

Planning Committee



Application Address	The Quay Thistle Hotel, The Quay, Poole, BH15 1HD
Proposal	Demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units at ground floor with 179 residential units above and a hotel with ancillary bar/restaurant, plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.
Application Number	APP/23/00011/F
Applicant	MHA Burleigh Poole (Propco) Ltd
Agent	Montagu Evans
Date Application Valid	1 February, 2023
Ward and Ward Member(s)	<p>Poole Town</p> <p>Members:</p> <ul style="list-style-type: none"> • Cllr Sue Aitkenhead • Cllr Andy Hadley • Cllr Mark Howell
Summary of Recommendation	Grant planning permission, subject to the recommended conditions and planning obligations, for the reasons set out in this report.
Reason for Referral to Planning Committee	<p>Applications where the Council is the applicant or landowner for major development proposals as defined in the Development Management Procedures Order in accordance with Paragraph 2.2.4 of Part 3, Section 2 of BCP Council's Constitution.</p> <p>and</p> <p>Applications where there have been 20 or more representations from third parties that count toward that number in accordance with Paragraph 2.2.8 of Part 3, Section 2 of BCP Council's Constitution.</p>
Case Officer	Gareth Ball

1 **DESCRIPTION OF PROPOSAL**

1.1 **Proposal**

- 1.1.1 Full planning permission is sought for the demolition of the existing 70-bedroom hotel and all ancillary structures on the Site and the construction of five buildings (ranging between three to seven storeys) to provide a 146-bedroom hotel, 179 residential flats and two commercial units at ground floor.
- 1.1.2 A plan demonstrating the location of the proposed uses is provided in **Figure 2** of this report. Blocks A to D are residential uses. Blocks B and C have commercial use on the ground floor.
- 1.1.3 The application follows a recent proposal on the site seeking a 118 bedroom hotel, 228 flats and three commercial units which was refused at committee and dismissed at appeal.
- 1.1.4 The proposal would have multiple public pedestrian access points, from The Quay, East Quay Road in the northwest and Ballard Road in the northeast. Ballard Road would provide the only vehicle access to the Site. The proposal would provide a pedestrian route through the Site, linking The Quay with East Quay Road.
- 1.1.5 The 179 residential units are proposed in the following size mix:
 - 65 x one bed units (36 per cent)
 - 104 x two bed units (58 per cent)
 - 10 x three bed units (6 per cent)
- 1.1.6 Extensive landscaping is proposed within the Site. No protected trees would be removed. 32 other trees would be removed, with 206 new trees being planted in replacement.
- 1.1.7 The proposal would be constructed across three phases comprising:
 - Phase 1 - Demolition and excavation
 - Phase 2 - Construction of podium level and site access
 - Phase 3 - Construction of residential and hotel blocks (including landscaping)
- 1.1.8 The residential and commercial elements of the proposal would not have any dedicated car parking. The hotel would be provided with 73 car parking spaces within a basement. A policy-compliant number of 316 cycle parking spaces would be provided to the uses within the proposal, located across the basement and ground floor levels. Two residential car club spaces would be provided offsite.
- 1.1.9 The proposed design utilises two main front blocks within the centre of the Site on Poole Quay, a shorter block on the west, a perpendicular block to the north at the rear of the Site and the hotel block located in the east. CGI images of the proposed scheme are provided below:



Figure 1 Proposed scheme viewed from the south

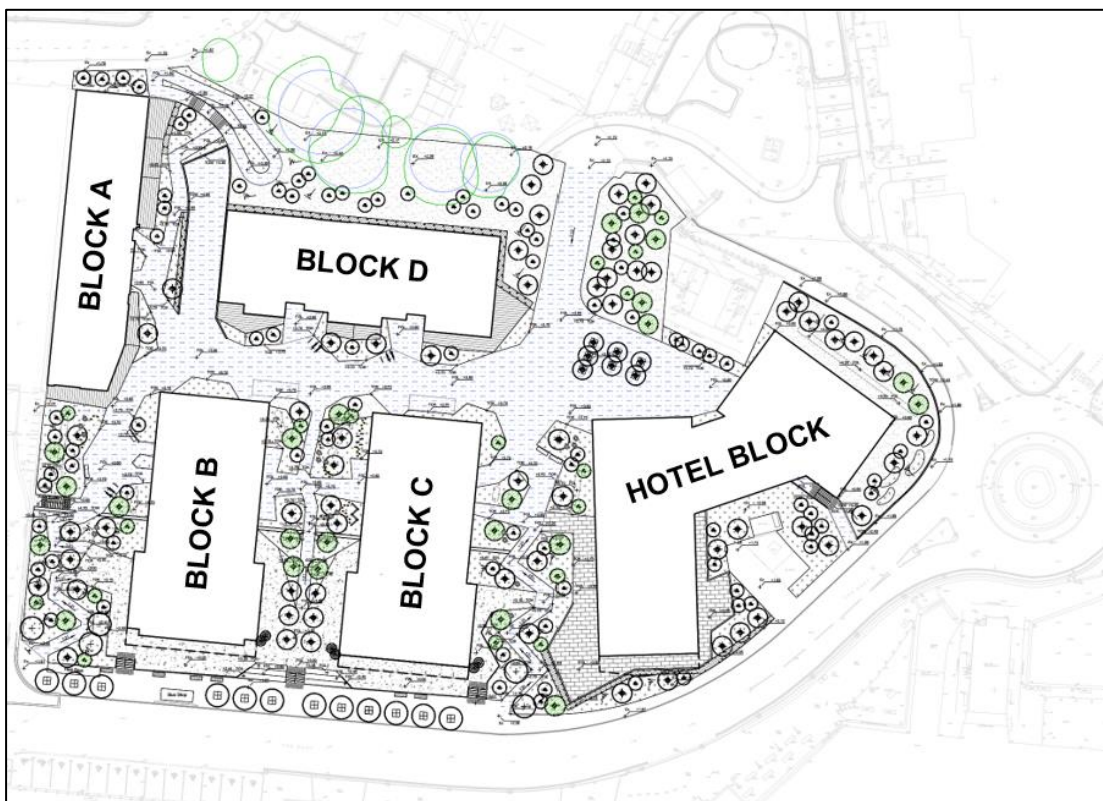


Figure 2 Proposed block layout

1.1.10 A phasing plan of the proposal are provided in **Appendix 1**

1.2 Revised Plans

1.2.1 Some amended plans were submitted in response to concerns within several consultee comments and the application. Considering the scale of the changes, which were largely related to landscaping changes and detailed design, there was no

change to the application which was considered to require a public re-consultation period.

1.3 Previous Proposal – the ‘Appeal Scheme’ (ref APP/20/01163/F)

- 1.3.1 A detailed list of the Site’s planning history is provided in Section 3 of this report.
- 1.3.2 The proposal follows a previous application for a similar development on the Site, which was recommended for approval at planning committee on 6/10/2021; however, Members did not accept officers’ recommendation and a decision notice refusing permission was issued on 09/12/2021. The four reasons for refusal can be summarised as (full reasons provided in **Paragraph 3.1.2**):
1. Heritage and townscape impact, due to the excessive scale and extent
 2. Long-term harm to protected trees in the north of the Site
 3. Failure to provide sufficient affordable housing
 4. Failure to provide mitigation measures for open space, education, healthcare, highway impacts, heathland mitigation and Poole Harbour mitigation.
- 1.3.3 Following the refusal, an appeal was lodged and affordable housing viability information was found to be acceptable by the Council in relation to reason for refusal 3. The appeal was subsequently upheld by the Inspector, who maintained reasons for refusal numbers 1 (heritage/townscape) and 2 (impact on trees). The Inspector’s decision also concluded that a review mechanism (with early and late-stage triggers) should be applied to the affordable housing information and agreed a set of S106 contributions which would provide acceptable mitigation (to alleviate reason for refusal number 4) if permission were to be granted.
- 1.3.4 A comparison of the proposed floorspace within the context of the existing site and the Appeal Scheme, is provided in **Table 1** below:

Land Use	Provision		
	Existing	Appeal Scheme	Proposed
Residential Units	0	228	179
Hotel Bedrooms	70	118	146
Commercial Space	0sqm	799sqm	803sqm

Table 1 Floorspace summary

- 1.3.5 In relation to the planning balance between heritage harm and the public benefits of the proposal, the inspector noted that it was “*finely balanced*” but was reason enough to dismiss the appeal. The inspector went on to dismiss the appeal on the planning balance on the whole, noting the heritage and townscape harm, and the impacts on the residential amenity of nearby properties.

2 DESCRIPTION OF SITE AND SURROUNDINGS

2.1 Application Site and Context

Application Site

- 2.1.1 The application site (hereon referred to as “the Site”) is a c. 0.74 hectare parcel of land bounded by The Quay to the south/east, Ballard Road to the northeast and East Quay Road to the north. The southern part of Fishermans Road abuts the southwest Site boundary.

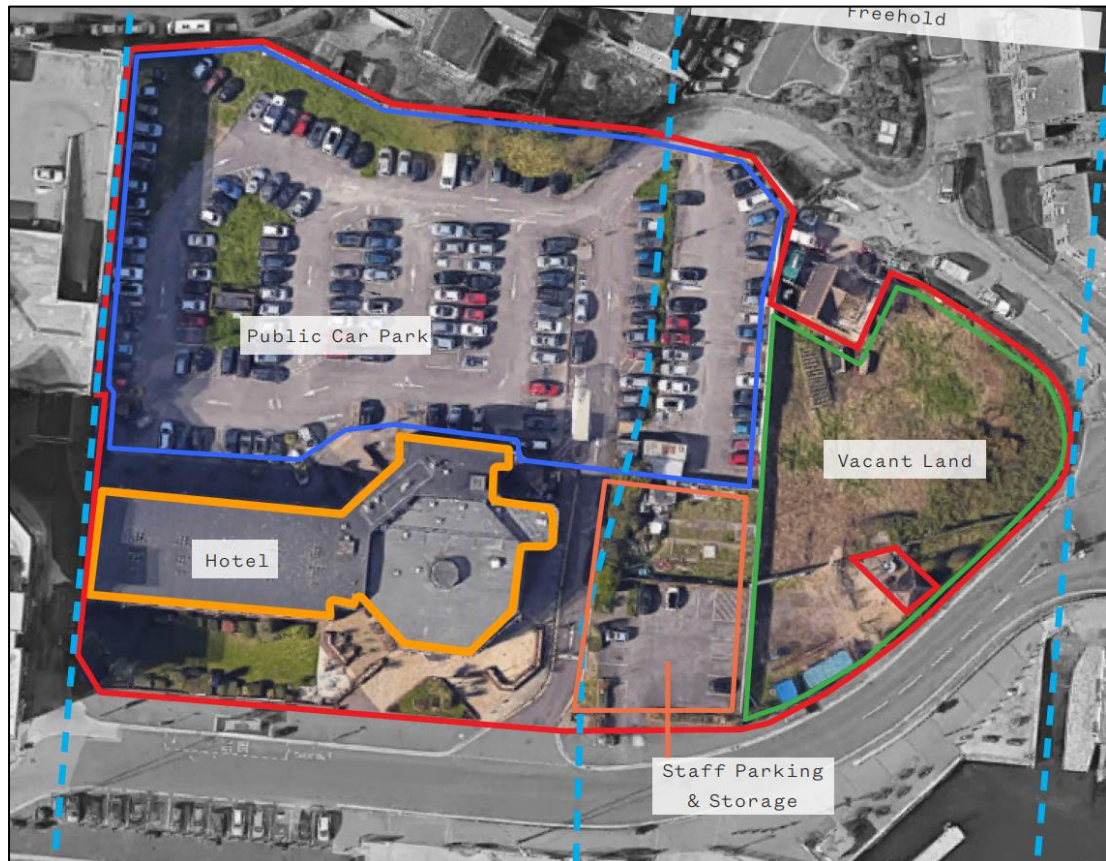


Figure 3 Existing site layout

- 2.1.2 The Site currently contains a two to three-storey, 70-bedroom hotel in the southwest of the Site, car parking in the north and northwest, and an area of vacant land which is council-owned fronting onto Ballard Road and The Quay. The Quay is designated as a Sustainable Transport Corridor.
- 2.1.3 The site is located within a Tourism Zone under the Poole Local Plan.
- 2.1.4 There is a group of trees in the north of the Site which are not protected by Tree Preservation Orders; however, are protected due to being within a conservation area.
- 2.1.5 The Site is within the Poole Town Centre Heritage Conservation Area (CA) but does not contain any statutorily or locally listed buildings. The locally listed RNLI Lifeboat Museum is located c. 23m to the southeast of the Site. Also to the north of the Site is

a weighbridge which is not listed but is considered to be a non-designated heritage assets within the context of this application. Adjacent to the Site is a Water Pumping station. The south of the Site contains a WWII pill box, which is locally listed. There is a locally listed anchor located within the frontage of the Site.

- 2.1.6 In relation to the heritage contribution of the Site to the CA, the appeal decision stated that:

“...despite the hotel building’s somewhat bland architecture and atypical orientation parallel to the quayside, its relatively unobtrusive form means that when considered in isolation it does, indeed, have a neutral impact within the Conservation Area. It is only when the large expanse of somewhat neglected and untidy surface-level car parking to the rear of the hotel is also taken into account, that the hotel complex, overall, could be said to have a negative impact on the character and appearance of the Conservation Area.” (Para 32)

- 2.1.7 The Site is located within Parking Zone A of the Council’s Parking Standards SPD. The Route One Poole circular bus route stops directly outside the Site, on The Quay.
- 2.1.8 The Site is located largely within Flood Zone 1, but also contains significant areas of Flood Zones 2 and 3.
- 2.1.9 The Site is located within the Airport Safeguarding Zone; however, the development does not meet the requirements to consult the airport.

Surrounding Area

- 2.1.10 The prominent buildings within the wider area include the Dolphin Quays development to the west, a 6- to 8- storey block of mixed development with commercial and retail units at ground and part of the first floor and residential apartments, and a block of flats to the north, on East Quay Road. Poole Harbour and Poole Quay Boat Haven Marina are located to the south.
- 2.1.11 The areas to the north and east of the Site are predominantly residential use, with a mix of cottage style properties to the north-east of the Site and 3- and 4-storey flatted blocks and dwelling houses to the north.
- 2.1.12 The area has a strong tourism character and the marina makes a fine backdrop, with panoramic views towards Brownsea Island. The construction of the Quay Thistle Hotel, on the site of the former gasworks, transformed the eastern end of the Quay from heavy industrial uses to one with a commercial and tourist-oriented environment. The transition was complete when Poole Pottery was demolished to make way for Dolphin Quays and the adjacent marina.
- 2.1.13 The Site is located near but outside of the Poole Harbour Site of Special Scientific Interest (SSSI), Conserved Wetland Site (Ramsar site) and Special Protection Area (SPA).

2.2 Site Allocation

- 2.2.1 The Site is an allocated site within the development plan. It is also identified as a “principle area of change” within the Poole Town Centre SPD (PTCSPD). These are areas identified for development potential.
- 2.2.2 The Site is identified in PLP Policy PP6 (High Street, Quay and Old Town) as an allocated site (named T12 Quay Thistle). The policy identifies the following requirements for development on the Site:
- A mixed use development including a hotel and approximately 180 homes
 - A strong building frontage to the Quay
 - A response which preserves or enhances the Town Centre Heritage Conservation Area giving particular attention to the quayside location
 - A transition in scale to the existing residential properties to the rear and east of the site
 - Improving pedestrian connections between properties to the north and east, and the quayside
 - Enhancement of the public realm on the Quay.

