loss is necessary to invest in remaining tourist accommodation elsewhere on site or in Poole. Therefore, in this instance, although the physical site and the 114 bedrooms and tourist facilities at the Haven Hotel itself would be lost for tourism use, at a beach location, the replacement of 94 of its 116 rooms at the redeveloped Sandbanks Hotel site with a much larger hotel, modern facilities and direct beach access in the same Sandbanks location would in principle be acceptable as would the Apart-Hotel at Harbour Heights which would continue to be attractive to tourists due to the extensive harbour views. This element of the proposal would therefore be in compliance with Policy PP23 (2)(b)(ii) subject to being satisfied that it has been demonstrated to be necessary to invest in remaining tourist accommodation elsewhere on site or in Poole.

231. This cross-subsidy approach and loss of one of the three hotels was supported by BCP Tourism based on retaining as much hotel accommodation as possible in a beach location. The Sandbanks Hotel was favoured for the Hotel use given its direct beach access. Evidence has been provided in support of the application that the three existing hotels are reaching the end of their functional life and need significant investment or redevelopment to provide facilities within sustainable buildings with a lifespan of decades to come. Without such investment, there is stated to be risk of the existing tourist facilities to be lost altogether within a few years.

232. Viability review undertaken in 2018, and updated in March 2021, for BCP by the District Valuer Service (DVS), concluded that the Sandbanks Hotel and the Harbour Heights Hotel could not be redeveloped as hotels, without the redevelopment of the Haven Hotel as apartments. The input of capital and the development of the Haven Hotel as residential could provide sufficient funding to meet the tourist accommodation deficit by development at the Sandbanks and Harbour Heights Hotels and provide a payment for CIL of £1,959,922, section 106 payments of £144,071 and a surplus of £2,180,620 as a contribution towards off-site affordable housing.

233. This review showed the need for cross-subsidy, demonstrating that the flats proposed at the Haven Hotel would render a sufficiently high return to fund the replacement hotels at the Harbour Heights and Sandbanks Hotels at a profit. The

cross-subsidy from the Haven Hotel site was shown to be necessary for the re-development of the Harbour Heights and Sandbanks Hotels with sufficient profit to be viable. Such cross funding would be subject of a S106 agreement to ensure the hotel accommodation at both the Sandbanks Hotel and the Harbour Heights hotel would be fully constructed and operational before commencement of construction works for the flats at the Haven Hotel site. This would be necessary to guarantee the tourist accommodation would be provided and satisfy the tourism Policy PP23(2)(b) (ii).

234. In October 2021, further consideration was given to an alternative option, which was tested to establish whether the proposed residential re-development of the Haven Hotel was necessary to secure the redevelopment of the hotels on the other two sites. Further viability work was therefore sought from and undertaken by the applicant to test the potential for: (i) the redevelopment of the smaller Harbour Heights Hotel; and (ii) the redevelopment of the site for a new hotel to cross-fund the redevelopment of the Sandbanks and Haven Hotels as hotels. The key rationale for this was because the Harbour Heights site is within a lower flood risk area than the Haven Hotel site and would be a sequentially preferable location for residential development.

235. Although, as set out above, the Council was satisfied that the profit from 119 flats at the Haven Hotel site would be sufficient to cross-fund the redevelopment of the Sandbanks Hotel and the Haven Hotel, it was not clear whether an alternative development of the Harbour Heights' site would also render sufficient profit.

236. The further viability work for the alternative options was provided in December 2021. It was scrutinised by the District Valuer on behalf of BCP in January 2022. The viability work demonstrated that the Harbour Heights, if redeveloped as flats, would not render sufficient profit to cross-subsidise the Sandbanks Hotel, as only 50 flats would be achievable in the proposed building. It also demonstrated that if the Haven Hotel redevelopment were to be redesigned for hotel use within the 6 storey and 4 storey buildings proposed as flats, it would not render sufficient profit to assist in cross subsidising the Sandbanks Hotel redevelopment.

237. Having explored the alternative scenarios for cross-subsidising the proposed development at the more suitable (for residential) site of the Harbour Heights hotel, which is in a residential area and not at flood risk, the District Valuer concluded that the further assessments show that the redevelopment of the Harbour Heights as apartments would not cover the tourist accommodation deficits of both the Haven Hotel and the Sandbanks Hotel and there would be an overall shortfall of £11,390,120, when including the benchmark land value of the Haven Hotel.

238. Having explored the alternative scenario for retaining the Haven Hotel as a hotel the applicants have assessed a 180-bed hotel with conference facilities, bars, restaurant, gym and 180 basement car parking spaces and water sports unit. The applicants assessment showed a negative residual land value of

£7,610,000 whereas the District Valuer's assessment showed a negative residual land value of £6,354,068. Overall, both assessments showed that the redevelopment of the Haven Hotel as a 180 bed hotel is not viable, but with differing levels of negative land values.

239. Therefore, the loss of the Haven Hotel to residential use has been justified and demonstrated to be necessary to enable investment in the tourist accommodation at the other two sites.

240. The viability work and DVS appraisals have been undertaken over the course of four years and BCP Planning together with legal advice has concluded that the loss of the Haven Hotel does comply with Policy PP23(2) (b) (ii) because it would enable a redevelopment of a much larger Sandbanks Hotel accommodating 171 bedrooms in place of the 77 bedrooms currently at the Sandbanks Hotel and therefore effectively re-providing 94 of the 116 bedrooms lost from the Haven Hotel. The replacement hotels would also offer qualitative improvements as a result of improved modern and sustainable facilities.

241. As explained above, 22 bedrooms from the existing Haven Hotel would therefore be lost. Those 22 rooms could not be provided at the Sandbanks site as a result of the urban design requirements to reduce the scale and mass of the upper floors at the Sandbanks Hotel. However, the total of 171 bedrooms proposed at the Sandbanks Hotel, in addition to the retention of 38 bedrooms at the redeveloped Harbour Heights Hotel, some of which can be used flexibly and divided into separate bedrooms when needed, is considered to be sufficient, in quantitative and qualitative terms, to replace the accommodation from the loss of the Haven Hotel within the Sandbanks Peninsula.

242. It has therefore been adequately demonstrated that the loss of the Haven Hotel, would be necessary to enable the retention of almost the same quantum of tourist accommodation and investment in modernising and improving the tourist accommodation at the other 2 sites, in a location where land values are very high. The proposed development of the three sites is therefore considered to be in accordance with Policy PP23(2) (b) (ii). (As explained above, the cross-subsidy provided by the application is therefore not considered to constitute "enabling development" as described in some of the application documents).

243. Combining the social and economic benefits of accommodating 209 hotel rooms over the two hotel sites, within modern sustainable hotel re-developments added to the provision of 119 residential units at the Haven Hotel site, it is considered that the additional housing development would make a material and beneficial contribution to housing supply in an area that has a 5-year housing land supply shortfall. It would therefore provide an overall social and economic benefit to outweigh the harm from the loss of tourism use at the Haven Hotel site. Therefore, the loss of the hotel within this application is accepted in principle.