3 RELEVANT PLANNING HISTORY

3.1 Relevant Planning Applications

3.1.1 **PREA/20/00061 – Not EIA development 05/10/2021**

Screening Opinion Request to establish the requirement for an Environmental Impact Assessment for the proposed demolition of the existing building and the redevelopment of the site to provide a mixed use scheme comprising residential, hotel and small-scale commercial use at the site of The Quay Thistle Hotel

3.1.2 **APP/20/01163/F – Refused 09/12/2021**

Demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units (Class E/F1/F2) at ground floor with a total of 228 residential units above (Class C3) and a hotel with ancillary bar/restaurant (Class C1), plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.

The reasons for refusal read:

1. The proposed development, by reason of its excessive scale and extent, represents an overdevelopment of the site, harmful to its character and appearance. The scheme would fail make to a positive contribution to the townscape, giving particular attention to its quayside location and does not meet the statutory test to ensure heritage assets including the Town Centre Heritage Conservation Area are preserved or enhanced,. The proposals are therefore contrary to Policy PP6, T12, PP27, PP29 & PP30 of the Poole Local Plan (2018).

2. The scheme, by reason of the proximity of the proposed Block D to the established trees on the northern boundary of the site is likely to compromise their long-term retention through subsequent pressure to fell. The long-term loss of the trees would be harmful to the character and appearance of the area. The proposals would therefore be contrary to Policy PP27 of the Poole Local Plan (2018).
3. The applicant has failed to demonstrate that the scheme is not sufficiently viable to provide an affordable housing contribution in accordance with Policy PP11 of the Local Plan. The failure to provide affordable housing as part of the development would undermine the Local Planning Authority's efforts to meet housing needs and its key priority of providing sufficient homes that everyone in the community can afford. The scheme is therefore contrary to Policy PP11 of the Poole Local Plan (2018).
4. The scheme fails to provide adequate mitigation for the impacts of the scheme on the following aspects; Open space provision Education provision Medical provision Highway impacts Heathland mitigation Poole Harbour mitigation The proposals are therefore contrary to Policies PP24, PP25, PP32, PP34, PP35 & PP39 of the Poole Local Plan (2018).

3.2 Relevant Planning Enforcement

3.2.1 None that are relevant on the Site.

3.3 Relevant Planning Appeals

3.3.1 APP/V1260/W/22/3291925 – Refused 11/07/2022

Demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units (Class E/F1/F2) at ground floor with a total of 228 residential units above (Class C3) and a hotel with ancillary bar/restaurant (Class C1), plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.

The above appeal decision is attached to this report, in **Appendix 7**.

4 CONSULTATIONS

4.1.1 The following consultation responses were received in relation to the proposal. It should be noted that responses are summarised within this section and the full comments of consultees are embedded within the relevant parts of this committee report.

4.2 Statutory Consultees

Dorset and Wiltshire Fire Rescue

07/07/2023 Comment

- *“The assessment of this development proposal in respect of Building Control matters will be made during formal consultation. The Authority raises the profile of these future requirements through this early opportunity at planning stage.”*
- *“The single stair serving basement and covered car park does not conform to the adopted design standard BS:9991. The use of a suppression system would not mitigate this as is already a requirement due to the height of the building.”*
- *“I note the further concern raised in regard to the excessive access route into the basement covered car park.”*

Dorset Police

09/03/2023 Objection

- There has been an attempt to make open spaces safer, but there is excessive planting which would increase fear of crime and attracting anti-social behaviour. Planting should not exceed 1m height for shrubs and any trees should have sparse canopies.
- Zig-zag pathways would not have a clear line of sight.
- The canopy or sheltered spaces may be used by homeless or a congregation spot for others committing anti-social behaviour. The additional canopy should be removed or at least the recessed entrances brought forward.
- Entrances to the proposed buildings should not be recessed and should have video door entry systems.
- There is no current lighting plan, but bollard lighting should be used for wayfinding only and not security.
- There should be a 5mph maximum speed on the site, for the safety of the shared spaces.
- Cycle store doors should have high specification locks of LPS 1175 A1.
- *“The underground car park is easily accessible to both pedestrians and vehicles. The car park should be gated with appropriate access control for residents and guests of the hotel. The doors to entrances and bike stores should be of a minimum standard LPS 1175 Issue 8:B3 again, with access control measures in place on both doors and lifts.”*

11/07/2023 No Objection

- The development is supported, subject to the following conditions:
 - A barrier has been added to the underground car park; however, this would not provide sufficient security – a full automatic security gate should be provided. *“The underground car park complies with the requirements for Section 63.3 and 63.4 of Secured By Design ‘Homes 2023’.”*
 - The proposed canopies and large stairs for seating can encourage antisocial behaviour issues. Canopies should be retractable or a lower level barrier should be placed in areas used by businesses, with defensible planting to reduce the likelihood of people climbing over.
 - *“Due to their relatively concealed location, I would ask that external cycle stores meet the requirements of Section 64.1 – 64.3 of Secured By Design ‘Homes 2023’ and internal cycle stores meet the requirements of Section 32 of Secured By Design ‘Homes 2023’”*

Environment Agency (EA)

15/02/2023 Objection

- Confirmation is required that all entrance points to the basement will be above 3.6m AOD.
- While this request was considered acceptable to condition in the Appeal Scheme, it should now be provided up-front.
- “The information provided does not suitably demonstrate that the development will remain safe over its lifetime with respect to tidal flood risk. We request additional information is provided which addresses our concerns...”.

25/07/2023 No objection

- There is no objection to the development, subject to the following conditions:
 - Finished floor levels above 3m for commercial units and 3.6m for residential and hotel buildings
 - Flood defence level heights
 - Restriction of permitted development rights to ensure floor heights are maintained
 - Contaminated land remediation strategy and verification report
 - Piling Works Risk Assessment
 - Water efficiency condition
 - Construction and Environmental Management Plan

Historic England

16/02/2023 Objection

- “The existing hotel building and its sprawling car parks have a negative impact on the Poole Town Centre Heritage conservation area’s character and appearance.”
- “Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 130, 199 and 206 of the NPPF.”

23/05/2023 No Objection, subject to conditions

- “We are encouraged by the revisions to the proposed hotel. The change in materials improves the relationship between the building and its immediate context, and the increased terrace areas will improve its relationship to the quay. The more regimented window arrangements are an improvement, and we endorse the suggestion that an artist will be commissioned to “dress” the retained substation building.”
- The proposed canopy design is too complex, but this can be controlled through an appropriate condition.
- “Subject to the imposition of conditions to control the appearance of the substation and detailed designs for the proposed canopies for the commercial units, Historic England does not object to the proposals.”

LLFA

24/03/2023 No Objection

- “I have read through the Flood Risk Assessment and drainage strategy and am satisfied it addresses the various concerns we would have. Indeed, I would say that it is a shame that not all FRA’s are as clear and concise as this one.”

- “I am also satisfied with the proposed drainage strategy, but this should be a condition that the overall run off does indeed match greenfield site run offs (which again is a refreshing approach to developments).”

Wessex Water

24/02/2023 No Objection

- Development should not impact on the operation or maintenance of the sewage or slipway pumping stations.
- Residential development should not be located within a 15m buffer of the foul pumping station.
- Wessex Water will accommodate domestic foul flows in the public foul sewer. Any connection is at the cost of the developer. A capacity review will be conducted – any site capacity improvements required must be submitted to the Council for review.
- The surface water drainage scheme is supported. It should be noted that *“no surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly”*.

No objection subject to the following conditions:

- Submission of details for the diversion of the standoff and existing public foul sewer.
- Plans demonstrating a 15m buffer zone around the foul pumping station.

4.3 Internal Consultees

Air Quality EHO

23/02/2023 No Objection

- No other objection, subject to the following conditions:
 - Demolition, Construction and Environmental Management Plan
 - No burning of waste on site

Arboricultural Officer

23/03/2023 No Objection

- “No trees of high landscape or biodiversity value are to be removed and the main arboricultural features of the site will be retained. The impact of the scheme to existing retained trees will be of negligible consequence.”
- The proposal improves on the distance to the protected trees and Block D. None of the proposed apartments are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment. There is no objection in this regard.
- No objection subject to the following conditions:
 - Landscape Management Plan
 - Tree Protection Scheme

Biodiversity Officer

27/06/2023 Objection

- While there is no objection in principle, a holding objection is given in order for an updated bat survey to take place.
- If permission is granted, the following conditions should be applied:

- Development to be in accordance with the submitted Preliminary Ecological Appraisal. The proposed Sparrow Terrace should be replaced with at least 10 built in swift boxes.
- Demolition and Construction Environment Plan
- Demolition of the existing building to be carried out outside the bird breeding season, unless surveyed by an ecologist showing no nesting in place.
- Vegetation clearance to be carried out outside the bird breeding season.
- Lighting Strategy to have an acceptable impact on bats.

03/08/2023 No objection

- An updated bat survey was undertaken, and the report is acceptable, subject to the recommendations in section 5.0 “Recommendations & Mitigation” to be implemented.

Dorset Archaeology

22/02/2023 No Objection

- No objection subject to the following conditions:
 - Written scheme of investigation

Economic Development

06/07/2022 No Objection

- “The ground floor units provide active commercial frontage, supporting the critical mass of commercial space that exists in this part of Poole Quay, helping to anchor it as a viable destination.”
- The applicant should explore “leases for local businesses that are complimentary to, as opposed to in competition with, the occupiers of nearby commercial premises, supporting local businesses if possible”.
- Consideration should also be given to accommodating and enabling flexible space and short term lets in accordance with commercial demand.

ECPS Contaminated Land

03/03/2023 No objection

- No objection subject to the following conditions:
 - Preliminary Contamination Risk Assessment
 - Site Investigation
 - Remediation Scheme
 - Reporting of any unexpected contamination to the Council

EHO Noise

06/03/2023 No Objection

- No objection subject to the following conditions:
 - Demolition and Construction Environmental Management Plan
 - No deliveries or despatches made before the hours of 08:00 nor after 18:00 Monday to Saturday, or before the hours of 11:00 nor after 16:00 on Sundays and Public Holidays.
 - Noise from plant to comply with the submitted noise assessment
 - Compliance with the noise attenuation measures (in relation to the noise levels experienced by the proposed residential units) within the noise assessment

Heritage

26/04/2023 Objection

- The application would fail to better reveal the significance of the conservation area or the nearby listed buildings, contrary to NPPF Paragraph 206.
- The scale of the buildings dominates the surrounding buildings and does not preserve the low scale of the neighbouring cottages or openness of the setting of the conservation area.
- The proposed public realm is broken into small areas of planting rather than providing sufficient setback for public amenity space and space for residents.
- The quayside building line and massing blocks views of the wider setting and dominates the quayside.
- Great weight should be given to the conservation area and the setting of the lifeboat museum. The harm in this case is low to moderate on the scale of less than substantial harm.
- The architectural style is bland, has a strong vertical emphasis and doesn't distinguish between the hotel or the residential blocks. The styles don't relate to traditional characteristics of the old gas works or the historic quayside buildings of 4/5 storeys adjacent to 2 storeys with a variety of periods and materials.

Highways

20/03/2023 Objection

- The scheme provides insufficient cycle parking
- Amendments to the access are required. A barrier should be provided within the Site. The design of the basement ramp and columns should be amended. These can all be secured by planning condition.
- Residential car parking should be removed.

23/06/2023 No objection

- Following revised plans, the proposal is supported, subject to:

Planning Obligations

- £180,000 contribution towards public transport service enhancements
- Enhancement of the existing bus stop shelter on The Quay to have Real Time information.
- Implementation of a car club scheme consisting of two spaces
- £10,000 contribution towards the Traffic Regulation Order relating to the off-site works
- £10,000 parking review contribution
- Provision of Sustainable Travel Vouchers to occupiers of the development
- Securing routes through the Site to be made available and maintained for public use at all times.

Conditions

- Access, turning space, vehicle parking and cycle parking to be implemented prior to the commencement of the use of the development.
- Details of the basement car park ramp design and location of basement supporting columns to accord with the latest edition of Design Recommendations for Multi Storey and Underground Car Parks (Institute of Structural Engineers).
- Development to be operated in accordance with the submitted Delivery and Servicing Plan
- Phasing plan of works to be submitted
- Submission of a full Construction Environment Management Plan

- Provision of electric vehicle charging points.
- Submission of a full Travel Plan

Tourism, Destination and Culture

11/07/2023 No objection

- *"It is good to see the hotel is separate from the residential in a different block. The car parking spaces meets policy tests as set out in the Parking SPD."*
- *"The Quay Thistle Hotel is in a really sustainable location and this proposal makes a positive contribution to BCP's tourist accommodation, therefore Planning and Destination support this application."*

Urban Design

26/04/2023 Objection

- The proposals have been amended in a minimal way from the refused Appeal scheme and do not address the Appeal Inspector's fundamental concerns with this development.
- The proposals would fail to meet the tests of the NPPF and Poole Local Plan with regard to design. The architecture of the hotel in particular has angular, jarring elevations and fails to provide an iconic landmark or gateway feature that reflects the strong sense of place with which the Quay resonates.
- The layout, scale and massing of the five-building complex does not step down to form a comfortable transition between the quay promenade, residential streets and Baiter green space to the east and west.
- *"Based on NPPF 199 great weight should be given to the conservation of the heritage asset which in this case is the highly valued Quayside within the Conservation Area and setting of the Lifeboat Museum. This great weight or consideration is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. The harm to the Conservation Area and Locally Listed Lifeboat Museum in this case are in the low to moderate scale of harm though the proposals do not preserve the area character or appearance of the areas as required by statute [The Planning (Listed Buildings and Conservation Areas) Act 1990: S.72 (1)]."*
- *"Based on NPPF 206 the Council should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. As the scheme does not provide the heritage benefits of high quality, well integrated architecture and distinct materials, a sympathetic scale, views through to the Quay or softer face to the older neighbourhood it should not be treated favourably."*
- The development is not supported, therefore, on design or heritage conservation grounds.
- Revisions, further negotiations and conditions would have to be carefully and extensively drafted and implemented to mitigate the harm of the proposals.

Waste Authority

28/06/2023 No Objection

- The applicant is advised to see advice regarding hotel waste storage capacity within the Storage and Collection of Waste in New Developments guidance note.
- No objections, subject to the following conditions:
 - Waste Management Plan
 - Commercial Waste Management Plan. It should be noted that the storage and disposal of cooking oil should be detailed in full.

5 **REPRESENTATIONS**

- 5.1.1 Public consultation was undertaken in accordance with statutory requirements on 10/02/2023, comprising site notices placed adjacent to the Site and notification letters sent to neighbouring properties. The public consultation period ended on 03/03/2023.
- 5.1.2 At the date of this report being published, 111 responses have been received comprising 102 objections, 6 supporting comments and 3 general comments on the application. Comments are publicly available on the Council website.
- 5.1.3 The comments raised by the parties that are objecting to the scheme are summarised below:

Housing

- There is insufficient affordable housing in the development. The Local Plan requires 10 per cent affordable housing.
- The design lacks family-sized accommodation.
- There are already a large number of one and two bedroom apartments in the area.
- The flats will not be affordable to local people.
- The flats will be second homes and empty most of the year, or short-term lets.
- The residential units should have covenants to ensure that they can only be purchased by people who will actually live in them and can only be purchased by local people or those who can show evidence of a connection with Poole.
- BCP Planning Policy are considering whether to revise targets to require units which better reflect local housing need. I recognise that only so much weight can be given to emerging policy, but hope the developer is encouraged to provide some larger units.
- Families want homes with gardens and people need the opportunity to grow fruit and vegetables and to have pets which these residential units do not allow. They are not homes but ghettos.

Commercial Use

- Units built will be empty because the rates are too high.
- The Quay already has various cafes and other units. There are existing empty commercial units in Dolphin Quays and on the high street. The proposed commercial units are not required and will compete with existing areas.
- The units should be office space or start-up spaces to stimulate local economic growth and provide employment.
- The town is not promoted as a holiday destination if the units close at 5pm, with nowhere to go in evenings.

Design and Heritage

- The building is too high and does not suit the built environment. Poole requires low level buildings which are sympathetic to the historic area. It is even bigger than Dolphin Quays and out of proportion. The building would detract from the

beauty of the bay and the National Nature Reserve (NNR) of significant environmentally importance.

- The proposal is unsympathetic to the conservation area and does not respect the historical buildings. It does not enhance the character of the Quay.
- The Site should have a landmark building for the Quay.
- The design is generic and boring. It should be more traditional in appearance.
- The proposal dwarfs the Fisherman's Cottages and RNLI Museum.
- The proposal fails to integrate with the adjacent two-storey housing. The development needs to provide a transition in height, scale and massing between this domestic scale on Ballard Road and Dolphin Quays
- Block A should utilise more modern architecture.
- The structures would block currently unobstructed views of the harbour from the high ground at the back of Poole Town.
- A living Wall would be good mitigation for increased massing towards residents of Stanley and Ballard Roads. The current elevation is boring.
- Landscaping should not have trees on the front that would obstruct the views from the buildings. Small fruit trees would suffice.

Residential Amenity

- The new buildings are still too high and would block light on the residential properties behind.
- The application will encourage noisy people who don't care about littering or partying into the early hours, regardless of their neighbours.
- The landscaped areas should not be used by skaters, which would result in noise nuisance to residents.
- Noise-proofing of proposed units must be of a very high standard.

Hotel Use

- The current hotel is underused, hence it being unviable for the previous owner. Therefore there is little need for this type of hotel in the area and certainly not the proposed size of the hotel.

Transport

- The development has insufficient parking. There will be loss of public car park spaces. The development would exacerbate local parking stress and prevent existing residents from accessing amenities.
- the current car ownership for flats and apartments in the area is 0.5 vehicles per home.
- The access roads are in reality halved as it's a waterfront development.
- The area is overcrowded and all the extra building would completely overcrowd the area.
- The public transport and cycling infrastructure needs massive investment to support effective alternatives to car usage before parking free developments are approved.
- Make an alternative route to get out of Upton and Hamworthy without getting stuck. There is congestion between the bridges and Poole (George Roundabout).
- *"I suggest that, in line with para 4.3.3 of the Parking Standards SPD an on-street parking stress survey is carried out to assess the potential magnitude the displacement impact (if any) would have on the parking stress on the*

nearby streets, and consequently how the impact (if any) from the displacement onto the highway will be mitigated.”

- If the committee decides to approve the application, a condition should be imposed prohibiting residents from joining the council run Residents and Visitors Permit Parking Scheme.
- The lack of parking in close proximity to Fishermans Dock would impact on the businesses which operate from here, as dive/angling customers have a significant amount of equipment to load onto boats and will now need to walk between the dock and parking space.
- The area should consider transport such as monorail, boat taxis or trams linking Upton to Hamworthy to Poole Park to Baiter to Whitecliff and Sandbanks.

Construction Impact

- The construction will cause noise and dust which impacts on the residents from Dolphin Quays and surrounding areas.
- The traffic caused by the construction will have an impact on the wellbeing of nearby residents.
- How would the heavy plant enter the site, roads are built up and too narrow?
- Careful consideration must be given to the route for delivery of a massive amount of construction materials & manpower & their parking. Can the waterside construction site be used for delivery purposes?

Flood Risk

- If sea levels are going to rise substantially due to climate change, why is building on the quay even being considered?

Landscaping / Biodiversity

- The small amount of green space on The Quay will be lost forever if this proposal continues.
- The scheme should be sustainable, using a green roof/wall. Young trees should not be used and native hedging should have a 10 year maintenance plan.

Other

- The existing hotel should be refurbished rather than demolished.
- They are trying to run the hotel down to make it look unprofitable.
- The new scheme is similar to the previous scheme and should be rejected.
- The lifts to each floor would need to be large to accommodate the transport of sofas etc.
- Fishermans Rd should have a dividing wall along from the Quay until it has passed the Dolphin Quays car parking. This would allow access to and from car parking without the added safety concerns of people using it as a shortcut from the impending application
- There has been no adjustment to slow down or restrict the tunneling of the prevailing southwesterly winds so areas between the towers will still be poor public domain.
- Schools I believe are at maximum capacity.
- There are too few services available now for medical and safety coverage, dentists and doctors to accommodate all the new residents.
- The pump house site, adjacent to the Cherbourg roundabout should not be built on at all.

- At no point have we been consulted about this, had any input or had any sort of dialogue from the council or developers
- *"I have seen on a regular basis, tankers attending the sewage pumping station on Ballard Road, when it cannot cope with existing sewage. The drainage system and pumping station have insufficient capacity for an increase in volume. A new sewer would have to be run from the quay all the way to the facility to the north of Tesco at Creekmoor. The cost and disruption of such would be enormous!"*
- There appears to be little appreciation of the capacity of the national grid and internet capacity to provide power for recharging electric vehicles, and powering heat pumps which should now be fitted as a standard for new developments in lieu of gas fired boilers.
- Local bus services *"currently struggle to find enough bus drivers to run our bus services, and one of the reasons is the cost of housing in the area which precludes people from living here."* Passenger numbers are falling. The application will not address either of these issues.

5.1.4 A representation has been received on behalf of the Poole Quay Forum on 20/02/2023, objecting to the proposal for the reasons summarised below:

- The Benchmark Land Value is inflated and should provide 10 per cent affordable housing. If the council decides to grant permission for this application, then a review mechanism should be incorporated into the S106 agreement, as found by the inspector at appeal.
- Housing would not meet market demand, we need local housing needs which is affordable housing or market family housing with 2 or 3 bedrooms.
- The recent Government (Gove) announcement that housing numbers should be decided at a local level. Therefore there is no overriding Government dictat that BCP must allow this site to be developed at an extraordinarily high density to help achieve targets imposed by central government.
- The application removes 158 existing car parking spaces (including 7 disabled spaces) which are currently available to the public.
- The residential units will result in increased car parking stress on local streets, demonstrated by a lack of spaces to meet local resident requirements for driving to work. If the committee decide to approve the application, a condition should be imposed prohibiting residents from joining the council run Residents Parking Scheme.
- The two commercial units will generate car parking requirements for customers and employees.
- The number of homes given in the site allocation is indicative and was not supported by evidence during the local plan adoption. The government's target for the provision of new homes on the balance tilted in favour of the development should therefore no longer apply.
- The development fails to scale between Dolphin Quays and the two-storey housing to the east. The scheme adopts the massing of Dolphin Quays, extending it further east.
- The hotel block has a bland and unattractive side elevation fronting onto The Quay.

- The current application fails to resolve the heritage issues identified by the inspector in refusing the appeal.
- The development would have a major negative impact on the view from Ballard Road and an uncomfortable relationship with adjacent two-storey dwelling and the Lifeboat Museum.
- The scale of the buildings would have a detrimental impact on neighbours.

5.1.5 A representation has been received on behalf of the Society for Poole on 20/02/2023, objecting to the proposal for the reasons summarised below:

- The scheme fails to serve the public interest through its lack of affordable housing and impact on local infrastructure capabilities (like parking).
- Planning law is in a state of flux, which prompts even greater care to protect the public interest.

5.1.6 A representation has been received from Cllr Howell on 20/02/2023, objecting to the proposal for the reasons summarised below:

- The development fails to respect the historic or natural environment.
 - The two tall blocks facing the Quay are identical generic blocks with only a cursory relationship to the waterside location by virtue of the pointed roofs.
 - The view from the Fishermens Cottage is dreadful and the buildings proposed at this site still bully these cottages.
- The development offers nothing in terms of improving public use of the Quay.
- Is the hotel viable at its reduced size?
- The applications looks like an exercise in trying to show that the only viable use is residential.
- The Council should hold out for an application that would deliver buildings in context with the heritage of the Quay and which provide public amenity.

5.1.7 A representation has been received from Cllr Bagwell on 13/05/2023, objecting to the proposal for the reasons summarised below:

- Affordable housing is needed, not high-priced private homes that will become second homes.
- A good quality hotel is required with meeting and banquet rooms.

5.1.8 A representation has been received from Cllr Cooper on 05/06/2023, objecting to the proposal for the reasons summarised below:

- The building would dominate the landscape, cast shadows and place demands on other services.
- The mass and scale is overdevelopment, negatively impacting on the surrounding CA.
- The number of dwellings is now policy compliant, but the units will be second homes, not family units or affordable housing.
- There are no parking spaces for the residential scheme.

5.1.9 The comments that are in support of the scheme are summarised as follows:

- New residential units are welcomed in a housing crisis.
- The updated plans will create a vibrant and modern Poole Quay, which is much needed as the current dilapidated Thistle hotel building is an eyesore.
- The application will bring much needed employment to the area and would increase footfall, visitors and money spending to The Quay and the High Street.
- The commercial/community opportunities would benefit the vitality of the Quay.
- The public realm would be improved.
- The appearance will enhance The Quay and people forget how it looked many years ago with the gas works and pottery all very commercial.
- Even if residential units holiday homes or second homes, either way it brings additional money to the town for future growth.
- The revised submission appears to address prior concerns.

5.1.10 A representation has been received from the Viewpoint Residents Association (VPRA) residents association on 11/04/2023, objecting to the proposal. The material planning considerations have been in the main objections section above.

5.1.11 Revised plans have been received during the course of the application; however, the scale of the alterations are not considered to require a public re-consultation.

6 CONSTRAINTS

6.1.1 The Site falls within the Town Centre Heritage Conservation Area and the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (S72). The hotel building is neither a Listed nor Locally Listed building. No statutory listed buildings are impacted by the proposal.

6.1.2 The Site contains a group of trees which are subject to Tree Preservation Orders under the Town and Country Planning (Tree Preservation)(England) Regulations (2012). Additionally and the Town and Country Planning Act (1990). The latter prohibits “...*the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions*”.

7 PUBLIC SECTOR EQUALITIES DUTY

7.1.1 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.

8 OTHER RELEVANT DUTIES

- 8.1.1 For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations) regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
- 8.1.2 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.
- 8.1.3 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 a list 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.
- 8.1.4 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.
- 8.1.5 For the purposes of seeking to address the duty under the Wildlife and Countryside Act 1981 and the impact of a proposal on a SSSI, it would be sensible to explore with and seek from the applicant an explanation of measures within the application to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. These could then be referenced as appropriate in the report. Note that where it applies, s28I also confers consultation requirements with Natural England with a requirement to wait 28 days before giving a relevant permission (unless otherwise agreed with Natural England).
- 8.1.6 As part of the planning assessment section, cross reference can be made back to any duties identified in this section in relation to any issues / matters considered.

9 POLICY CONTEXT

- 9.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material

considerations indicate otherwise. The development plan comprises the Poole Local Plan (PLP) (2018).

- 9.1.2 The latest version of the National Planning Policy Framework (NPPF) was published in 2021. This document sets out the Government's planning policies for England including the presumption in favour of sustainable development and is a material consideration in the determination of all applications.
- 9.1.3 The current planning application has been considered against all relevant national, regional and local planning policies as well as any relevant guidance. A full list of relevant policies and guidance has been set out below.

9.2 Local Documents

Poole Local Plan (PLP) (2018)

- 9.2.1 The PLP has been considered in its entirety. The relevant policies to this assessment are as follows:

- PP1 Presumption in favour of sustainable development
- PP2 Amount and broad location of development
- PP3 Poole town centre strategy
- PP6 High Street, Quay and Old Town
- PP8 Type and mix of housing
- PP11 Affordable housing
- PP12 Housing for an ageing population
- PP22 Retail and main town centre uses
- PP23 Tourism and the evening/night time economy
- PP24 Green infrastructure
- PP25 Open space and allotments
- PP27 Design
- PP28 Flats and plot severance
- PP29 Tall buildings
- PP30 Heritage assets
- PP31 Poole's coast and countryside
- PP32 Poole's nationally, European and internationally important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP36 Safeguarding strategic transport schemes
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk
- PP39 Delivering Poole's infrastructure
- PP40 Viability

The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019)

- Policy 22 Waste from new developments

Poole Quays Forum: Neighbourhood Plan

9.2.2 The Poole Quays Forum Neighbourhood Plan was adopted on February 2017 and covers a time period of 2015 to 2026. The plan has been adopted and the Site falls within the area of the neighbourhood plan. The plan therefore part of the development plan during the consideration of this application, as per Section 38(3) of the Planning and Compulsory Purchase Act (2004) (as amended). The relevant policies to this assessment are as follows:

- PQF 1 Public Realm
- PQF 3 High Quality Design
- PQF 4 Transport Network Investment and sustainable travel choices
- PQF 5 Walking, cycling and public transport improvements
- PQF 10 Creating a more vibrant Quay
- PQF 11 The layout and appearance of Poole Quay

Supplementary Planning Documents / Guidance

- Affordable Housing SPD (2011)
- BCP Parking Standards SPD (2021)
- Dorset Heathlands Planning Framework 2020-2025 SPD (2021)
- Heritage Assets SPD (2013)
- Nitrogen Reduction in Poole Harbour SPD (2015)
- Our Streets and Spaces SPD (2012)
- Poole Harbour Recreation 2019-2024 SPD (2020)
- Poole Town Centre SPD (2015)
- Shoreline Character Areas SPG (2004)
- Sustainable Urban Drainage Systems SPG (2002)
- Travel Plans SPG (2003)

Other Local Documents

- BCP Local Plan Issues & Options consultation January 2022 (Appendix 1, Site Ref BC035)
- BREEAM Advice Note (2021)
- Dorset Heathlands Interim Air Quality Strategy 2020-2025 (2021)
- Strategic Housing and Land Availability Assessment (SHLAA) (2019)
- Strategic Housing Market Assessment (SHMA) and Poole Borough Summary Report (2015)
- The Viability Assessment and the Affordable Housing Guidance (2018)

9.3 National Planning Policy Framework (NPPF)

9.3.1 The whole of the NPPF was considered. The following chapters are of particular relevance in this assessment:

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-design places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

9.3.2 NPPF Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development.

“For **decision-taking** this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

9.4 Other Relevant Documents

- Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice'
- Defra Local Air Quality Management Technical Guidance (TG16)
- EPUK-IAQM Land-Use Planning and Development Control: Planning for Air Quality
- National Design Guide (2021)
- The National Design Guide (2019)
- LTN1/20 – Cycle Infrastructure Design (2020)
- Manual for Streets (2007) and Manual for Streets 2 (2010)
- A Design Code SPG (2001)

PLANNING ASSESSMENT

10 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 10.1.1 At the heart of the NPPF is the presumption in favour of sustainable development. Footnote 8 of Paragraph 11 classifies local plan policies as out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75 per cent of the housing requirement over the previous three years. Where a HDT falls below 85 per cent, a 20 per cent buffer must be applied to the five year land supply.
- 10.1.2 The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP Local Plan. In the Poole area there is a 4.1 year housing land supply with a 20 per cent buffer (a shortfall of 423 homes) and a 2021 HDT result of 78 per cent. The application may therefore be considered under a presumption in favour of sustainable development, and the tilted balance applied.
- 10.1.3 NPPF Paragraph 11 states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 10.1.4 For this planning application, it is considered that the benefits provided from the supply of new homes will have significant weight. This is considered further in the Planning Balance and Conclusion section of this report.