### **Flood Risk, Sequential test and Exception test**

### Sequential test to assess whether the proposals are in a suitable location

244. In terms of flood risk, the majority of the Sandbanks and Haven Hotel sites lie within the 2133 future flood zone as identified in the Poole SFRA 2017. A large part of the Sandbanks Hotel site, and the edge of the Haven Hotel site is also within the Environment Agency present day flood zone 3. Therefore, the majority of these two hotel sites are at risk of flooding.
245. Residential and hotel development is classified as more vulnerable development in flood risk terms, which wherever possible should be located outside of present day or future flood zones. As a result, the application in respect of the Haven Hotel and Sandbanks Hotels both would technically trigger a sequential test, as both fall into a residential classification, the Haven Hotel as proposed Use Class C3 permanent residential use and the Sandbanks Hotel as proposed Use Class C1 hotel use.
246. Given that the Sandbanks Hotel will not change use or vulnerability classification, there is a fallback position that a replacement hotel could potentially provide more flood resilient measures than the existing hotel. Therefore, in view of this fallback, it is concluded that the sequential test and exception test is not required for the Sandbanks Hotel.
247. There is no fallback for the Haven Hotel site, which is subject to a change of use application so this site needs to be assessed in terms of whether there are any suitable alternative sites in a lower risk of flooding that could accommodate the development.
248. Poole Local Plan Policy PP38 - Managing Flood Risk requires a sequential test to be undertaken in areas outside the town centre sequential test exemption area where there will be a net gain in residential units within the Council's future flood risk zones and applicants need to demonstrate that there are no reasonably available appropriate alternative sites in areas at lower risk from flooding within Poole. If the sequential test is passed, where required, the exception test should also be met.
249. The applicant submitted a Flood Risk Assessment with this application, that included a sequential test by Scott White Hookins in 2018, which was updated in 2020. In addition to the submitted information, the FRA concluded that the development could not be located anywhere else, as the Haven Hotel site forms part of three interdependent sites forming part of a cross-subsidy to redevelop two tourist hotels in the Sandbanks Area. In view of the information submitted and assessment of locational restrictions of the site, the applicant concluded that the sequential test is passed, when assessed over an area of search encompassing only the three application sites.
250. BCP Planning sought legal advice about the basis upon which the sequential test should be undertaken, with regard to the applicant's sequential test limiting

the area of search to within the three sites of the application, given the necessary cross-funding from the flats to support the two hotel developments

251. Legal advice confirmed that consideration of what is a reasonably appropriate alternative site, depends upon the circumstances of the case, which requires a pragmatic approach (as set out in the NPPG); and that this also supported further viability work being carried out, before undertaking the sequential test, to investigate whether the flats proposed at the Haven Hotel site could be located at the Harbour Heights site, which is in flood zone 1 and where no sequential test would be needed.

252. As explained above that further viability work was carried out by the applicant and assessed by the District Valuer for BCP. It demonstrated that it would not be a viable alternative to locate the flats within flood zone 1 at the Harbour Heights Hotel site.

253. BCP Planning Policy then applied the sequential test, which has been summarised in the Planning Policy Consultation section above and can be viewed in full on the application website.

254. Whilst noting that the area of search for alternative residential sites is normally the Poole-wide area, the BCP sequential test has had regard to NPPG (paragraph 033), which gives guidance on how the area of search might be applied to the sequential test. It states:

- *“For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.”*

255. It goes on to say that,

- *“When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.”*

256. This advice allows consideration of the availability of sequentially preferable sites that can deliver the necessary financial return for the proposed development, rather than simply assessing sites that could deliver the number of dwellings proposed.

257. Therefore, providing the investment in tourist accommodation can be justified as compliant with tourism policy PP23 (see above), a more limited area of search in the Sandbanks area would be reasonable and pragmatic in accordance with NPPG paragraph 033.

258. The principle of the residential development being necessary to fund the two hotels, whilst involving loss of the Haven Hotel, has been justified, as set out in paragraphs 214 to 232 above. It has been accepted through viability work confirmed by the District Valuer, on behalf of BCP, that the loss of the Haven Hotel



is needed to sustain the existing community benefits of two new hotels, generating sufficient financial benefit to support the two hotel sites which form part of the proposal. The hotels are needed in this location and the flats are needed in this location in financial terms to enable the two modern hotels to be close to the sea to fulfil their tourism purpose.

259. The sequential test is therefore passed for the Haven Hotel because it has been adequately demonstrated that the area of search for alternative housing sites should be limited to the Sandbanks Peninsula within which there are no suitable alternative sites.

### **The Exception Test**

260. The exception test is defined in paragraph 022 of the NPPG as a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

261. The NPPF at paragraph 164 requires both parts a) and b) of the Exception Test to also be passed:

*“a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

### **Exception Test a) Wider sustainable benefits to the community**

262. The key sustainability benefit to the community would be redevelopment of two aging hotels, which otherwise may fall into further disrepair and potentially even be lost to other uses. The hotel industry is an important part of the economy for Poole. Whilst the proposal would result in a small reduction of 22 bedrooms in hotel accommodation, it would result in a significant improvement in the quality of such accommodation available in this popular tourist destination, which is important to the Poole economy. The hotels would be for public use with restaurant facilities, bar and entertainment and function areas for use by the public together with public outdoor spaces and balconies. The Harbour Heights and Sandbanks Hotels would both provide a larger facility than existing on each site which would be a positive addition to the area and help support and sustain the ongoing attraction of Sandbanks as an important tourist destination for the town of Poole, as well as provide jobs in compliance with tourism policy PP23.

263. The application would also deliver 119 new homes. The delivery of new homes in an area that is experiencing under delivery would contribute to addressing the housing shortfall in compliance with policy PP7. There would also be a contribution secured through viability assessment of £2,180,620 for affordable housing offsite in an area where land values are lower, so that the maximum number possible of affordable homes could be secured in compliance with policy PP11.

Meeting housing needs is an important aspect of the social objectives of sustainable development and along with the benefits that will arise from the enhanced tourism uses is considered to assist towards meeting the exception test.

264. There would also be multiple sustainability/community benefits in addition to the economic and social benefits of hotels and residential development. The full range of planning issues are addressed in the planning balance below, including biodiversity and landscape mitigation for environmental impacts, landscape compensation for tree loss, sustainable transport improvements provision of new and public access routes to the beach and leisure and recreation facilities (policies PP31, PP24, PP26, PP35).

265. Overall, it is considered that the application would pass exception test criterion a) because there would be wider sustainability benefits to the community outweigh the flood risk.

#### **Exception Test b) Flood Risk at Haven Hotel site**

266. The proposal also needs to pass the mitigation criterion b) - *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.* The EA responses (letters dated 4 Dec 2020 and 10 June 2021, 21 July 2021, and 4 May 22) conclude that the current FRA (Revision 4) does not provide a suitable basis for the local planning authority to assess the flood risks arising from the proposed development or allow them to consider whether the mitigation measures proposed are adequate.

The proposed non-residential uses of a gym and restaurant are considered 'less vulnerable' forms of development within Flood Zones and are considered appropriate uses for the ground floor of the buildings at the Haven Hotel site.

267. However, there will be about 20 flats at ground floor level within the Haven Hotel site which would be highly vulnerable to flood risk, being permanent residential use.

268. In this instance the exception test fails because, as the EA has explained the ground floor flats in block C and most of block A cannot be delivered in a flood resilient manner, given the proposed floor layout. There also remains a question about whether any permanent residential use on this site would be able to allow for suitable emergency egress at times of flooding.

269. Given the incomplete flood modelling work and lack of an updated FRA incorporating approved flood modelling, it is not possible to secure flood resilience measures. Furthermore, residents may not be able to escape to higher ground in the event of an emergency given that the site is surrounded on two sides by the sea and the means of egress by car may be closed at times of flooding. These scenarios would need to be appropriately modelled to offer security that such substantial buildings could be flood resilient in the long-term.

270. In this instance the most vulnerable use, being residential use, is proposed to be located where there is greatest flood risk, at the Haven Hotel site. Residential units are proposed at ground floor level and over all 6 floors. It has not been demonstrated how or where residents could escape to higher ground in the event of an emergency, given its location at the tip of the Sandbanks peninsula or within the building, as the higher levels of apartments are not publicly accessible areas.