11 PRINCIPLE OF DEVELOPMENT AND LAND USE

11.1 Site Context

- 11.1.1 The Site is an allocated site within the development plan and is also identified as a “principle area of change” within the Poole Town Centre SPD (PTCSPD). These are areas identified for development potential.
- 11.1.2 The site designation (named ‘T12 Quay Thistle’ in PLP Policy PP6) sets out the following criteria for development on the site:
- A mixed use development including a hotel and approximately 180 homes
 - Create strong building frontage to the Quay
 - Preserve or enhance the Town Centre Heritage Conservation Area giving particular attention to the quayside location
 - Provide a transition in scale to the existing residential properties to the rear and east of the site, and improve pedestrian connections
 - between these properties and the quayside
 - Enhancement of public realm on the Quay

11.1.3 Policy PP6 also provides a set of general criteria for development in the High Street, Quay and Old Town, within parts (a) to (f) of the policy.

11.1.4 The Poole Town Centre SPD notes that “the Quay Thistle Hotel and adjoining land has been identified for redevelopment to make efficient use of land”. The SPD also provides a more detailed set of further requirements for development on the Site, as follows:

1. Provide a hotel and associated leisure facilities along with residential units and associated parking provision.
2. Provide active ground floor commercial uses fronting the Quay.
3. Ensure buildings are positioned to positively address the surrounding streets and spaces.
4. Ensure buildings fronting the Quay have a variety of heights and roof profiles that maintain the intricate and varied nature of the skyline.
5. Ensure the height of new buildings is appropriate to their context with applications for taller buildings fully justified. The distribution of heights should step down towards the surrounding low scale buildings on Ballard Road and East Quay Road.
6. Ensure development fronting the Quay emulates the vertical rhythm and architectural variety of the existing buildings on the historic frontage. It should appear as a series of plots with frontages between 10- 15m wide.

11.1.5 Poole Quay Forum Neighbourhood Plan Policy PQF10 (*Creating a more vibrant quay*) supports “a diverse range of land uses which contribute to the vitality of the Quay especially during the evenings and weekends).

11.1.6 PLP Policy PP6 also provides a set of overarching criteria for the High Street, Quay and Old Town, stating that development proposals should:

- “(a) provide active ground floor frontages along the High Street, Lower High Street and Quay which support vibrancy and vitality, including community and leisure uses as well as retail and office uses;*
- (b) to support vibrancy, aim to make use of upper floors and the rear of commercial properties for new homes;*
- (c) retain and/or provide traditionally styled shop fronts and signs to ground floor commercial units;*
- (d) preserve or enhance the historic character of the area, having particular regard to the scale, roof profiles, building widths, appearance and detailing of developments;*
- (e) support improvements to the quality of the environment and public realm, particularly along the High Street, Lower High Street, quayside and Old Orchard, as high quality pedestrian focused environments; and*
- (f) where applicable, incorporate flood protection measures.”*

11.1.7 The proposal is broadly in line with the quantum of development requirements on the allocated site and land uses. The compliance with the other use policies is considered below.

11.2 Residential Use

Proposed Residential Accommodation

- 11.2.1 The principle of residential accommodation is acceptable on the site. The proposed 179 residential units falls within the 180-unit designation on the site and the site is located within Poole Town Centre, which is identified as the preferred location for new residential development within PLP Policy PP2 (Amount and broad location of development). The footnote within the policy does note that *“the approximate number of homes is an indicative planning officer estimate and does not preclude the developer achieving significantly more or less homes on the site, subject to other policy considerations”*. The Appeal Scheme was not refused on the proposed land use.
- 11.2.2 The BCP Local Plan Issues & Options consultation January 2022 (Appendix 1, Site Ref BC035) has been prepared as part of the evidence base for the draft Bournemouth Christchurch and Poole Local Plan (BCPLP)). Within the document, the Site is identified as a suitable site for residential development, with an identified capacity for 180 residential units, confirming the stance of the site designation. It is not an adopted document and being part of an options paper to help inform the early stages of the local plan process, officers (hereon meaning the balanced view given to members by the planning department) have not given it any weight for the purpose of this determination; however, it provides a possible direction for the Site going forward.

Unit Size Mix

- 11.2.3 The required unit size mix set out in PLP Policy PP8 (Type and mix of housing) and the proposed unit size mix of the appeal and current schemes are as follows:

Unit Size (bedrooms)	Policy compliant	Appeal	Proposed
1	8%	29%	36%
2	42%	66%	58%
3	38%	5%	6%
4+	12%	0	0

Table 2 Unit size mix

- 11.2.4 Policy PP8 allows for a flexible approach to each application, stating that *“the Council does not prescribe a particular housing mix development should follow. The mix will be considered on a case by case basis and will be dependent upon the context of the site and any other issues such as viability”*. The policy does however note further aims for major developments above 10 units, stating that *“for all schemes of 11 or more homes or 1,000 sq. m floor space, housing proposals should aim to include a type and mix of housing that considers the needs set out in the SHMA and other relevant evidence including self-build and custom-build housing”*.
- 11.2.5 The Appeal Scheme was not refused on the unit mix. The current proposal does increase the mix of one-bed units (due to a reduction in two-bed units) but also marginally increases the mix of three-bed units. The changes are required due to the

alterations to the layout of the scheme, including the reduction in units from 228 to 179 units. The submitted Planning Statement explains the mix:

“The Scheme’s unit mix is weighted towards one and two bed units and has been formulated in consideration of the character of the development and reflects the Site’s central, highly accessible and sustainable location in which it is appropriate to realise a high residential density to optimise the development potential of the Site.”

- 11.2.6 Officers acknowledge that family-size residential units can be more difficult to bring forward in flatted, high-density developments, due to the issues in achieving good quality accommodation, achieving acceptable block sizes, optimising density and the inherent difficulty in providing good quality private amenity space to be used by families.
- 11.2.7 The number of one-bedroom units has decreased by one from the Appeal Scheme. There has been a decrease in two-bed units from 151 to 104. The current scheme’s increased provision of one-bed units is regrettable, as the SHMA has identified them as the lowest housing requirement in BCP; however, the current proposal has made considerable reductions in scale (and other design alterations) in order to address the previous reasons for refusal. In doing so, built footprint has been lost in areas which provided a high number of two-bedroom units, such as Blocks A and D. Officers note that the area would be suitable for smaller units, and note the ability of the smaller units to allow for downsizing, potentially freeing up the existing stock of larger units.
- 11.2.8 Policy PP8 states that viability should be taken into account. The submitted viability assessment has been independently reviewed and the scheme has found to be not-viable. Officers understand that a further reduction in unit numbers – in order to provide a higher proportion of two-bedroom units – would further decrease viability and may render the scheme unbuildable.
- 11.2.9 Taking the considerations of the Site into account, officers are satisfied that the unit-mix would generally accord with that of the Appeal Scheme, which was supported by the Council and inspector. The site optimises development on an allocated site and complies with Policy PP8’s requirement to aim to include the mix set out in the SHMA; however, includes a higher number of smaller units for the reasons above. The unit-mix is considered appropriate on the Site, giving weight to the acceptance of the similar mix within the appeal scheme and noting the high-density flatted nature of the scheme, officers do not consider the proposal to be contrary to PLP Policy PP8.

Self-build

- 11.2.10 No self-build plots are proposed. The LPA has the duty to consider the application in relation to the Self-build and Custom Housebuilding Act (2015). There would be no scope for any self-build element in the scheme – the proposal would be solely flatted development in the form of a comprehensive development on the Site, which is an appropriate approach. Therefore, officers do not object to the absence of any self-build plots.

11.3 Hotel Use

11.3.1 *“To ensure the ongoing strength of Poole’s tourism offer, it is important to maintain an adequate supply of tourist accommodation, and support improvements to the existing stock”* (PLP supporting paragraph 7.63).

11.3.2 The Site is located within a Tourism Zone. PLP Policy PP23 (*Tourism and the evening/night time economy*) states that *“proposals for major development in the tourism zones will be expected to demonstrate that they are compatible with tourism uses”*. The policy supports proposals for new hotels *“provided that such development would not have an adverse impact on the character, amenity and function of adjoining sites and the surrounding area”*.

11.3.3 PLP supporting paragraph 7.63 notes that:

“Poole has a diversity of tourist accommodation. In recent years there has been some loss of outdated premises to other uses, although this has been partly offset by investment in new hotels in the town centre. To ensure the ongoing strength of Poole’s tourism offer, it is important to maintain an adequate supply of tourist accommodation, and support improvements to the existing stock.”

11.3.4 The application seeks the total demolition of the existing 70-bedroom hotel; however, the proposed block in the eastern portion of the Site would be a dedicated 146-bedroom hotel, with ancillary restaurant/bar at ground floor. There is net no loss of visitor accommodation on the site and therefore no justification of the existing hotel’s loss is required as per PLP Policy PP23(2)(b).

11.3.5 The uplift of 76 bedrooms is provided within a vastly improved, high-quality hotel building with better facilities and a policy compliant level of parking, which complies with the requirements of the site allocation. This would support growth and improve on the existing hotel stock, resulting in a betterment to Poole’s tourism offer. BCP’s Tourism team are in support of the application, noting the sustainable location and contribution within a tourism area. The separation of the hotel block from the residential blocks was also lauded by the team.

11.3.6 The amenity impacts of the hotel are considered in detail within the Residential Amenity section of this report. Subject to the recommended conditions discussed within that section, officers do not consider the hotel and its ancillary uses to result in any unacceptable impact on neighbouring amenity.

11.3.7 In summary, the hotel provision is policy-compliant, welcomed and supported.

11.4 Commercial Use

11.4.1 Blocks A and B each propose a commercial unit at ground floor, which the Applicant is proposing to provide a total 803sqm of hybrid Class E/F1/F2 land use.

11.4.2 No objection was raised by officers, members or the Inspector of the Appeal Scheme which proposed three commercial units totalling 740sqm. A third unit is no longer possible due to Block A being set back further into the Site for design reasons; however, the scale of the two proposed units has been increased and would result in an uplift in total floorspace in comparison to the appeal scheme.

11.4.3 Policy requires the Site to have active ground floor commercial uses fronting onto the Quay (PLP PP6 and the PTCSPD). Policy PP6(a) also requires ground floor frontages generally to support “*vibrancy and vitality*”. The units would improve the commercial offer of the Quay, encouraging visitors to linger in the area, contribution to the area’s tourism offer and supporting its role as a key visitor destination, as required by Policies PQF 10 and PQF 11. The units would also contribute towards a strong building frontage onto the Quay, as required by the site allocation T12. The commercial offer complies with policy. Officers recommend a planning condition to restrict use to appropriate uses. The number of uses have been maximised to ensure the vitality of the units, but restricted to those which will provide an active frontage and remain appropriate to the Site. This comprises:

- Retail units (Use Class E(a))
- Restaurants / cafes (Use Class E(b))
- Display of works of art (otherwise than for sale or hire) (F1(b))
- Museums (F1(c))
- Public libraries or public reading rooms (F1(d))
- Public halls or exhibition halls (F1(e))
- Halls or meeting places for the principal use of the local community (F2(b))

11.5 Application’s Impact on Existing Uses

11.5.1 The NPPF requires planning decisions to be able to integrate with existing business, and community facilities, avoiding any impact on their vitality. Paragraph 187 states that:

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

11.5.2 The Site contains an existing foul pumping station, which Wessex Water (WW) have identified as an important asset but may have some odour impact. As discussed in the Flood Risk and Drainage section of this report, a planning condition is recommended to ensure that no residential development is located within a 15m buffer of the pumping station. This is the same approach that was accepted in the Appeal Scheme. Subject to this condition, officers are satisfied that the introduction of the residential use to the Site will not result in pressure to restrict or deter the use of the foul pumping station.

11.6 Summary

- 11.6.1 The development meets the land use requirements of the site allocation and relevant policies, namely the number of residential units, re-provision of an improved hotel function and the strong ground floor active frontage onto The Quay. In summary, the proposed uses are supported on the Site in principle, subject to recommended conditions, planning obligations and other relevant policy within the development plan.

12 AFFORDABLE HOUSING

- 12.1.1 Policy PP11 of the Poole Local Plan states that to meet housing needs, the Council will seek to maximise the amount of affordable housing from all housing schemes of 11 or more homes or over 1,000 square metres in floor space. The proposal seeks permission for 179 units which triggers the requirements of Policy PP11.
- 12.1.2 Policy PP11 requires that development schemes within Poole Town Centre are required to provide 10 per cent of proposed units as affordable housing.
- 12.1.3 The Appeal Scheme provided no affordable housing onsite or any financial contribution towards offsite affordable housing. The application was refused by the Council on the following reason:

The applicant has failed to demonstrate that the scheme is not sufficiently viable to provide an affordable housing contribution in accordance with Policy PP11 of the Local Plan. The failure to provide affordable housing as part of the development would undermine the Local Planning Authority's efforts to meet housing needs and its key priority of providing sufficient homes that everyone in the community can afford. The scheme is therefore contrary to Policy PP11 of the Poole Local Plan (2018).

- 12.1.4 Despite the reason for refusal, the applicant had submitted a viability assessment which was independently reviewed by the District Valuer Service (DVS), which had found that the proposal could not viably provide any affordable housing. At appeal, the Council did not refute the findings in the viability assessment and agreed that the development could not viably provide affordable housing, but sought to place review mechanisms on the proposal (to secure an affordable housing contribution if the Appeal Scheme became viable at a later date) if the appeal was granted permission. The appeal was not dismissed on any grounds relating to affordable housing.
- 12.1.5 Following the refusal, the applicant worked with the Council. A viability assessment was submitted and independently reviewed by the District Valuer Service (DVS). The proposal was found to be in deficit, thereby unable to provide any affordable housing. This position was accepted by officers and the inspector at appeal.