271. Therefore, the proposed development does not demonstrate that future owners/occupiers/visitors at the Haven Hotel site will not be at risk of flooding from the sea for the lifetime of the proposed development (minimum 100 years). In view of the EA response, and based on the current application documents, it is concluded that part (b) of the exception test is failed. The NPPF para 165 states that both elements of the exception test should be satisfied for development to be permitted. Failure of the exception test is a significant material consideration that weighs strongly against the grant of planning permission.

### **Flood Risk Assessment and Flood defences from the sea**

272. The Environment Agency has consistently objected to the proposals, with responses in May 2017, July 2018, December 2020, June, July and October 2021, and February, March and May 2022. Their final objection states that overall, the proposal remains unacceptable in flood risk terms failing to comply with Policy PP38 of the Poole Local Plan and the NPPF paragraphs 159 and 167.

273. As the Sandbanks Hotel site and the Haven Hotel site are both exposed to the open coast (Poole Bay), the Flood Risk assessment should include a flood hazard appraisal of the risk from the sea, taking into account consideration of wave action / wave overtopping. The Environment Agency have reviewed this element of the FRA dated September 2020 issue 4, in December 2020, but do not consider it adequate because it does not appraise in full the flood risk from the sea for the lifetime of the proposed development (minimum 100 years for residential) or provide sufficient sensitivity modelling of wave overtopping on a site-specific basis to design a suitable FRA.

274. There have been several attempts at addressing the flood modelling in April, June and November 2021, with information provided by the applicant's flood engineers Waterco, but the modelling submitted did not provide the EA with confidence that a revised FRA could be designed for flood resilience. The Waterco wave overtopping report dated June 2021 showed future scenarios, where the site would have significant levels of sea water inundation within the site boundary, representing a 'Danger to Most'. It appeared that the car park and main entrance to Banks Road at the Sandbanks Hotel would be most affected under future flood scenarios.

275. The EA noted that modelling submitted in November 2021 in relation to the Haven Hotel and Sandbanks Hotel sites, showed an improvement on the previous iteration. However, the EA stated: *"the model is still not fit for purpose, and we therefore maintain our objection to the proposal"*. They also requested it be

noted that they have not accepted any layout or site/floor levels or basement car parking, as these are elements that need to be designed and supported in a detailed FRA and which must be clearly supported and informed by any agreed outcomes of the hydraulic modelling.

276. Therefore, to give more confidence in the wave overtopping and proposed flood defence heights needed, the EA requested on 24 March 2022 that further sensitivity tests should be carried out.

277. On 24 March 2022, the applicant responded by withdrawing from any further instruction of work on the flood modelling, and requested the application be determined on the basis of the flood modelling work undertaken to date and the FRA version 4 submitted in September 2020 by Scott White Hookins.

278. The FRA 2020 states that a sea defence wall exists along the entire southern elevation of the Haven Hotel site at present with steps leading down to the beach between 1 and 1.5 metres AOD. The FRA 2020 suggests the height of the wall proposed would be set at 4.42m AOD, approximately 1m above typical external ground levels with a hedge planted on the inside of the wall. A new 2m wide pedestrian walkway and ramp down to beach level would be formed outside the line of the wall to maintain pedestrian access along the southern boundary of the site.

279. This was altered on the Haven Hotel site layout Plan 8785/500N dated 2<sup>nd</sup> December 2021 with annotations stating that the top of the wall would be 4.42 metres AOD topped by reinforced glazing to 5 metres AOD on one side of the public footpath to withstand wave impact. On the inside of the public footpath there would be a reinforced glass and steel wave defence wall 7.75 metres AOD with stainless steel frame and reinforced glass to be designed. This design was not supported by an updated FRA, or any explanation, other than annotations on the plans to explain what was proposed, but not how it had been calculated to be necessary.

280. At the Sandbanks Hotel an existing sea defence wall runs along the entire south-eastern elevation with steps down to the beach at approximately 2.0m AOD. The FRA 2020 stated that a new boundary wall would be constructed along the beach frontage to a minimum height of 3.6m AOD and would provide a flood defence along the south-eastern boundary of the site. However, on 2<sup>nd</sup> December 2021 an amended site layout plan 8785/100M for the Sandbanks Hotel was submitted. This plan stated that the existing sea wall would be raised to 4 metres AOD and reinforced wave impact glass to 7.05 metres AOD (reinforced glass to top of wall to specialist detail and design specification). This design was not supported by an updated FRA or any explanation, other than annotations on the plans, to explain what was proposed, but not how it had been calculated to be necessary.

281. Therefore, the EA remains concerned about the level of flood risk at the Sandbanks and Haven Hotel sites, and in particular the introduction of basement car-parks to both sites and ground floor self-contained flats at the Haven Hotel site.
282. Flood modelling work was carried out by the applicant with the aim of improving the model, wave data, model calibration, sensitivity testing, and testing of post development scenarios and results provided by the applicant. However, this work never reached the stage where the Environment Agency flood modelling team could have confidence in the modelling data, so that it could form a suitable basis for the design of a new site-specific flood risk assessment.
283. On 9<sup>th</sup> February 2022, the EA commented that, until they have accepted the modelling, it is not possible for the applicant to undertake a detailed Flood Risk Assessment (FRA) to support any proposed designs on the Haven and Sandbanks Hotel sites. They emphasised that the amended plans showing flood defences with a hydraulic glass wall and increased height of boundary wall the proposed Haven Hotel and Sandbanks Hotel sites 'Block and Location Plans' (Drawings 8785/500 N and 8785/100 M respectively) and Sections/Interactive Rear Street Scene (Drawings 8785/514 J and 8785/108 E respectively) have not been accepted, nor is the EA satisfied with any layout or site/floor levels or basement car parking in particular. These elements would need to be designed and supported in detail within a detailed FRA which must be clearly supported and informed by any agreed outcomes of the hydraulic modelling.
284. The suitable design of flood defences is dependent on the confidence secured by the flood modelling, particularly at sensitive locations it would identify. Therefore, the FRAs submitted to date do not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance (PPG).
285. Without the completed modelling assessment work, it has not been possible for the applicant to produce an FRA which demonstrates that any flood defence or development designs are satisfactory (i.e., that the development will be safe over its lifetime, and that there is no resultant increase in flood risk elsewhere). An approved site-specific FRA is also crucial to determining elements such as emergency planning.
286. Emergency Planning – The EA also has significant concerns about the level of flood risk shown in the modelling outputs for the Sandbanks Hotel. The wave overtopping report shows that under the future 0.5% 2021 scenario that this site, around what appears to be the main courtyard & entrance, is subject up to 2.4m of flooding, representing a significant risk.
287. Following the completion of modelling work and based on the information available in the current report, the EA advised that this should be assessed by Emergency Planners and that a suitable plan would need to be agreed demonstrating how the risk represented due to significant depths of flooding

around the building, could be suitably managed over the lifetime of the development. Although a consultation request has been made to BCP Emergency Planning on 11th May it is anticipated that it will be difficult for them to make an informed comment before the modelling work is completed and an updated FRA has been provided. However, due to concerns raised about flooding of the basement car park, it has still not satisfactorily demonstrated that emergency escape would be achievable at the Sandbanks Hotel.

288. Given the statutory consultee objection from the Environment Agency to the proposals and with the exception test failed, it is concluded that the proposals represent inappropriate development in areas of flood risk, failing to comply with Poole Local Plan Policy PP38 Managing flood risk and the NPPF Planning and flood risk paragraphs, 159, 164 and 167; and with flood risk assessments that do not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance (PPG).

289. The Town and Country Planning (Consultation) (England) Direction 2021 requires that if the Planning authority is minded to grant permission for the development where (as here) there has been a sustained attempt from the Environment Agency to seek changes, but has concluded that it is unable to withdraw its objection, the Secretary of State would need to be notified on this application before a decision could be made.

### **BCP Local Lead Flood Authority - Sustainable Drainage**

290. BCP Local Lead Flood Authority identified the main flood risk to the two coastal sites is coastal flooding, especially taking into account climate change, dealt with by the Environment Agency above.

291. However, there is some minor predicted surface water flooding identified from existing paved areas and the entrance of the basement car parks proposed.

292. Following amended plans to show the threshold height of basements at Sandbanks and Haven Hotels sites being 3.6m and permeable surfacing of the access road and ramps into the underground car park, it is accepted that surface water strategy and management could be accepted subject to condition, to prevent surface water flowing into the basement car parks.

293. It is accepted that surface water drainage has been suitably amended and could be managed through conditions on an approval, requiring a surface water management scheme to be approved, showing details of maintenance and management of the surface water sustainable drainage scheme, to include a plan for the lifetime of the development.

### **Dorset Heathland, Poole Harbour Nutrients impacts and Heathland warden mitigation**

294. The development of the Haven hotel site will lead to additional recreational impacts arising from additional residents on the Dorset Heathlands and in Poole Harbour SPA, Ramsar.
295. The presence of a Heathland warden based at the Haven Hotel site, would facilitate contact with visitors as they await entry to the ferry, with resources to provide information about the nature of the Dorset heathland and Poole harbour protected wildlife and landscape and areas of public access.
296. These measures would be secured via S106 agreement as appropriate mitigation for visitors accessing the Dorset heathlands during the sensitive summer months and for recreational users of Poole Harbour in the sensitive period of the autumn and winter months to avoid an adverse effect on these protected habitats in compliance with Policy PP32 of the Poole local plan and NPPF section 15 Conserving and enhancing the natural environment.
297. Appropriate mitigation for Strategic Access Monitoring and Management (SAMMS) of the Dorset Heathlands has been agreed and would be secured through a S106 agreement to mitigate recreational impacts on the protection heathland.
298. The application will also generate additional levels of nitrogen nutrients in Poole Harbour SPA, Ramsar. Appropriate mitigation for nitrogen reduction in Poole Harbour has been agreed in principle and would be secured through the Community Infrastructure Levy (CIL) mechanism to satisfy.
299. An Appropriate Assessment has been provided by BCP Planning with regard to the requirement under the Conservation of Habitats and Species Regulations 2017, such that where mitigation contributions are necessary and provided through its CIL, it is certain that sufficient funds will be available to secure the contributions which the AA bases its conclusions. This has been scrutinised by Natural England and it confirms that the application would not have an adverse effect on the designated habitats/European sites.
300. A scheme for biodiversity enhancements at the site in accordance with Policy PP33 of the Poole Local Plan could be secured by condition. This would recognise the limitations of the three sites in respect of likelihood of wildlife currently existing at the sites and would seek revised plans with appropriate planting mix and more appropriate locations for bird and bat boxes by condition.
301. Some of the species of plants shown on the site layout plans are inappropriate and would need to be replaced with native plants. Positions of bat boxes would need to be amended. Although bat boxes are proposed on the plans, the locations shown for these bat boxes, are not located away from direct effect of man-made lighting. A condition would also require that windows facing seaward or to the harbour have reduced light transmission windows and no

internal lighting below top of window lines, to reduce effect of light from development on birds and bats that move through this area.

302. Mitigation through the provision of heathland and harbour warden with office at the Haven Hotel site in perpetuity, to advise and promote the wildlife and landscape and recreational protocol in these areas, is recognised as the primary biodiversity benefit by Natural England and BCP biodiversity officer. In combination with the biodiversity enhancements proposed for each of the three sites, where limited opportunities exist, the whole package of biodiversity mitigation is considered to be acceptable and compliant with Policy PP32 and the NPPF section 15 - Conserving and enhancing the natural environment.

### **Dorset Heathland Landscape setting impacts and mitigation and Dorset AONB landscape compensation**

303. Natural England Landscape adviser together with BCP Planning and Dorset AONB representatives sought a way for the landscape impacts of the 6<sup>th</sup> storey Height of the Haven Hotel, above the natural tree line and affecting views of the Dorset AONB, to be fully mitigated to overcome the objections from the Dorset AONB Officer. Natural England judged that despite the reduction in height and other alterations to the structure's adverse effects on the statutory purpose of the Dorset AONB remain, in as much that the natural beauty of the designation will be harmed by the scheme.

304. The NPPF paragraph 176 specifies that great weight should be given to conserving and enhancing landscape and scenic beauty and that within the setting of designated areas, such as the AONB, development should be sensitively located and designed to avoid or minimise adverse impacts.

305. The final redesign of the flats at the Haven Hotel in August 2020, to reduce the height and scale of the three blocks and alter materials to natural stone on Block C, closest to the Dorset AONB, have been viewed as embedded mitigation. Secondary mitigation in the form of tree planting and landscaping has also been incorporated into the design. However, these measures were not considered to be sufficient to reduce the adverse effects on the landscape setting of the Dorset AONB to an acceptable level.

306. As further embedded and secondary mitigation measures were not possible, Natural England, Dorset AONB and BCP Planning, considered offsite moderation measures would be appropriate in this instance.

307. Natural England has advised that the package of offsite moderation measures proposed by the Dorset AONB partnership would fulfil the requirement contained in paragraph 176 and would deliver a package of measures consistent with those already agreed as mitigation by Parengo for the Wytch Farm oil field.



308. Considering the geographical extent of the AONB which will be adversely affected by the scheme, the Dorset AONB package would be proportionate and provides for future flexibility through the nature of funding offered.
309. Dorset AONB Officer states that in order to offset the effects of the proposal that have not been fully addressed through design mitigation measures already undertaken, impacts arising from the increased mass and height of the building, as well as other features, including the increased amount of glazing that will be visible from the AONB, could be compensated for by the funding of mitigation measures that conserve and enhance views out from the AONB, as well as measures that improve landscape quality within the AONB.
310. The aim is to counterbalance the visual effects of the extra height of the proposed flats at the Haven Hotel site above the tree line on highly sensitive locations in relatively close proximity, by funding wider enhancement measures within the AONB, and in locations that are prominent in views from the AONB, such as parts of the Sandbanks peninsular.
311. The compensation package based on the Wytch Farm Landscape Fund has secured an upfront contribution of £100,000, to be paid upon commencement of development (including the demolition of the existing buildings at any of the hotel sites, as they all form part of the same application). Further to this, annual payments of £10,000 per year (index-linked) will commence 12 months after the occupation of the first flat in the development of the Haven Hotel site and continue for 80 years.
312. This funding will be primarily spent within the AONB up to 10km from the development site to conserve and enhance the character and appearance of the designated landscape. A portion of the funds may also be used for wider initiative that soften the appearance of the urban area when seen from the AONB, such as funding the tree planting within the Sandbanks and Poole areas.
313. This fund to be secured via S106 for landscape compensation off site, has overcome the initial objection from the Dorset AONB to the amended scheme. It seeks to strengthen the character of surrounding landscape and to ensure the application can comply with NPPF paragraph 174a) by protecting and enhancing valued landscape and paragraph 176 by apportioning great weight to the Dorset AONB by ensuring that development within its setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. This has also addressed Policy PP31(b) of the Poole Local Plan where development in the Coastal Zone will be permitted where it preserves the landscape character areas of Poole harbour and the setting of the Dorset AONB.
314. However, should the application be refused for other reasons, and the landscape compensation not secured through the S106 agreement, then great

weight would be applied to the adverse effects on the AONB landscape from the 6<sup>th</sup> storey height of Blocks B and C at the Haven Hotel site proposed. In this event a reason for refusal would be required, based on the adverse impacts to protected landscapes.