12.2 Viability Assessment

- 12.2.1 The current proposal would be 100 per cent market units, with no affordable housing provision. The application was supported by a Viability Assessment prepared by Bidwells, dated December 2022, which has been independently assessed by the DVS on behalf of BCP Council.
- 12.2.2 The assessment adopts a nationally accepted approach and is robust. Build costs and the development value have been thoroughly scrutinised. DVS have advised that the proposal would not be viable with a policy compliant 10 per cent affordable housing contribution, currently resulting in a deficit of c. £5,995,000. DVS have carried out a sensitivity analysis – assessing the viability of the scheme with no on-site affordable housing provision. The scheme is still in deficit, at c. £2,700,000. Officers are satisfied that the scheme is not viable and no financial contribution towards affordable housing can be sought. The proposal complies with Policy PP11.
- 12.2.3 The proposal does not contain any affordable housing, the same as the Appeal Scheme. Both applications demonstrated that no affordable housing was viable and is policy-compliant in this regard. The inspector noted that the Appeal Scheme has *“The potential to obtain some affordable housing contribution through obligations in the S106 agreement if viability should improve is noted... But these matters do not go to the heart of my concerns regarding this proposal, and do not alter my decision”* (Para 128). Officers give very little weight to the potential affordable housing although it is possible that it may be secured by the review mechanisms should market conditions change in the future.

12.3 Controls

- 12.3.1 There was dispute on the Appeal Scheme over the terms of a review mechanism which could be applied to the consent. Review mechanisms are used to secure further reviews of a scheme's viability at defined stages and allows the Council to secure an affordable housing contribution if the viability has favourably changed and the development is no longer in deficit.
- 12.3.2 At appeal, the inspector noted that the Council's 2018 guidance note on the matter had not undergone any formal consultation and therefore had no regard to the document. As such, the most recent adopted document in relation to review mechanisms is the 2011 Affordable Housing SPD. The inspector noted that the SPD predated the adopted local plan; however, stated that *“there is no firm evidence before me to suggest that this adopted SPD is not able to continue to provide support for the currently operative development plan policy dealing with affordable housing - PLP Policy PP11”*. The inspector considered this document acceptable in application to the Appeal Scheme and officers do not consider there to be any new information which means the SPD should be disregarded. The inspector found it reasonable to apply both an early and late-stage review mechanism to the Appeal Scheme.
- 12.3.3 These would function as follows:
- Early-stage review to require an updated viability assessment if the development is brought forward but substantial commencement has not begun before 30 months from the date of planning permission being granted.

- Late-stage review to require an updated viability assessment upon 50 percent of the proposed residential units being disposed or occupied.

12.3.4 Notwithstanding officers' agreement on the viability position, officers recommend the two-stage review mechanism to ensure that the maximum viable level of affordable housing will be secured, if the viability of the scheme improves in the future.

12.4 Affordable Housing Summary

12.4.1 Officers are satisfied that the development cannot provide any affordable housing, as demonstrated on the submitted information, which was independently reviewed, in accordance with PLP Policy PP11. Early and late review mechanisms will be applied to the consent to ensure that the maximum amount of affordable housing is delivered, should the viability of the scheme improve.

13 QUALITY OF RESIDENTIAL ACCOMMODATION

13.1.1 PLP Policy PP27 requires a good standard of design for all new developments, including the amenity for new occupiers.

13.1.2 The Nationally Described Space Standards (NDSS) (2015) provide guidance on residential internal floorspace standards. Supporting Paragraph 9.5 of PLP Policy PP27 allows for flexibility, stating that "*schemes that are significantly below these standards e.g. more than 20% of floor space will need to demonstrate how the development will achieve an acceptable standard of living for future occupants*".

13.1.3 The majority of the proposed units would be dual aspect, which is welcomed. Officers acknowledge that in higher density development, some single aspect units are unavoidable. Single aspect units can result in issues with outlook, ventilation (and overheating) and levels of natural light. The scheme has considered these impacts and mitigated against them through avoiding any instance of north facing single aspect units (which can be severely restricted in natural light) and providing good amounts of glazing on the single elevation.

13.1.4 All windows would experience acceptable levels of outlook, with good window-to-window distances between the proposed blocks and the existing buildings.

13.1.5 All residential units would meet or exceed the internal floorspace requirements of the Nationally Described Space Standards (NDSS) and would have rational and usable internal layouts.

13.1.6 PLP Policy 27(d) supports development which "*provides satisfactory external and internal amenity space for both new and any existing occupiers*". The proposal provides private amenity space to every unit through the use of gardens for ground floor units and balconies on the upper floors. The amenity spaces are considered to be an acceptable size and would all have acceptable outlook, compliant with Policy 27(d). Officers recommend securing details of screening for ground floor garden

areas by condition, to ensure the units will have acceptable privacy from pedestrians within the scheme. It should be noted that this relationship would be similar to a regular street and is not considered to impact on privacy.

- 13.1.7 Occupiers would also benefit from high quality communal amenity space in the landscaped areas around the Site, including the green area created by the reduction in size of Blocks A and D; however, while this is welcomed in the scheme, it has not been taken into consideration for private amenity space due to the public nature of the spaces.

Accessibility

- 13.1.8 PLP Policy PP12 requires 20 per cent of the flats to meet the requirements of Building Regulations Part M4(2) for adaptable and accessible homes.
- 13.1.9 There are three proposed ramped access points to the Site – an access from East Quay Road in the northwest of the Site and two from The Quay, in the southwest and south. The proposal would meet this requirement and a condition is recommended to ensure that this is secured.

14 **DESIGN AND APPEARANCE**

- 14.1.1 NPPF Paragraph 134 states that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*”.

- 14.1.2 PLP Policy PP27 (Design) requires a good standard of design in all new developments. The policy supports development which:

“reflects or enhances local patterns of development and neighbouring buildings in terms of:

- (i) layout and siting, including building line and built site coverage;*
- (ii) height and scale;*
- (iii) bulk and massing, including that of the roof;*
- (iv) materials and detailing;*
- (v) landscaping; and*
- (vi) visual impact.”*

- 14.1.3 Policy PP27 (Design) also supports development which “*provides an attractive public realm and a well-connected network of streets and spaces*”.

- 14.1.4 The site allocation T12 (through PLP Policy PP6) contains design-related provisions relating to the Site, which are provided in **Paragraph 11.1.6** of this report.

14.1.5 Several design-related policies in the Poole Quays Forum Neighbourhood Plan (PQFNP) are applicable. Policies PQF10 and PQF11 relate to the Quay and are summarised below.

14.1.6 Poole Quays Forum Neighbourhood Plan (PQFNP) Policy PQF10 (Creating a more vibrant quay) supports development which is:

- *“Encouraging active frontages at ground floor units and respecting the narrow and original plot widths characteristic of this part of the conservation area.*
- *Supporting the reuse of under-utilised and vacant sites on Poole Quay for mixed use development which respects the character and scale of Poole Quay’s heritage assets preserving the open character of Poole Harbour and views of Brownsea Island and beyond.”*

14.1.7 PQFNP Policy PQF11 (The layout and appearance of Poole Quay) supports proposals which provide:

- A High quality, vibrant visitor destination
- Public realm enhancements
- A shared surface approach with flexible, timed vehicular access to Poole Quay
- Spaces more suitable for outdoor events
- Suitable access and servicing arrangements for business and residents
- Opportunities to retain and enhance the infrastructure
- Preservation and enhancement of existing public areas and heritage assets
- The inclusion and integration of green infrastructure and street trees in public realm enhancements

14.2 Appeal Context

14.2.1 The Appeal Scheme was refused by the Council for the following reason (it should be noted the reason also included heritage matters, which are addressed under a separate section in this report):

“The proposed development, by reason of its excessive scale and extent, represents an overdevelopment of the site, harmful to its character and appearance. The scheme would fail make to a positive contribution to the townscape, giving particular attention to its quayside location and does not meet the statutory test to ensure heritage assets including the Town Centre Heritage Conservation Area are preserved or enhanced,. The proposals are therefore contrary to Policy PP6, T12, PP27, PP29 & PP30 of the Poole Local Plan (2018).”

14.2.2 The subsequent appeal was dismissed by the inspector, including on the grounds of an unacceptable design. The inspector’s conclusionary remarks noted that:

“...having regard to the layout and siting of the proposed buildings, with their significant height, scale and bulk, and the intended palette of materials, I conclude that the proposed development would not sufficiently reflect or

enhance local patterns of development, or neighbouring buildings, and would not make a positive contribution to the townscape.” (Para 66)

“...[the development] would appear out of keeping on this site in the context of the nearby existing development to the north and east, and would thereby fail to deliver the necessary transition in scale to the existing residential properties to the rear and east of the site.” (Para 67)

- 14.2.3 Comparison images of CGI renders of the Appeal Scheme and the current scheme are provided in **Appendix 5** – while these are largely intended to aid the heritage assessment, they are also of benefit to demonstrate how the schemes sit within their context.

14.3 Tall Buildings

- 14.3.1 The proposal would comprise several ‘tall buildings’ as per PLP Paragraph 9.12, which clarifies that *“in Poole tall buildings are considered to be those over six storeys (approximately 16 metres) or those which are substantially taller than their neighbours”*. Policy PP29 (*Tall buildings*) requires any tall building on the application Site to:

- a. make a positive contribution to the townscape, ensuring any heritage assets and their settings are preserved or enhanced and that adjacent residential properties are not dominated;*
- b. respect or enhance key views and existing landmarks;*
- c. represent good architecture and use of materials;*
- d. be positioned and designed to remove any adverse environmental, ecological and climatic impacts, including those on European and internationally important sites; and*
- e. create an attractive external environment that provides natural surveillance to the public realm.*

- 14.3.2 Policy PP29 also states that *“Town Centre North and the Twin Sails regeneration areas are considered to be the most suitable locations for tall buildings as part of the strategy to direct the highest densities to the town centre. Outside of these areas tall buildings may be considered acceptable where they are adjacent to main junctions, arrival points or open spaces and contribute to delivering wider community benefits such as affordable housing, health or education facilities, places of worship, community facilities or commercial uses that add to the social, economic or tourism offer of the town”*.

- 14.3.3 The requirements of this policy and the proposal’s response to these requirements will be discussed within this report where relevant.

14.4 Demolition

- 14.4.1 The Site is an allocated site within the PLP and there is no requirement for the retention of the existing hotel building or parking. There is no objection to the existing

buildings on the site being demolished, none of which are listed. This stance is supported by the Inspector's decision within the Appeal Scheme, who noted that:

"...there is no objection to its demolition, as no harm to the Town Centre Heritage Conservation Area has been identified from its redevelopment. Moreover this would be the logical result of its allocation for mixed-use development under Policy PP6/T12 which does not require retention of the existing building under this policy."

14.5 Layout, Scale and Massing

14.5.1 The current scheme adopts much of the Appeal Scheme layout but tweaks it to reduce the depth of Block A, reduce the depth of Blocks B and C while moving them further to the west of the site, and move Block D away from the northern side boundary, further into the middle of the Site while also significantly reducing the scale of Block D. This is demonstrated in the **Figure 4** below, with the Appeal Scheme shown in purple and the current proposal in white built form.

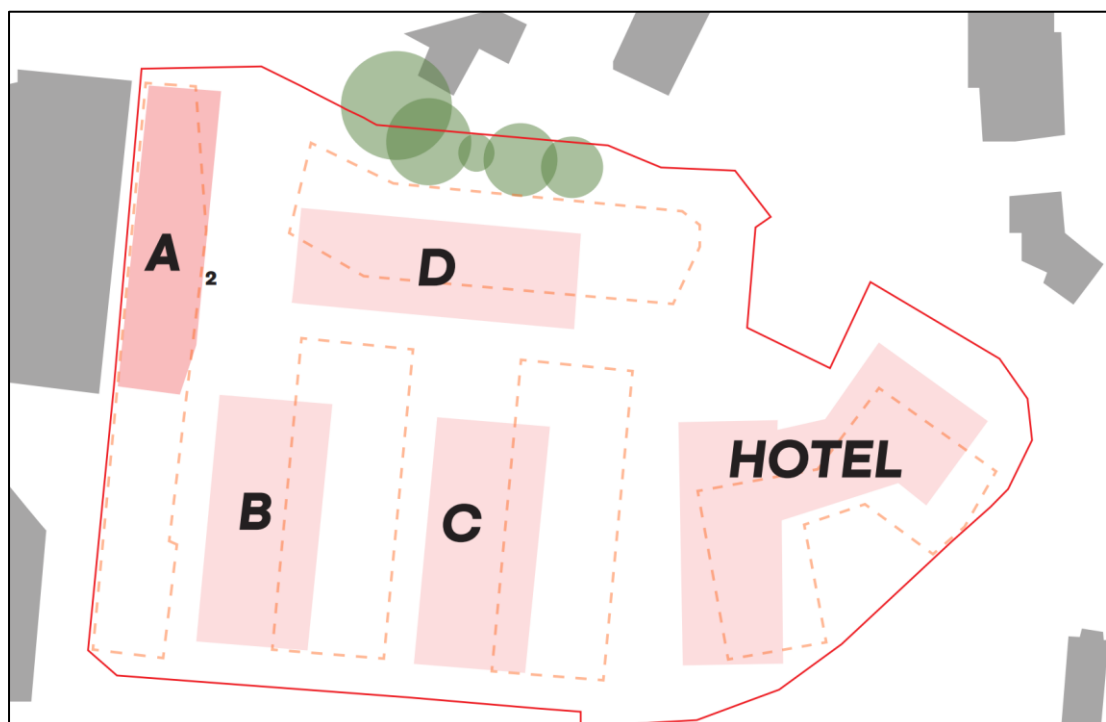


Figure 4 Site layout – current proposal (shaded) and appeal scheme (dotted)

14.5.2 At appeal, the inspector noted that:

A further 'Principle' set out in the Town Centre SPD is the requirement to establish appropriate building heights, with these stated to likely be between 2 and 4 storeys, depending on the specific location. I accept that the appeal site, located adjacent to the Dolphin Quays development which rises up to 8 storeys, need not be bound to just a 2 to 4 storey limit. But the issue of height does

need to be considered very carefully, when a key requirement of both the SPD guidance and the site-specific policy for redevelopment of this site is to provide a transition in scale to the existing residential properties to the rear and east of the site. (Para 49)

- 14.5.3 The inspector partly acknowledged the appellant's justification for the building heights, but maintained that any development must achieve an acceptable east-west transition in scale, stating:

"In part, the justification for this reference to taller buildings arose from the DAS's consideration of the wider context of the appeal site, which noted that the overall skyline of Poole contains a number of taller buildings, reaching up to 12 storeys in some locations. The appellant acknowledges that these tower blocks are not within the Conservation Area but argues that they have become an established feature of the post-WWII townscape of Poole, and can be seen as prominent features from several roads within the Conservation Area. But whilst these points are factually correct, regard still has to be had to achieving a transition in scale to the lower, more modest buildings to the east and north, as noted previously, in the context of any redevelopment of the appeal site." (Para 52)

- 14.5.4 The reduction in height is welcomed, as it would better relate to surrounding development to the north and east. The building is however located on a raised plinth, which adds additional height (although a reduction in height from the Appeal Scheme is achieved as demonstrated in **Figure 4** below). PLP Policy PP29 directs tall buildings to the town centre and the scale is therefore acceptable in principle, subject to compliance with the design-related criteria.
- 14.5.5 The buildings would be adjacent to a main arrival point – a key access to The Quay, and would deliver community/commercial facilities which would improve the town's economic offer in a key location, whilst also providing an improved tourism offer within a designated tourism zone. These benefits are at the core of the Site, as demonstrated by the site allocation. The Site is considered to be an acceptable location for tall buildings, within the scope of Policy PP29.