### **Impact of design, scale, layout and materials on character of the area**

315. The evolving character and prevailing pattern of development of the Sandbanks Peninsula and Haven Road towards Canford Cliffs has been modern architecture, following approval of apartment blocks, shops restaurants and other commercial uses in recent decades. In contrast, the character of the dated Haven, Sandbanks and Harbour Heights hotels, retain little of their original design qualities, having been extended over many years with different design approaches.
316. The proposals to replace all existing buildings at the three sites with mainly six -storey flat-roofed buildings in a contemporary style, would result in a significant increase in scale and massing on each of the sites. However, the design of the buildings with flat sedum roofs, and curved building lines would minimise the massing. Additionally, the underground car parking would allow for a softening at ground level, with more plentiful landscaped areas than currently exists at all three sites.
317. Landscaping specification and detailed landscape layout remains a reserved matter. However, illustrative layouts of landscape on the sites have been provided. The sites of the Sandbanks and Haven Hotels currently have limited landscaping or trees due to the footprint of the proposed buildings. The underground car parking proposed would enable the reduction in the amount of hardstanding and enable soft landscaping on site to be enhanced.
318. The proposed building designs have evolved since pre-application stage to take account of design, height, scale and massing concerns raised, resulting in changes of the materials and detailing, reduction in the mass at top floors, and softening of balcony and window detailing. These changes have resulted in a scheme which would reflect the maritime location, and the evolving character of the street scenes, where there are numerous other examples of modern flat roofed buildings, some at 6 storeys in height.
319. The scale and height of the proposed buildings, as amended, is considered to be acceptable at the Harbour Heights and Sandbanks Hotel sites in relation to their settings, where the Harbour Heights is situated in a sylvan setting and the Sandbanks Hotel site is in an urban setting with little landscape at the neck of the Sandbanks Peninsula. However, the Haven Hotel site needed to respect the treeline which currently sits above the roof of the Haven Hotel site, in order to address urban design concerns and to protect the character and landscape setting at the end of the Peninsula.

320. In an attempt to address the scale of the two six storey apartment blocks B and C proposed at the Haven hotel site, at the tip of the Sandbanks Peninsula, in a sensitive headland area, landscape mitigation and tree planting on the headland has been proposed to be secured via S106, to compensate for the impact of the sixth storey height scale at the Haven site, in the long-term. Following negotiations, a way was found for this to be achieved through substantial tree planting across the Sandbanks Peninsula from a managed fund, in order to preserve the character and appearance of the treetops in the street scene and views from the Harbour and Dorset AONB for 80 years.
321. With appropriate landscape mitigation and with proposed use of Purbeck stone materials on Block C facing the Dorset AONB, the scale and character of the design it is now considered to address the concerns of the Dorset AONB officer.
322. It is recognised that the planting would take many years to mature, and the impact of the top 6<sup>th</sup> storey would be visible in that period beforehand and would sit above the tree canopy on the Sandbanks Peninsula. However, this additional height has been found acceptable in the context of the setting of the AONB and long-distance views across Poole harbour.
323. Given the projection of a reduced roof mass on the top storey and height of 1.8 higher than the Haven Hotel, it is concluded that this would not result in such an adverse impact on the pattern of development and overall character of the Sandbanks area that can't be appropriately mitigated over time with the proposed planting that can be secured via S106 Agreement, alongside established trees.
324. There are also established mature trees at 189 Banks Road immediately adjoining the site which would offer partial screening of the buildings to 5 storeys in height. Therefore, it is concluded that the impact of the top floor of the development at the Haven Hotel site would not amount to demonstrable harm to the established pattern of development in the immediate vicinity, where buildings sit below the tree canopies. Therefore, the development would accord over time with Policy PP27 or PP28 and the interim harm would be minimal given the amendments to the building design to established patterns of development and the character of the area.

## **Impact on Trees**

325. Harbour Heights is the site with the sylvan setting and has been assessed in detail by the BCP tree officer, who considers the Arboricultural Impact Assessment and Method statement (AMS) by Treecall, is acceptable and should be subject of a condition. He has identified a group of poor-quality Leyland Cypress T19 and G20, which could be removed in favour of some better replants with Maritime Pines in their place, which could also be subject of a condition and a further condition for a pre-commencement meeting and report from arboriculturalist once the tree protection is in place.

326. Implementation of the proposed development would not result in the removal of any trees. Providing excavations for the ramp are dug carefully and supervised by the project arboriculturist, the impact on tree health and amenity could be kept to acceptable levels. A cellular confinement system would be installed and the finished surface in this area would be constructed in a way that ensures water percolation and gaseous exchange to underlying roots.
327. If implemented in accordance with the Arboricultural Method Statement, then the proposed scheme would not have a detrimental impact on amenity and would be in compliance with Policy PP27 (b) and (c).
328. The Haven Hotel Tree report by Treecall would require the removal of 3 trees seen from a limited section along Banks Road and views of them will be replaced with views of three newly planted trees around the site. The loss of these trees will not have a detrimental impact on public amenity. A cellular confinement system would be installed in the area shown on plan and the finished surface in this area would be constructed in a way that ensures water percolation and gaseous exchange to underlying roots are not restricted.
329. The proposed hotel buildings are located a reasonable distance from the canopy spread of retained trees, allowing for future growth and for a harmonious relationship to be maintained between trees and buildings. Future pressure to fell or prune retained trees, is not likely to be significant.
330. A condition would be imposed to ensure the proposed basement parking would be installed using sheet piles or similar to reduce damage to roots from soil destabilisation.
331. The loss of the three trees is not considered to have a detrimental impact on public amenity subject to a condition regarding replacement tree planting to be carried out throughout the site to provide future tree cover and amenity to the area.
332. Construction of the proposed development at the Haven Hotel site would be conditioned to accord with the arboricultural method statement.
333. The Sandbanks Hotel site has no protected trees, and its landscape scheme is a reserved matter. The character of this neck of the Peninsula lends itself mainly to low shrubs native to the beach and a salty environment.
334. Overall, the impact on tree loss and surrounding amenities at the Harbour Heights Hotel and the Haven Hotel site is considered to comply with Policy PP27 (b) and (c) and would be unlikely to have a detrimental impact on amenity