Figure 5 *Massing comparison between current and appeal schemes*

- 14.5.6 Overall, while the changes to the layout and heights are welcomed and help to integrate the scheme within the surrounding area (as demonstrated on the elevations in **Figure 6** below), officers do not consider the changes sufficient to negate any negative impact on the surrounding townscape. In addition, the proposal does not provide a variation in heights to reflect the traditional built form found in the area.

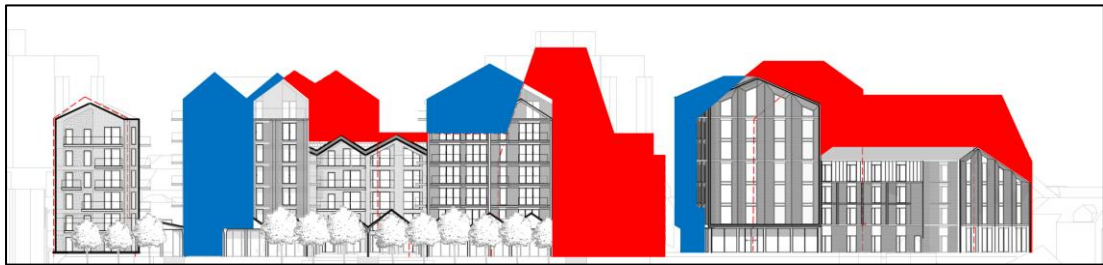


Figure 6 *Height comparison to appeal scheme – red indicates a reduction in massing, blue indicates an increase in massing.*



Figure 7 *Amended hotel design*

- 14.5.7 The Council's statement at appeal seconded this, stating that "... the historic gasworks buildings were tightly clustered together in a manner redolent of the historic quay. This is entirely lost in the loose arrangement of the appeal scheme, where the large spaces in between seem to exaggerate the odd scale of the buildings, and totally at odds with the historic quayside".
- 14.5.8 The Council's design officer considers both the appeal and current approach to fail in providing a strong building frontage onto the Quay, creating a layout which does not reflect the traditional layout of traditional buildings on The Quay. At appeal, the Council indicated that "... with its coarse grain blocks, broadly of similar heights and

with wide spacing between them, [the Appeal Scheme] differs from the tight grain and height variation seen at the historic quay”.

14.5.9 In the appeal decision, the inspector generally agreed with this stance, noting that:

“The proposed buildings all appear to be taller and more bulky than the previous buildings which inspired them, with significantly different spacing to one another than previously existed and with fenestration and materials which do not necessary conjure up ideas of warehouses.” (Para 45)

14.5.10 The positioning and layout of the front blocks is directly related to the Poole Town Centre SPD’s design guidance in relation to the site allocation which states that development should *“ensure development fronting the Quay emulates the vertical rhythm and architectural variety of the existing buildings on the historic frontage. It should appear as a series of plots with frontages between 10- 15m wide”*. The proposed main blocks B and C would have frontages of c.18m in width, generally complying with this design guidance.

14.5.11 A pastiche approach of smaller buildings is not considered to be appropriate on the Site, where a higher density is required. It is important to note that the Site is allocated for high density residential and hotel development – this is a key aspect of the Site’s delivery. A lower density proposal would likely not be supported at this location. As such, while development which reflects the characteristics of the historic warehouses and the traditional low to mid-rise development further to the west is encouraged, any proposal on the Site will be of a considerably different nature and therefore layout to the historic buildings, which had as little as 2m separation distance in places.

14.5.12 The depth of Block A has been significantly reduced, set back 47m from the location within the Appeal Scheme, and c. 55m from The Quay in general. This has benefits of removing the Appeal Scheme’s impact on the outlook of windows on Dolphin Quay and creating an active open space on the Site frontage. This is acknowledged as a positive design change by all officers. It is also necessary to allow for Blocks B and C to be pushed west within the Site, further from the low-rise housing to the east of the Site and nearer to Dolphin Quays. If Block A was not reduced, there would be unacceptable outlook and privacy from facing windows on Blocks A and B. The Council’s design officer considers the current scheme requires a reduction in the spaces between blocks, to better reflect the *“traditional, fine grain form of development on the Quay”*. As previously stated, the internal spaces are required to ensure that the proposed units have acceptable outlook, light and privacy. The alterations to Block A are considered to be wholly positive, reducing the massing of the Site. The space revealed by the setback also helps break up the taller frontage between Dolphin Quays and the proposal.

14.5.13 While the reduction in height to Block A is welcomed, the Council’s design officer objects to Block B being taller than Block A, stating that *“it is expected that built form would begin to elegantly step down towards the fisherman’s cottages to the east rather than rise into the centre of the site”*. While this may have been a more prominent issue with the Appeal Scheme, the current design has recessed front to Block A which takes it further back within the Site and loosens its spatial relationship with Block B. In turn, Block B has been reduced in depth to the north, having even less crossover with

Block A. This was not a feature of the Appeal Scheme, so there is no direction from the inspector. Officers consider the design change to be positive on the whole, due to the reduction of Block A's scale.

14.5.14 The Appeal Scheme Block C had a highly sloped, irregular roof design. This feature sought to incorporate a similar detail on the lopsided roof forms of the two-storey houses on Perry Gardens. This was not supported by the Council nor the inspector, and have been removed from the current scheme. The changes are supported by the design officer in principle and are a major improvement on the Appeal Scheme. The reduction in scale is however not considered sufficient.

14.5.15 The appeal decision explained the design principles and development behind the design and layout of Block D, as follows:

"At the Inquiry the appellant provided a comprehensive run-through of the design process which resulted in the scheme now at appeal, with this process also being described and presented in the Design and Access Statement⁷ (DAS) and in CD5.13. It was highlighted that the scheme design had undergone 8 main iterations, responding to comments and advice given variously by HE, the SWDRP and the Council. But notwithstanding these various design iterations, it seems to me that the final layout fails, at least to some degree, to accord with some of the 'design principles' set out in the Town Centre SPD, with the chosen positioning of Block D being a case in point." (Para 35)

"The appellant pointed out that this block was introduced at the instigation of the SWDRP, to give the development a greater sense of containment and to reduce what it referred to as too many pedestrian routes through the site which were not leading to an obvious destination. However, whilst I understand the reason behind the introduction of Block D, it does not automatically follow that its chosen positioning and form would be acceptable – either in policy/SPD guidance terms, or in terms of the SWDRP's own comments." (Para 36)

14.5.16 Notwithstanding an understanding of the design ethos (mentioned in Para 36), in inspector considered Block D inappropriate in terms of its impact on the protected tree group to the north of the Site and the amenity impact on the block of flats at Nos. 7-31 East Quay Road. The latter of these is addressed in the Residential Amenity section of this report, where officers have found no unacceptable impact.

14.5.17 In relation to the group of trees, the inspector noted that the existing site layout allows the trees to be *"seen across the eastern part of the appeal site from The Quay, and from a variety of locations round to Ballard Road at the north-eastern side of the site, as well as from the southern end of Perry Gardens and from East Quay Road adjacent to part of the appeal site's northern boundary"* (Para 37). The inspector further stated that the trees *"make a significant contribution to the character and appearance of the area"*, noting in Paragraph 38 of the appeal decision that four of the trees are featured on the Urban Design Map 2 within the TCHA as 'Trees of townscape significance', and also feature on Heritage Map 2 in the same document as 'Positive Features'.

14.5.18 PLP Policy 27(1)(b) supports development that *"responds to natural features on the site and does not result in the loss of trees that make a significant contribution,*

either individually or cumulatively, to the character and local climate of the area. Any scheme that requires the removal of trees should, where appropriate, include replacement trees to mitigate their loss". This section addresses building footprint impact on the trees only. A full assessment on the impact on the protected (and other) trees is undertaken in the Landscaping and Open Space, Ecology and Biodiversity sections of this report.

- 14.5.19 The inspector did not find there to be sufficient evidence from the Council or objectors to support the Council's reason for refusal in that the development would be harmful to the trees' health; however, the Council's tree-related reason for refusal was partially upheld by the Inspector on design grounds, relating to the visual amenity of the trees and the Block D placement cramping growth, stating:

"The proposed positioning of Block D would cramp the growth of these trees of acknowledged townscape significance and, as such, would fail to accord with that aspect of the Town Centre SPD guidance for this site which indicates that buildings should be positioned to 'positively address the surrounding streets and spaces'. The proposed positioning of Block D would, in effect, also block all views of these trees from the south, thereby severely reducing their public amenity value and failing to adequately respond to natural features on the site. This would place the proposed layout and siting of Block D at odds with some aspects of PLP Policy PP27." (Para 42)

"Because of this, and notwithstanding my conclusions on the Council's specific areas of concern, I have to conclude that the appeal proposal would have an adverse impact on the established trees of townscape significance on the site's northern boundary." (Para 78)

- 14.5.20 The current scheme proposes a Block D which has moved c. 6m south, away from the trees, which is supported by the design officer in principle and would no longer cramp future growth. A comparison of the two schemes' relationship between the tree group and Block D is provided in **Appendix 6**. An assessment on the impact of the health of the trees is undertaken within the Open Space, Ecology and Biodiversity section of this report. The Council's arboricultural officer is supportive of the application.

- 14.5.21 The width of Block D is significantly reduced in the current application, which allows for the group of trees to be appreciated at a far wider angle than the narrow viewing corridors afforded by the Appeal Scheme. In addition, the current layout and landscaping improves the routes through the Site, creating two access points in the northwest and northeast which would be welcoming to pedestrians and offer good appreciation of the tree group. This would actively encourage people to approach and appreciate the trees, while at present they are located at the rear of the relatively inaccessible Site. The Appeal Scheme did have similar site accesses; however, they were less successful at revealing and engaging with the tree group. The new placement of Block D also allows for an area of communal amenity space between the block and the trees, allowing them to be further appreciated.

- 14.5.22 Officers acknowledge that the protected trees would be screened from views to the south of the Site, as concluded by the inspector. Officers also note that the Appeal Scheme had no firm planting scheme proposed as part of the submission,

which left uncertainty as to whether newly established trees could be established on the Site. The current proposal has a detailed landscape plan (although full details are recommended to be secured by planning condition). Noting the high quality of the proposed planting, movement to Block D, and considering that any scheme on the Site frontage of even a single storey would considerably block views of the trees, the current proposal has made considerable effort to maintain the setting and visibility of the tree group. Whether it is unavoidable or not, the current proposal would still have an impact on the trees, albeit considerably less than the Appeal Scheme.

- 14.5.23 The inspector also expressed concerns with the design principles of Block D, stating:

"I acknowledge that one of these existing buildings, 7-31 East Quay Road, is itself a relatively large 4-storey, pitched-roof building on a 'cross' footprint. However, this building, and other nearby buildings to the north of the appeal site, would still be much smaller in scale than Block D... whilst the proposed set-back of the fifth storey would lessen the bulk of Block D when viewed from close to its northern elevation, this fifth storey would be easily seen from slightly more distant locations on East Quay Road and Perry Gardens, from where I consider Block D would appear as a large, bulky building, out of scale and keeping with its more modest existing neighbours. Because of this, I do not consider that this aspect of the appeal proposal would achieve the necessary transition in scale required by PLP Policy PP6(T12) or the Town Centre SPD."
(Para 43)

- 14.5.24 The set-back of the fifth storey has now been omitted from the current scheme, prompting design officers to regard the result as a monolithic building that will still appear bulky and out of scale with existing buildings when viewed from East Quay Road and Perry Gardens and fail to *"provide a transition in scale to the existing residential properties to the rear and east of the site..."* as required by PLP Policy PP6 (T12).

- 14.5.25 An important feature of the Site is its location between the taller seven-storey Dolphin Quays development (and the four to six-storey buildings on The Quay further west) and the two-storey buildings to the east of the Site. The Site allocation (through PLP Policy PP6) requires development to *"provide a transition in scale to the existing residential properties to the rear and east of the site and improve pedestrian connections between these properties and the quayside"*. The appeal decision also notes this, stating that the Site *"can effectively function as a transition site from the mass of the Dolphin Quays development to the smaller-scale residential buildings to the east and north, both within and just outside the Conservation Area"*.

- 14.5.26 The inspector considered the Appeal Scheme to fail in successfully transitioning, noting that:

"...the significantly sloping roof of this eastern part would not be appreciated until relatively close to this part of the building, by which time much of the area of modest 2-storey housing at Ballard Road and Stanley Road would also be part of the view. To my mind the appearance would be one of a significant disparity in height and scale between the hotel and these much smaller residential properties. Because of this I consider that the reduction in height of

the eastern part of the hotel, to 3 floors at eaves level, would be largely ineffective in achieving any meaningful visual transition in scale.” (Para 54)

14.5.27 The hotel block was one of the largest concerns of the inspector at appeal and is located on a key part of the Site, providing a step down from the taller buildings within the proposal and those of Dolphin Quays, to the two-storey buildings to the east of the Site.

14.5.28 **Figure 7**, below, shows the proposed hotel building with the outline of the Appeal Scheme hotel in red. A comparison with the Appeal Scheme is provided in **Appendix 4**. There is no requirement for development on the eastern part of the Site to exactly mirror the scale of the two-storey houses opposite; however, the Site is required to have an acceptable transition in scale as discussed. Notwithstanding this, officers note that there are many instances of three-storey development on the opposite side of Ballard Road – near the junction with Perry Gardens and further south, with the recent construction of a three-storey modern building at No. 6 Ballard Road (ref APP/19/00667/F).

14.5.29 There has been a significant reduction in massing and the eastern part of the hotel has a more gradual slope, from four storeys to a three storeys eave height which is less contrived than the Appeal Scheme slope and significantly reduces the bulk, better transitioning to the adjacent buildings to the east. The taller western part of the hotel has been reduced in height by half a storey and has been pushed west, into the Site and further from the two-storey buildings to the east, moving massing away from the smaller existing buildings. In relation to the transition in scale, Block C has been moved further west within the Site.

14.5.30 The Council’s design officer recommended a further reduction in the scale of the hotel block and repositioning the hotel further west within the Site, in addition to the removal of the asymmetric roof design. The asymmetrical roof design’s intention is to transition scale on the Site while maintaining a good number of hotel bedrooms, which it does successfully accomplish from many views, particularly in comparison to the Appeal Scheme. If the design officer’s comments were heeded in moving the hotel block westwards, this would cause amenity issues within the Site, due to a potentially unacceptable impact on window-to-window distances between Block C and the hotel. Officers understand the reasoning for the design approach.

14.5.31 The current proposal has made positive alterations to the proposed hotel block, noting the considerable reduction in massing and height. The scale of the building is however considered to result in harm to the townscape, noting views on Stanley Road and northwest views on the seafront, therefore conflicting with PLP Policies PP6, PP27, PP29(a) and guidance within the Town Centre SPD and the PQFNP

14.6 Architectural Expression and Materials

14.6.1 Design officers have stated that:

“Whilst it is not essential that design mimics or tries to replicate existing traditional buildings, as this often results in poor quality replicas, it is important that new buildings reinforce the character of the area. Good architecture is less to do with a particular style, and more to do with the successful co-ordination of proportions, materials, colour and details. Particular care should be given to corners, roof lines and how the building meets the ground.”

14.6.2 Design officers go on to state that:

“In addition (paragraph 45), these buildings have “... fenestration and materials which do not necessary [sic] conjure up ideas of warehouses...” and that (paragraph 46) “... the first reason for refusal does allege that the scheme would fail to make a positive contribution to the townscape... [and] the appeal scheme presents a series of buildings that would appear as large, discordant features in the townscape, whose impact would not be mitigated by the use of materials proposed.” This view continues to remain relevant.”