## **Impact on amenities and privacy of neighbouring and future occupants**

335. There are a few locations at the Haven Hotel and Sandbanks Hotel where balconies have been identified to require obscure glazed screens, to prevent harmful overlooking of neighbouring amenity areas subject to conditions. At the Harbour Heights Hotel, the set back of the upper storeys on the north-western side improved distances with Conning Towers, and it is now considered that there is sufficient distance to protect the privacy and amenities of neighbouring residential properties.
336. A public restaurant exists at the Haven Hotel site and has a relationship with existing residential properties in the local area. Therefore, the retention of a smaller public restaurant in the proposed apartment block, with associated noise and traffic would not change the existing character of the headland or be harmful to neighbouring or future occupiers of the site.
337. Because flats would be introduced above the restaurant and gym at the Haven site, hours of operation would be limited by condition, to protect residential amenity. Similarly, a condition would be required for an attenuation report to be provided to secure appropriate noise attenuation and post completion testing within the building, to reduce this impact; and would be supported by Environmental Services.
338. The proposals on each of the three sites will be six storeys in height. There are other six storey blocks in the vicinity but the general character is of mixed heights and overlooking relationships with neighbouring gardens. The proposals at the Haven Hotel next to a detached two storey dwelling at 159 Banks Road would result in some harm to the amenities of existing or future occupiers of this site, but in consideration of the scale of the existing hotel with surface car parking there would be less disturbance from the underground parking. There is a dense and mature boundary hedge and mature trees along the mutual boundary so the impact of the extra storey height up to 1.8 metres higher than the existing hotel is not considered to cause material overlooking or loss of privacy in relation to the dwelling at No 159 or be materially harmful to their amenity.
339. The top floors of the Haven Hotel site Blocks B and C have been set back and reduced in size. The elevations have been staggered, reducing bulk and mass as the storey height increases. There are some instances whereby there could be mutual overlooking between the new buildings and the commercial buildings at Ferry Way and Golden Gates and in these cases obscure glazing could be conditioned for balconies to preserve neighbouring amenities.
340. Conditions could be imposed to prevent some areas of flat roof from being used as balconies and obscure glazed balcony screens to ensure the proposals would not result in harmful overlooking of neighbouring amenity areas. In most areas there is sufficient distance to residential properties to protect their privacy and amenities. This issue has been explored in relation to

Conning Towers adjacent to the Harbour heights and it is considered that the set back of the north-west elevation has assisted sufficiently in preventing harmful loss of privacy to the neighbouring residents.

341. In respect of accessible and safe environments (PP27 (1) e), the proposals will have windows in all elevations giving good surveillance of public or shared areas. The plans have been amended to take into account comments by the Police design officer.

342. For the above reasons it is considered that the proposals accord with those parts of policies PP27c) d) e) and PP28 1) relating to impact on local residents and future occupiers of the site.

### **Impact on Highway Safety, Access, Parking and bin collection.**

343. Policy PP34 Transport strategy seeks to direct new development to the most accessible locations, which are capable of meeting a range of local needs and will help to reduce the need to travel, reduce emissions and benefit air quality, principally in the town centre, district and local centres, employment areas and along sustainable transport corridors.

344. Although these three sites are not on the defined sustainable transport corridors they are on main roads and are suitable to meet a range of needs from residents, employment and tourists visiting the area. The area is serviced by two bus routes, the Breezer 50 and 60 which are half hourly through the main part of the day and provide sustainable access to Poole and Bournemouth town centres. There are parking meters along these roads and there is a large car park at Sandbanks and smaller car park at Shore Road.

345. Electric charging points are proposed and cycle parking in the basement car parks at all three sites and would be secured by condition to ensure sustainable travel modes are encouraged.

346. Whilst a shortfall of parking would arise at the proposed Harbour Heights and Sandbanks Hotels, the BCP Highways Officer is satisfied that sufficient parking would be provided as part of the development, alongside use of off-site parking meters in the locality, which would together be acceptable.

347. Parking would exceed requirements at the Haven Hotel site, proposed as 119 flats. The surplus is not significantly more than the BCP Parking Standards January 2021, so it is not considered that the impact of the increase could justify a refusal of the proposal on parking provision or highway safety grounds.

348. The provision cycle storage and of Electric Vehicle Charging accords with the requirements in the Parking Standards SPD 2021, could be required to be provided by way of condition.

349.The proposal is therefore considered to accord with Policies PP27 (1) f) and g) and PP28 (1) c) and d) relating to highway matters, including cycle storage and car parking subject to compliance with the necessary conditions.

350.Bin storage would be provided within the basement. Due to the nature and constraints of the sites, it is likely that collection would be by a private company and would be conditioned accordingly. The proposed residential and commercial waste elements could also be effectively controlled by planning condition. The proposal is therefore considered to comply with Policy PP27(f) and (g).

### **Building sustainable homes and businesses**

351.Policy PP37 (1) requires new development to satisfy criteria to minimise the need for artificial light heat and cooling and maximises solar gain. It sets criteria for energy efficient building and utilisation of renewable energy where possible.

352.This proposed development has been assessed in relation to its sustainable building designs in 2019 and has provided a sustainability statement. In accordance with BREEAM ratings the development is rated as an excellent rating overall which would be achieved based on the agreed strategy. The measures include minimising energy use, water efficiency, travel plan, electric recharging stations, cycle storage spaces, cycle shower and changing facilities, minimising waste recycling on site, use of local resources, secured by design and net loss of biodiversity on site.

353.Renewable energy is also proposed with ground and air source heat pumps and solar panels.

354.It also shows that the proposed new building with renewables is anticipated to have an energy use that is 62% less than the existing buildings and energy used by the buildings with renewables would provide a 67.1% difference in energy use which would be three times more than the required 20% in Poole Local Plan policy PP37.

355.The development would achieve an energy use reduction of 67.1% over those predicted by SBEM for the proposed specification. Much of this improvement comes from the use of the GSHP for space and water heating.

356.Calculations indicate that the proposed New Building it is anticipated to produce 31.4% less Carbon Dioxide emissions in regard to the standards in Part L Building Regulations 2013.

Overall, it is evident that the three buildings proposed would fully satisfy and exceed the requirements of Poole Local Plan policy PP37 in relation to sustainable building design and renewable energy and NPPF paragraph 158.

### **Provision of Affordable Housing**

357. The development has been assessed for its ability to provide affordable housing in line with policies PP11 and PP40. It has been demonstrated through a viability appraisal, independently viewed by the District Valuers, that the development can contribute £2,180,620 towards affordable housing and is therefore policy compliant. The applicant has agreed to enter into a section 106 agreement providing a contribution of £2,180,620.

358. The proposed affordable housing, would be an offsite contribution, given high land values at Sandbanks would not generate sufficient quantum of affordable homes as could be achieved elsewhere in Poole. BCP Housing prefer this option in order to provide a greater number of affordable homes.

359. The development would also provide 119 flats in an area where the delivery of housing is significantly below the housing requirement. The contribution of additional dwellings is considered to be of benefit in terms of social objectives of sustainable development.

360. The applicant has submitted a viability appraisal which has been independently assessed by the District Valuers. The conclusion is that the proposed flats at the Haven Hotel site cannot make the full a 40% contribution towards affordable housing, but it can make a surplus which would allow for a contribution of £2,180,620. This assessment was made in 2019 and updated in 2021, where the advice from the District Valuer is that the outcome would not change, having regard to the UK House Price index for BCP and the BCIS indices, where there has been a small increase in both since September 2019.

361. Whilst it has been demonstrated in the viability assessment that the scheme cannot make a full contribution of 40% of 119 flats towards affordable housing the applicant has agreed to entering into a planning obligation based on the viability assessment allowing for £2,180,620 which equates to a 20% contribution to be allocated for affordable housing offsite, where land values are lower and more affordable homes could be built. This approach is in accordance with Poole Local Plan Policy PP11 (a) and (b) and the NPPF. This viability tested contribution towards affordable housing will be weighed in the planning balance.

362. Overall, it is concluded that the residential development and offsite affordable housing is capable of delivering a sustainable pattern of residential development in accordance with PP2 (2) (b).



363. Within Policy PP8 schemes of more than 11 homes should consider the needs set out in the SHMA and other relevant evidence including self-build and custom housing. It is noted that within Poole, provision of self/build custom housing is currently exceeding identified demand. As this proposal is for a block of flats it is not considered the scheme would be suitable for self-build / custom housing.

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

364. 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. 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. CIL of £1,959,922 is anticipated.

365. 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.

366. 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.

367. The applicant has agreed arrangements with the Local Planning Authority to secure the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM. SAMM has been determined based on the 119 homes proposed at (£44,071). The proposals are therefore considered to accord with Policy PP32.