14.6.3 When considering the Appeal Scheme, the inspector noted that:

“...a ‘Principle’ in the Town Centre SPD requires new buildings to reflect Poole’s palette of building materials which includes red and buff brick, stone, tiles, slate and render, wherever possible. However, many of the materials proposed by the appellant, such as the dark grey cladding, louvres, light grey bricks, glass reinforced concrete and extensive tile hanging are not typically used in Poole, and are therefore at odds with this SPD requirement. (Para 47)

14.6.4 The current scheme grounds itself in a more local material palette, using a mix of yellow and red buff brick, with slate roof tiles.

14.6.5 The Inspector noted (paragraph 47) that the Town Centre SPD “... requires new buildings to reflect Poole’s palette of building materials which includes red and buff brick, stone, tiles, slate and render, wherever possible” (Para 47). The Appeal Scheme included some brick, but used a black cladding on Block B, wooden louvres and tiles on Block C, a red brick finish to Blocks A and D and a yellow brick (with high levels of glazing and metal fins) on the hotel. The current scheme takes note of the local palette, refining the finish and proposing a brick finish to all buildings – a yellow buff brick on Blocks A to C, and a red buff brick on Blocks D and the hotel (as per the revised plans). The hotel brick colour was amended at the recommendation of Historic England, who support the proposal.

14.6.6 The current scheme utilises different materials on the roof in comparison to the walls of the proposed buildings, also adding eaves details where relevant – this addresses the inspector’s concern with this feature, having stated that *“This design feature is not found elsewhere in the Conservation Area, at least not to the extent now proposed, nor does it appear that this design was used on the historic gasworks buildings”* (Para 48).

14.6.7 The proposal has identified an opportunity for public art on the pump house located at the front of the Site. Officers support this in principle, noting the thrust of Policy PQF11 of the PQFNP to increase public art. Officers recommend a condition to secure details.

- 14.6.8 Design officers comments' state that Block A would fail to have a strong warehouse appearance, in part due to the mixing of materials and varying balcony widths, instead of a regimented vertical approach. Block A is now recessed within the Site, partly screened by proposed landscaped areas in the site frontage, and the design has been tempered in order to reduce its impact. A strong frontage onto the Quay is therefore less of a requirement and the design is considered to be acceptable within the current proposal. The design officer goes on to state that "*there is nothing in the design of either Block in the current proposals that declares that the buildings are traditionally 'Poole'*". In relation to the other frontage blocks, comments state that the double-pitched steel feature (Block B) and recessed top storey of the Block B and C roofs create a disjointed and cluttered appearance. As previously stated, there is no design requirement to replicate precise characteristics of historical buildings on the Site. Officers The submission documents demonstrate a reasoning for the style, which does have a more industrial element. Officers do not object to the architectural approach in this regard and consider it a far better approach than the Appeal Scheme.
- 14.6.9 At appeal, the Council stated that Block D failed to display any meaningful references to industrial architecture or the local context. The design officer has stated that the "*bland and unrelieved rear elevation*" of the block and the reduced scale in comparison to the front blocks results in an "*uncomfortable relationship to the buildings on East Quay Road and Perry Gardens*". The amended rear elevation has a wharf-style roof feature, which adds some character and also breaks up the previously flat-roofed massing of the Appeal Scheme, when viewed from the most prominent locations. Design officers recommend a different shade of brick for this building – details of this can be secured by a planning condition, to also include patterned brickwork to break up the elevation. In relation to design comments that the verticality of the block is eroded by the balconies, these are considered to provide depth to the massing and are essential to provide acceptable private amenity space to future occupiers.
- 14.6.10 Design officers acknowledge that the material finish of the hotel is now "*more in keeping with Poole*"; however, do not support the complicated roof form that emerges from the flat-roof link element being located between the pitched roofs, stating that it is not reflective of wharf development. The impact of the complex roof form is improved from the Appeal Scheme, partly due to the reduction in scale; however, it is not reflective of local development patterns.
- 14.6.11 The applicant has submitted revised plans, which regularise the window positioning of the eastern hotel elevation into a stronger vertical form to address the initial comments from the design officer. This improves the appearance of this elevation, where windows were previously jarring and prominent. While officers have identified concerns with the scale and location of proposed buildings, the detailed design elements (particularly following the design amendments) are an improvement, as evidence by the support from Historic England in this regard.

14.7 Landscaping and the Public Realm

- 14.7.1 Development on the Site is required to create a vibrant, active frontage onto The Quay, required by PLP Policies PP6 and PP27, PQFNP Policies PQF1, PQF 10 and PQF11.
- 14.7.2 The Council's design officer is not supportive of the podium element of the scheme, stating that *"raising of the ground level will create a degree of disconnect between the buildings and the Quay and it is imperative that fully inclusive access is maintained"*. Planning decisions must be reasonable and made in the balance. The Site is allocated for residential development and, noting comments from the Environment Agency in relation to finished floor levels, residential development (nor a basement car park for any use) may not be able to be brought forward without the podium design providing additional height to combat flooding. The Statement of Common Ground at appeal stated that *"raised ground floor levels are a key policy requirement to mitigate the development from flooding"* (Para 7.17). This was acknowledged by the inspector, who did not specifically cite the podium as a positive or negative aspect of the scheme. Officers are therefore supportive of the podium design in principle. The podium level could be accessed from The Quay from multiple staired access points and two ramped access points. This access is considered acceptable and ensures accessibility for wheelchair users, in accordance with PLP Policy PP35 and equality duties. Landscaping would extend onto the Quay level, to create continuity between the two levels.
- 14.7.3 The current scheme's response to landscaping and the public realm is generally similar to the Appeal Scheme, in which the inspector noted that:
- "... there would be improvements to the public realm along the Quay, including improvements to accessibility and landscaping, and public realm improvements would also extend to the site itself, to include the proposed landscaped areas between the residential blocks. Overall I consider that these public realm improvements would be relatively extensive and warrant being given significant weight."* (Para 111)
- 14.7.4 The Site will act as a new access between the north and Poole Quay, which would be subject to high quality landscaping, including the planting of 206 new trees. Hard landscaping would also ensure a public realm which is accessible to wheelchair users. A further benefit is the public art proposal to the pumping station building at the front of the Site, providing public art.
- 14.7.5 The current scheme proposes an improved public realm approach which accords with PLP Policy PP27(1)(f). The development also includes planning obligations securing improvements. Noting the appeal scheme, officers have given the improvements significant weight in the planning balance.
- 14.7.6 The current proposal provides an improved landscaping offer, which is supported by Open Space colleagues and the Council's arboricultural team. Officers recommend a condition to secure a final layout and specification of planting and soft/hard landscaping through a Landscape Plan. A Landscape Management Plan is also recommended by condition, to ensure that the landscaping is suitably maintained.

14.8 Summary – Design

- 14.8.1 The inspector made several comments on the positive elements of the Appeal Scheme, but concluded:

“I understand and support the need to make efficient use of the appeal site. However, having regard to the layout and siting of the proposed buildings, with their significant height, scale and bulk, and the intended palette of materials, I conclude that the proposed development would not sufficiently reflect or enhance local patterns of development, or neighbouring buildings, and would not make a positive contribution to the townscape.” (Para 66)

- 14.8.2 The inspector dismissed the appeal (in part) due to “*an adverse impact on the character and appearance of the surrounding area*” in addition to the heritage harm, which was balanced against the public benefits of the proposal.
- 14.8.3 The current application has been submitted as a direct response to the Appeal Scheme. The applicant has maintained the general principles of the Appeal Scheme, but has worked with the Council to make considerable alterations to address the previous reasons for refusal. The success of this is clearly evidenced by Historic England (HE) commenting in support of the current proposal. While they supported the principle of the Appeal Scheme, HE highlighted various concerns with the design, which they have advised have now been addressed.
- 14.8.4 In summary, taking all material considerations into account, officers are supportive of the design changes from the Appeal Scheme; however, notwithstanding the positive improvements and giving weight to the appeal decision, the proposal would still fail to be in strict compliance with Policies PP6, PP27 and PP29 of the PLP, design guidance (and guidance specific to the Quay) within the PQFNP and Town Centre SPD. The policy conflict will be weighed up in considerations within the Planning Balance and Conclusion section of this report.

15 **HERITAGE IMPACTS**

15.1 Policy Context

- 15.1.1 The NPPF guides the assessment of impact on heritage assets – “*as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary*”. Paragraph 194 goes on to require that “*applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”. The submission is supported by a Heritage, Townscape and Visual Impact Assessment which is considered to provide sufficient detail in this regard.
- 15.1.2 NPPF Paragraph 199 states that “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater*

the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

- 15.1.3 NPPF Paragraph 200 states that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional... substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.* This stance is reiterated in Core Strategy Policy CS39 (Designated Heritage Assets), which also protects against extensions or other proposals that would adversely affect heritage assets’ significance.
- 15.1.4 NPPF Paragraph 203 provides the context for assessing the impact on non-designated heritage assets, stating that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 15.1.5 This stance is supported by PLP Policy 30 (Heritage assets) which supports proposals which *“preserve or enhance the historic, architectural and archaeological significance of heritage assets, and their settings, in a manner that is proportionate with their significance”.* Part (1)(b) of the policy states that developments in conservation areas and/or affecting listed/locally listed buildings should:
- “(i) enhance or better reveal the significance and value of the site within the street scene and wider setting;*
 - (ii) seek to retain buildings that make a positive contribution to the conservation area;*
 - (iii) where practicable, avoid locating renewable energy installations such as solar PV/panels or solar thermal equipment on the principal elevations;*
 - (iv) ensure signs and advertisements reflect the historic nature of the area; and*
 - (v) retain, repair and reinstate historic shopfronts and reflect their character using appropriate designs, colours and materials in new shopfront designs.*
- 15.1.6 PQFNP Policy PQF3 (High quality design) requires proposals to *“conserve or enhance the Plan area’s important built and archaeological heritage assets and their settings”.*
- 15.1.7 PQFNP Policy PQF10 (Creating a more vibrant Quay) supports *“the reuse of under-utilised and vacant sites on Poole Quay for mixed use development which respects the character and scale of Poole Quay’s heritage assets preserving the open character of Poole Harbour and views of Brownsea Island and beyond”.*
- 15.1.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) (as amended) states that in relation to buildings and land in a conservation area, *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.*

15.2 Appeal Context

15.2.1 The appeal scheme was refused on the following design and heritage related reason:

“The proposed development, by reason of its excessive scale and extent, represents an overdevelopment of the site, harmful to its character and appearance. The scheme would fail to make a positive contribution to the townscape, giving particular attention to its quayside location and does not meet the statutory test to ensure heritage assets including the Town Centre Heritage Conservation Area are preserved or enhanced. The proposals are therefore contrary to Policy PP6, T12, PP27, PP29 & PP30 of the Poole Local Plan (2018).”

15.2.2 At appeal, the inspector upheld the reason for refusal, concluding that:

“As a result, the proposed development would have an adverse impact on the character and appearance of the surrounding area and would fail to preserve or enhance the character or appearance of the Conservation Area. Indeed it would undermine the integrity of the Conservation Area as a whole and would leave Stanley Road and Ballard Road disconnected from the remainder of the Conservation Area. This would amount to less than substantial harm to the significance of the Conservation Area and, in accordance with the Framework, this harm needs to be weighed against the public benefits of the proposal, an exercise which I undertake later in this decision. Overall, for the reasons detailed above, the proposed development would be in conflict with those aspects of PLP Policies PP6(T12), PP27, PP29 and PP30, and the requirements of the Town Centre SPD, to which I have already referred.” (Para 68)

15.2.3 As previously stated, the recent appeal decision is a material planning consideration to which officers are giving significant weight.

15.3 Heritage Assets Considered

15.3.1 Relevant heritage assets were agreed by all parties at appeal. The inspector's decision stated that:

The appellant's HTVIA has established that there would be no intervisibility between the sensitive historic core of the Conservation Area and the proposed development. As a result, the appellant 'scoped out' the historic, western part of the Conservation Area and those listed buildings within it, and did not consider them further in its HTVIA. This course of action was not objected to by the Council, and I, too, consider it to be an appropriate and acceptable approach. (Para 33)

15.3.2 The following heritage assets have been identified as those which could potentially be impacted by the proposal. Heritage assets not listed are not considered to receive

any significant impact by the proposal. No heritage assets in addition to the below list were considered in the Appeal Scheme.

Conservation Areas

- Town Centre Heritage Conservation Area

Statutory listed buildings

- The development is not considered to impact any statutory listed buildings

Non-designated heritage assets (NDHA)

- Locally listed Lifeboat Museum
- Locally listed WWII Pillbox
- Locally listed Anchor
- Weighbridge (considered to be a NDHA)
- Archaeology potential

15.3.3 Comparison CGI images from the viewpoints are provided in **Appendix 3**.

15.4 Heritage Impact: Conservation Areas

Town Centre Heritage Conservation Area

15.4.1 The Site is located within the Town Centre Heritage Conservation Area (TCH CA). A map of the Site within the context of the CA is provided in **Appendix 8** of this report.

15.4.2 The appeal decision provides a good description of the CA, stating:

The Conservation Area was designated in 2013, following the aforementioned Appraisal exercise, which was carried out in 2012. It contains a wide-ranging mix of architectural styles, ages, qualities and uses, with much of the western part being characterised by narrow streets which connect the historic core of the Old Town to the quayside, together with open areas on the immediate quayside, with glimpsed views into these narrow interconnected streets. It contains a significant number of listed buildings, ranging from Grade I to Grade II, located predominantly within the High Street and Old Town 'character' areas, and at the western end of the Town Quay character area. The majority of the historic buildings which front the west and central parts of Town Quay date from the Georgian and Victorian periods, with some infill developments of modern, yet traditionally styled, buildings. (Para 27)

15.4.3 The application seeks the demolition of the existing building on the Site. NPPF Paragraph 207 states that:

“not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”.

- 15.4.4 Within the appeal scheme, the Appellant and Historic England considered the existing hotel building and car park to have a negative impact on the CA's character and appearance. The Inspector considered the building to have a neutral impact on the CA, which accorded with the views of the Council's heritage witness at the Public Inquiry; however, stated in the appeal decision that *“it is only when the large expanse of somewhat neglected and untidy surface-level car parking to the rear of the hotel is also taken into account, that the hotel complex, overall, could be said to have a negative impact on the character and appearance of the Conservation Area”.*
- 15.4.5 The committee report in the Appeal Scheme concluded that *“whilst there are differing views to the contribution the existing hotel has within the Conservation Area, the conclusion is there is no objection to its demolition, as no harm to the Town Centre Heritage Conservation Area has been identified from its redevelopment... Moreover this would be the logical result of its allocation for mixed-use development under Policy PP6/T12 which does not require retention of the existing building under this policy”.*
- 15.4.6 Giving significant weight to the Inspector's decision and noting the views of the Council's heritage officers during the appeal scheme and current submission, officers do not object to the demolition of the existing building within the current proposal. As noted by the Inspector, this is a logical approach given the site allocation's requirement for mixed-use development which does not require the retention of the existing building. Officers have identified no harm to the CA from the demolition of the existing development onsite.
- 15.4.7 As previously stated, the Appeal Scheme was not considered (by the Council and inspector) to have any intervisibility with the sensitive historic core of the CA and the listed buildings therein. These areas were therefore scoped out of the assessment.
- 15.4.8 A Heritage, Townscape and Visual Impact Assessment (HTVIA) has been submitted by the applicant, providing CGI views from the relevant viewpoints which were scoped into heritage considerations of the Appeal Scheme.
- 15.4.9 The HTVIA demonstrates that the proposal would not be visible, or would be largely obscured within the backdrop, in the CGI views from the below locations. Officers therefore do not consider there to be any heritage impact on the CA in views from:
- New Orchard Street
 - The Quay (long views from the west)
 - Strand Street

15.4.10 Views from Skinner Street have not been provided but officers are satisfied that the proposal would not have a significant impact, noting the minimal visibility of the existing Dolphin Quays development from Skinner Street.