368. A further S106 Provision of £100,000 off-site landscape mitigation to be followed by £10,000 per year for 80 years to be spent on a fund for Tree Planting at Sandbanks and landscaping in Dorset AONB and Heathland has been secured to comply with Policy PP31 (1) (b).

369. In addition, and as identified in the affordable housing section above, the applicant has agreed to enter into a planning obligation in respect of affordable housing which has been viability tested to comply with Policy PP11b).

370.The S106 Agreement would also need to include details of phasing of the development proposed to ensure the two hotels would be fully constructed and ready for first use prior to commencement of the demolition and reconstruction of the Haven Hotel site for residential accommodation.

## **Sustainable Development**

371.The NPPF at paragraph 8 sets out the three overarching objectives of the planning system to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) *an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. This is also reflected in Planning Policy PP2 of the Poole Local Plan setting out the broad locations for delivering sustainable patterns of development*

372.Net gains/benefits are achieved through identifying the level of harm caused by the development and weighing that level of harm against the gains achieved economically, socially and environmentally. The weight of the harms and the gains/benefits is summarised below. This process is termed the planning balance and is used to see if the proposed development satisfies the test of being a sustainable development.

## **Benefits**

373.Economic Gains - Whilst all the planning issues intertwine, the primary benefit of two larger modern hotels of sustainable design overlooking Poole Harbour and Sandbanks would be economic gains. The developments would promote growth of the tourist economy and provide substantial construction and ongoing tourism jobs, as well as an increase in tourism occupation which

would provide inward investment to benefit the local economy, due to the increase scale and range of facilities within the two larger hotels developments.

374. Social Gains - The primary benefit of 119 new homes would be in meeting the social objective. The new flats on a main road with regular bus route would provide homes to meet the needs of present and future generations in a beautiful and safe place with accessible services and open spaces to support social and cultural well-being. The offsite payment for affordable homes would also enable a range of home sizes to meet the social needs of the community with accessible services reflecting to meet present needs. Construction of the flats would also provide economic gains through employment opportunities.
375. Environmental Gains - The primary environmental gains from the proposals would be the replacement of outdated buildings with new buildings of sustainable construction exceeding requirements for carbon reduction through design and heating systems proposed. There would also be improvements to sustainable drainage, sustainable transport with bus service and e-charging, and biodiversity mitigation and enhancement for Poole Harbour and Dorset heathlands, including on site biodiversity warden. There would also be long term benefits due to tree planting for the future generations on the Sandbanks Peninsula and also appropriate access and planting in the Dorset AONB.
376. Individually the hotel proposals would support growth of the tourism economy with new commercial development in this area, through the provision of two substantial replacement hotels with a total of 209 bedrooms. The 171 hotel bedrooms at the Sandbanks Hotel would incorporate almost all the almost all the bedrooms currently at the Haven Hotel site in addition to replacing the 77 currently on the Sandbanks Hotel. The 38 aparthotel bedrooms at the Harbour Heights Hotel would provide a new form of hotel accommodation diversifying the tourism market in this area.
377. At the Haven Hotel site, the development would provide an additional 119 flats, in an area of mixed character and uses which would boost the economy and provide a social benefit to the community,
378. The scheme would also provide 20% of the 119 apartments as affordable housing offsite. Having regard to the Council's current housing situation, the provision of this additional 119 flats is considered to be of significant public benefit.
379. When considering the two hotels proposed alongside the proposed flats with almost the same number of bedrooms as currently exist for tourism, the benefits that arise from the enhanced tourism use are significant. The contribution that this will have to the economy through provision of jobs and supporting the tourism function of the Sandbanks area are considered to be substantial material benefits that weigh in favour of the proposal.

380. There are significant social and economic benefits to the cross-subsidy between the sites as the development would provide a greater combined economic and social benefit than is currently achievable from all three sites, by providing almost the full accommodation of three hotels in two replacement sustainable hotels as well as 119 flats on site for residential use and contribution to affordable housing offsite to meet housing needs.
381. The design of the scheme will offer improved environmental benefits through sustainable design with a modern curvilinear maritime style. Designs have been modified to take account of its impact on the character and appearance of the street scene in terms of height and bulk on all three sites as well as in relation to existing development adjoining the three sites.
382. The development on all three sites would fully satisfy and significantly exceed the local plan policy requirements in relation to sustainable building design and renewable energy.
383. Measures have been introduced to address issues of amenity and potential harmful impacts with existing / future occupiers through a series of amended plans. Other amenity details and measures of noise attenuation or overlooking and privacy could be secured by condition.
384. The proposals would make sufficient provision for parking, cycle parking and accessibility appropriate bays. Residential and hotel car parking provision would be acceptable whilst encouraging sustainable travel options.
385. Environmental benefits on the sites would arise from the sustainable well-designed buildings, visual and acoustic amenity, and sustainable transport provision of e-charging and cycling facilities and location a bus route.
386. Wider environmental benefits would arise from the landscape compensation off site in tree planting on the headland of Sandbanks Peninsula to maintain the character of the pine trees for years to come and on the Dorset AONB for a period of 80 years with appropriate planting and recreational access enhancements whilst protecting the landscape.
387. Additional tree planting would be possible between the flats on the Haven Hotel site and an improved landscaped setting at both remaining hotel sites, due to the parking being provided underground at all three sites.
388. The buildings at all three sites would have green roofs which would also provide an environmental benefit.

389. Any potential harm to the integrity of protected European sites would be addressed by the securing of contributions for SAMMS and Poole Harbour Nutrients as well as further mitigation for recreational impacts on heathland and harbour through provision of a heathland warden and office for 80 years, which has been calculated and agreed in principle.
390. Combining the benefits of the potential to accommodate 209 hotel rooms over the two hotel sites, with modern sustainable hotel redevelopment added to the gain in residential units at the Haven Hotel site, the total development would provide an overall social and economic benefit to outweigh the harm from the loss of tourism use at the Haven Hotel site.
391. The economic and social benefits that would arise from the enhanced tourism developments would include provision of jobs and supporting the tourism economic and social function of the Sandbanks area. These benefits would weigh in favour of the proposal.
392. Overall, the economic, social and environmental benefits to the proposal include:
- i. Significant benefits to the tourist economy with cross-subsidy from the proposed residential development to retain almost the same number of hotel bedrooms condensed into two new modern hotels, and significant qualitative improvements to the accommodation and facilities, together with a boost to the housing supply of to 119 dwellings and a contribution towards affordable housing.
  - ii. S106 Affordable housing contribution £2,180,620, 20% equivalent of 119 flats
  - iii. S106 Provision of £100,000 off-site landscape mitigation to be followed by £10,000 per year for 80 years to be spent on a fund for Tree Planting at Sandbanks and landscaping in Dorset AONB and Heathland.
  - iv. Sustainable building design with carbon reduction exceeding requirements
  - v. Enhancements to sustainable transport, ECharging and cycles,
  - vi. New Public rights of way at Sandbanks and Haven Hotels providing beach access.
  - vii. Employment opportunities during construction of the development
  - viii. CIL of £1,959,922, following future Reserved Matters applications, as well as New Homes Bonus and Council Tax.

## **Harms**

393. The development has not demonstrated that it would be safe for its lifetime in respect of flooding taking account of the vulnerability of its users, or that it would not increase flood risk elsewhere or reduce flood risk overall NPPF para 164 b), so it would not meet the requirements of the exception test and the requirements of the relevant flood risk paragraphs, 159 and 167 of the NPPF, or Poole Local Plan Policy PP38, as it has not been satisfactorily demonstrated that the proposed Sandbanks Hotel site and the development at the Haven Hotel site would be appropriately flood resilient.

394. The flood risk policies that protect areas at risk of flooding or coastal change in section 14 of the NPPF provide a clear reason for refusing the development proposed on environmental grounds.

### **The Planning Balance**

395. In terms of the presumption in favour of sustainable development in NPPF paragraph 11, it is acknowledged that there is a shortfall of number of homes delivered against the Poole Local Plan target, where in many circumstances the tilted balance applies in favour of housing supply. However, the presumption is not engaged in this case because the policies in the Framework that protect areas at risk of flooding or coastal change in section 14 of the NPPF to the proposed development provides a clear reason for refusing the development proposed (NPPF paragraph 11(i)).

396. Further, the harms identified, including in respect of flooding, and the absence of a s.106 Agreement mean that when the adverse impacts of the development are weighed against the benefits, they significantly and demonstrably outweigh the acknowledged benefits, when assessed against the policies in the NPPF as a whole (NPPF paragraph 11(d)(ii)).

397. Therefore, the application falls to be assessed against the unweighted planning balance set out in s38(6) of the Town and Country Planning Act 1990, namely that the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

398. For the reasons set out above, there are material breaches of relevant development plan policies, in respect of flooding, and the absence of a s.106 Agreement to secure necessary obligations and, whilst acknowledging the considerable economic, social and environmental benefits, including additional housing and tourism developments, and the contribution that this would have on provision of jobs and supporting the tourism function of the Sandbanks area, there are no material considerations that justify granting permission despite those policy conflicts.

### **Conclusion**

399. Overall, for the reasons set out above, the proposal is not in accordance with the NPPF 2021 paragraphs 159, and 167 in relation to the Sandbanks and Haven Hotel sites failing to demonstrate how they would be appropriately flood resilient and Development Plan policy PP38 of the Poole Local Plan and NPPF paragraph 164 b) in relation to the Haven Hotel by failing to demonstrate that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere

400. In the context of the acknowledged shortfall in housing delivery and the operation of the presumption in favour of sustainable development in NPPF paragraph 11, it is considered that protection of areas of flood risk and coastal

change policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal (NPPF paragraph 11(d)(i)). In the absence of suitable flood mitigation measures, the development is not concluded to be capable of delivering sustainable patterns of development thereby failing policy PP2 (d) and not being a suitable location for the proposals as currently presented.

401. Further, the harms identified, including, the absence of a s.106 Agreement mean that when the adverse impacts of the development are weighed against the acknowledged benefits, they significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (NPPF paragraph 11(d)(ii)).

402. Therefore, despite the acknowledged economic, social and environmental benefits, including additional housing and tourism developments, and the contribution that this would have on provision of jobs and supporting the tourism function of the Sandbanks area, the concerns of flood risk on to the Sandbanks and Haven Hotel sites at risk of coastal flooding and with large parts of their sites within Future Flood zone 2133 and some parts within Present Day Flood Zones 2 and 3, provide an over-riding reason to refuse the development.

403. In the absence of a planning obligation to secure the required community benefits of this application and required mitigation, the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development generated by the proposal. It would therefore fail to meet the provisions of the policy PP39 of the Poole Local Plan adopted 2018 and the advice contained in paragraphs 55, 57 and 58 of the National Planning Policy Framework 2021, in the following ways:

- Harm to Dorset Heathland within 5km of the application site, due to SAMM payment not being secured to mitigate effects on Poole Harbour Nutrients and Heathland.
- Insufficient ecology mitigation and compensation for impacts of additional residents use of the adjoining heathland and harbour areas, through for provision of a Heathland Warden and office at the Haven Hotel site.
- Inability to secure off site landscape mitigation and tree planting at the Sandbanks Peninsular to provide a landscape setting to offset the impact of height of the Haven apartments on the setting of the AoNB over time.

404. Failure to secure the necessary contribution for affordable housing. A S106 contribution of £2,180,620 was agreed following viability assessments, and an off-site exception was agreed for its provision due to different land values across Poole to comply with Policy PP11 (a) and (b)

405. For the reasons set out above, there are material breaches of relevant development plan policies, in respect of flooding, and the absence of a s.106 Agreement to secure necessary obligations and, whilst acknowledging the considerable economic, social and environmental benefits, including additional housing and tourism developments, and the contribution that this would

have on provision of jobs and supporting the tourism function of the Sandbanks area, there are no material considerations that justify granting permission despite those policy conflicts.

**RECOMMENDATION Refuse for the following reasons:**

1. The proposed development has failed to provide sufficient sensitivity modelling of wave overtopping, on a site-specific basis, to inform a suitable design of the Flood Risk Assessment (FRA). The FRA submitted in September 2020 fails to comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG), having designed proposed flood defences without completing or taking into account required flood modelling of wave overtopping. The submitted FRA therefore fails to demonstrate that development at the Sandbanks Hotel site and at the Haven Hotel site would be flood resistant and flood resilient, as required by paragraphs 159 and 167 of the NPPF.
2. The proposed residential development at the Haven Hotel site would be inappropriate in areas of flood risk due to being unable to demonstrate that the developments would be safe for their lifetime, taking account of the vulnerability of their users, without increasing flood risk elsewhere, or reducing flood risk overall, thereby failing the exception test set out in Poole Local Plan Policy PP38 and the NPPF para 164 b).
3. Due to the failure of the application to demonstrate that the development would be flood resistant, the proposal has not demonstrated that it is capable of delivering sustainable patterns of development, and as presented is not a suitable location for the development, as required by Policy PP2 of the Poole Local Plan 2018.
4. In the absence of a planning obligation to secure the required community benefits, in compliance with Policy PP39 of the Poole Local Plan 2018, and the policy contained in paragraphs 55, 57 and 58 of the National Planning Policy Framework 2021, the scheme would fail to mitigate the increase in demand, generated by the proposal, for the necessary infrastructure and mitigation to support the development namely:
  - a. The development would fail to secure the required and viability tested off-site affordable housing contribution of £2180,620 via S106, thereby failing to provide the required proportion of affordable homes from this development to meet housing needs set out in Policy PP11(b) of the Poole Local Plan.
  - b. The height and scale of the proposed blocks B and C at the Haven Hotel site, above the tree line, would fail to harmonise with the design and established residential character of the headland of the Sandbanks Peninsula and to the wider landscape of the Dorset AONB, without off



site tree planting at the Sandbanks Peninsula and compensatory landscape mitigation in the Dorset AONB to offset the impact of the 6<sup>th</sup> floor height of the Haven apartments to be secured within a S106 contribution of £800,000 of which £100,000 to be paid on commencement and the remainder at a rate of 10,000 per year over 80 years contrary to Policy PP28 and PP29 of the Poole Local Plan and the NPPF para 174b) and 176

- c. Unmitigated Harm to Dorset heathland wildlife and habitats and Poole harbour nutrients within 5km of the application site would arise, without a mechanism to provide mitigation for recreational impacts from all three sites on the protected heathland habitats and Poole harbour nutrients from the agreed SAMM and CIL payment being secured to comply with Policy PP32 and the NPPF para 174d) and 180a)
- d. The development would fail to secure the S106 contribution of £30,000 per year for 80 years for a Heathland Warden and office at the Haven Hotel site, to mitigate harm from access to wildlife and natural habitats within the Harbour and Dorset Heathland by reducing recreational impacts from proposed residents of 119 flats from the Haven Hotel site to comply with Policy PP32 and the NPPF para 174d) and 180a)

## **Background Documents**

Case Officer Report Completed:

Officer: Clare McCarthy

Date: 04/07/2022

Agreed by: Nick Perrins

Date: 05/07/2022