15.4.11 In relation to the key areas of impact, the appeal decision stated:

“It is the case that the proposed buildings would be most clearly seen and would have the greatest visual impact in views from the south, east and north, and would be more prominent and noticeable from locations closer to the appeal site, unimpeded by intervening buildings.” (Para 53)

Viewpoint - Stanley Road

15.4.12 Two agreed viewpoints were taken from Stanley Road, one at a mid-point and one at the far end, both facing southwest towards the Site. At appeal, the inspector noted the failure of the sloped hotel roofslope in transitioning scale, stating that:

“...as the greater ridge height, gable-end and bulk of this part of the hotel would still be very noticeable from the western end of Stanley Road and from Ballard Road, I do not consider that this arrangement would satisfactorily lessen the visual massing or deliver the necessary transition in scale.” (Para 59)

15.4.13 Regarding views from Stanley Road at appeal, the inspector noted that “any development of the appeal site to accord with Policy PP6(T12) would inevitably change these views and result in some built form being visible on the appeal site” (Para 58). Officers agree that some element of impact is expected in order to bring forward the site allocation. The appellant accepted that heritage harm arose from this viewpoint and suggesting it resulted in less than substantial harm, to which the inspector agreed (see Para 60). Officers give weight to the appeal decision’s view that a hotel positioned in the extreme east of the Site would be uncomfortably close to the two-storey houses.

15.4.14 Notwithstanding the acceptance of some level of impact within the Appeal Scheme, the inspector went on to note that the 30m separation between the hotel and the end of Stanley Road was not overly apparent in the views. He went on to state that “the proposed positioning of the hotel building at the extreme eastern end of the site would place it uncomfortably close to these existing modest, 2-storey terraced houses” (Para 58). The hotel building has been moved closer to the houses; however, there has been a large reduction in massing from this viewpoint and a simpler, less dominant roof form. The taller element of the hotel building would however terminate the street view in a tall and wide massing, which impacts on the openness of the street and limits views towards the CA.

15.4.15 The impact on this viewpoint would be fairly localised, for the c. 155m length of the narrow street. Notwithstanding the positive changes within the current scheme, the proposal would still result in a highly visible built form terminating the long views down Stanley Road, which would result in harm to the CA.

Viewpoint - Perry Gardens

- 15.4.16 On the impact of the view from Perry Gardens, the inspector's appeal decision stated:

Insofar as Viewpoint 6 from Perry Gardens is concerned, the visualisation shows that the eaves line on the finally proposed version of the hotel design would clearly be lower than with the originally proposed scheme. However, the ridge heights of both parts of the hotel building would remain the same and the tall Block C would become more visible as one moves south-westwards down Perry Gardens, with the 4/5 storey Block D also becoming visible. Notwithstanding the fact that these views are from outside the Conservation Area, it is my assessment that the visual juxtaposition of these modest Perry Garden dwellings with the taller and more massive buildings proposed on the appeal side would not achieve an acceptable transition in scale. (Para 55)

- 15.4.17 At appeal, the inspector noted that these viewpoints are outside of the CA; however, views into or out of a CA can still be a material consideration when assessing heritage harm. The NPPF protects the setting of heritage assets in Paragraph 200. The NPPF defines the 'setting of a heritage asset' as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

- 15.4.18 In assessing this viewpoint, the inspector noted that the massing of Block D is visible in views from Perry Gardens (although further south than the viewpoint location). The footprint of Block D has been significantly pulled in from its eastern elevation – in the current scheme it would only be visible from the very end part of Perry Gardens. The inspector concluded that *"notwithstanding the fact that these views are from outside the Conservation Area, it is my assessment that the visual juxtaposition of these modest Perry Garden dwellings with the taller and more massive buildings proposed on the appeal side would not achieve an acceptable transition in scale"* (Para 55).

- 15.4.19 The current proposal seeks to reduce the scale of the eastern element of the hotel building. The reduction is very apparent from this viewpoint. Where the steeply angled slope of the Appeal Scheme hotel fails to hide the massing, the eastern element of the current hotel building would sit comfortably in the street scene with the existing three-storey terrace on Perry Gardens. The design and material finish is also more appropriate for a suburban terraced street. While the taller element of the hotel would be visible above the, it would be better screened by the buildings on the western side of the road, the impact is reduced. While there is a significant improvement, the development would still terminate the openness of the Site when viewed from Perry Gardens, which contributes to the spatial quality of the street, resulting in harm to the CA.

Viewpoint - Baiter Gardens

- 15.4.20 Baiter Gardens is a cul-de-sac containing two to four-storey development, located to the north of Stanley Road. It is located outside of the CA, but as noted this does not preclude it from being within the setting of the CA. There is no viewpoint

within the agreed viewpoints of the Appeal Scheme, nor a reference to the location within the dismissal of the Appeal Scheme. The proposal would introduce additional visible mass; however, this would only be in glimpses from Baiter Gardens, viewed between gaps of the existing buildings. Many of the glimpses have views of the existing Dolphin Quays building and the impact would be minimal. Officers do not consider there to be any harm to the CA from this viewpoint.

Viewpoint - Dolphin Quays

15.4.21 The viewpoint on The Quay is located on the quayside of Dolphin Quays, as shown in the key in **Figure 3**. The appeal decision noted that only a sliver of the building would be visible from the view, but that as the viewpoint continues eastwards along the quayside, more of the buildings would come into view. The inspector also noted that the sloped (eastern) part of the proposed hotel building would not come into view before much of the housing on Ballard Road and Stanley Road has already come into view, concluding that the sloped eastern edge of the hotel “*would be largely ineffective in achieving any meaningful visual transition in scale*” (Para 54).

15.4.22 The reduction in hotel height (and the Block C height reduction) improves the transition in scale; however, in the close-up viewpoint, the proposed hotel's layout would result in the taller element of the building screening views of the shorter element from western views on The Quay, as the inspector noted of the Appeal Scheme. The overall massing onto The Quay and the interaction with the street scene has been significantly improved. The design of the proposed buildings, which are much more regularised and less modern/jarring than the Appeal Scheme, lessens their visual dominance. Noting the failure to completely execute the transition in scale, the proposal would still result in harm to the CA from this viewpoint.

Viewpoint - Ballard Road and Labrador Drive

15.4.23 On the Appeal Scheme, two viewpoints were agreed on the waterfront – one on Ballard Road, east of the Cherbourg Roundabout, and one c. 300m to the east, on Labrador Drive. This Labrador Drive viewpoint allows an assessment of the proposal within distanced view of the surrounding townscape.

15.4.24 The proposed landscaping on the Appeal Scheme site border was lauded, but ultimately not considered to mitigate the distraction caused by the proposed massing. The current proposal has increased landscaping on the nearest boundary, in addition to better address The Quay. The revisions to the brick and side elevations of the hotel building (in addition to the general reduction of massing in the current scheme) significantly improve the scheme from the Ballard Road viewpoint (which has existing tall buildings in the backdrop) and reduce the prominence of the building in long views from Labrador Drive in comparison to the Appeal Scheme. The scale results in a far improved transition in scale due to the reduction in height of Block C and the hotel.

15.4.25 The scale of the development, despite being comparable to Dolphin Quays from this view, would still have an impact due to the proximity to the view. Although the current proposal is a significant improvement, it would still result in harm to the CA.

15.4.26 Much of the proposal would be contained within the silhouette of the Dolphin Quays development; however, the proposal would increase the massing in this location and would be noticeable in the backdrop of the two-storey dwellings at the end of Labrador Drive when viewed from the waterfront. The appeal decision stated that the Labrador Drive viewpoint “*shows that there would be a significant change, with the buildings on the appeal site noticeably taller and more prominent than Dolphin Quays, resulting in an uncomfortable visual relationship with the aforementioned lower buildings*” (Para 61). The current proposal would be a more sympathetic red brick finish, similar to some of the more prominent buildings in the foreground of this view, and would have a smaller massing and less complex roof form. The development is less overbearing and less distracting than the Appeal Scheme; however, it would still present a large mass on this key Quay view and despite being distanced within the backdrop of the Lifeboat Museum, much taller than the locally listed building (the impact on the locally listed building is assessed in the next section of this report).

15.4.27 Although it is not one of the agreed viewpoints, officers consider it important to assess the impact on the view across the water towards the Quay. The views are distanced, and taller buildings to the north would be visible in the backdrop. These views would be transient, upon crossing the water, and the proposal is not considered to result in any harm to the appreciation of the CA from these areas.

Town Centre Heritage Conservation Area - Summary

15.4.28 As demonstrated by the viewpoint comparisons in **Appendix 3**, the current proposal has significantly reduced the visual impact of the proposal and therefore the heritage harm. The proposed buildings would still be clearly visible, sometimes prominent, in direct views to the Site on Stanley Road and Perry Gardens. These would be localised views, within a small outer area within the CA and only visible in one direction. The inspector did note that the impact would leave Stanley Road (and Ballard Road) disconnected from the remainder of the CA. The proposal would still be highly visible from short (Ballard Road) and long (Labrador Drive) views on the waterfront but is an improvement on the Appeal Scheme; the inspector also acknowledged that any development which is in line with the site allocation would result in some degree of harm to views from these areas. Officers do not consider there to be any harmful impact on the critical area of the CA to the west, containing the majority of the listed buildings.

15.4.29 The proposal would improve the public realm and would contain lighting largely within the Site. The proposal is sensitive to the historic environment in this respect, as required by PLP Policy PP30(1)(a)(ii). There is a minor heritage benefit from these improvements, as noted by the inspector at appeal.

15.4.30 Notwithstanding officers' general support for the layout and design of the proposal, it is acknowledged that the scale, layout and architectural design would still result in a dominant feature on the Site. Officers consider the proposed development to result in a low to mid-level of less than substantial harm to the setting and significance of the Town Centre Heritage CA, contrary to PLP Policy PP30. The level of harm, which under the same category of 'low to mid', is however significantly less

than the Appeal Scheme and further towards the lower end of less than substantial harm.

15.5 Heritage Impact: Listed Buildings

- 15.5.1 The proposal is not considered to have any impact on the setting or special interest of any statutory listed buildings. This stance was also taken in the Appeal Scheme by the Council and inspector.

15.6 Heritage Impact: Non-designated Heritage Assets

Locally listed Lifeboat Museum

- 15.6.1 This locally listed building is located c. 23m to the southeast of the Site and comprises a single-storey red brick building with a pitched roof. The building was locally listed due to its historic interest, architectural interest and having important archaeological potential. The listing description describes the building as:

“...a striking salmon pink building tight to the water’s edge. The building has strong associations with the Royal National Lifeboat Institution and now houses the Lifeboat museum and a historic boat. It is single storey building with oriel window to gable. The roof is grey slate with red ridge tiles. Both ends of the roof are half hipped. The north contains recessed casement windows and is clad in painted tile. A dentils eaves band runs around side and rear. North wall has two dressed stone plaques with coat of arms. The south wall has large sliding doors and a slipway to enable the boat to be launched.”

- 15.6.2 At appeal, the Council’s Statement of Case noted that while the Lifeboat Museum is modest, it “... still stands out today because of its relative isolation and lack of competing built form” and stated that the appeal scheme would visually overwhelm and compete with the museum.

- 15.6.3 The inspector agreed with this view in the appeal decision, stating:

“In my assessment, the current, relatively isolated setting of the locally listed Lifeboat Museum would be adversely affected by the close proximity of the more massive development on the appeal site. I consider that this harm should carry modest weight.” (Para 117)

“I accept that the vertical form of the proposed hotel would contrast somewhat with the horizontal form of the Lifeboat Museum, but the fact that this tall hotel building would be sited in relatively close proximity to the Lifeboat Museum would, in my assessment, have an adverse impact on the Lifeboat Museum’s setting” (Para 63)

- 15.6.4 The current proposal significantly reduced the bulk of the hotel element, which is the nearest building to the Lifeboat Museum and simplifies the fenestration approach on the facing elevation, which is a positive step. The alterations to the hotel building

which rationalise the massing, fenestration and materials (to better reflect the local palette) also help to reduce the visual prominence of the building in views from the east. Notwithstanding the improvements, which demonstrably reduce the degree of heritage harm to the Lifeboat Museum, the current proposal would still introduce a prominent built form in close proximity to the locally listed building, which is considered to result in harm to the open setting and significance of the Museum.

- 15.6.5 The appeal also concluded that there would be harm to the locally listed Lifeboat Museum. Officers consider the current proposal to result in harm to the building, contrary to PLP Policy PP30. The NPPF does not provide a scale of harm for non-designated heritage assets. Paragraph 203 requires a balanced judgement a “balanced judgement...having regard to the scale of any harm or loss and the significance of the heritage asset”. Officers note the inspector attributed only modest weight to the impact of the Lifeboat Museum. Officers present a stance on this within the Planning Balance and Conclusion section of this committee report.

WWII Pillbox

- 15.6.6 The locally listed WWII pillbox is a building located within the south of the Site.
- 15.6.7 At appeal, the inspector acknowledged that the Statement of Common Ground (SoCG) *“there is recognition that the locally listed WWII pillbox and the non-designated weighbridge would both be better revealed and incorporated into the final scheme design”*.
- 15.6.8 In comparison to the Appeal Scheme, the current proposal reduces the bulk in the areas near the pillbox and also proposes a less distracting design. Given the reductions in nearby bulk, and noting the other design improvements, the current application would improve on the Appeal Scheme’s impact, which was seen to be positive at appeal.
- 15.6.9 The current proposal would result in an improved setting of the locally listed building and while the proposal would be visible in views of the locally listed building, officers consider the proposal to result in a heritage benefit to the significance of the locally listed building.

Anchor

- 15.6.10 A locally listed anchor is located within the Site, near the frontage on The Quay. The location of the anchor stymies development on the allocated site and schemes which retain it would likely find difficulty in bringing forward a development sits appropriately within the Site and creates an active frontage onto The Quay. The nature of the asset as an historic anchor means that a sympathetic relocation is possible. The grounding of the anchor has little heritage value and the asset itself (the anchor) will be relocated to a nearby location on the quay-fronting part of the Site, with an improved construction quality to better reveal its historic significance.

- 15.6.11 NPPF Paragraph 204 states that “*local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred*”. Officers therefore recommend a planning obligation to secure a schedule of works which require the anchor to be placed back in situ if it is removed and the development does not go ahead. The anchor will be relocated within the Site in a location where its significance is protected. While the relocation of a heritage asset is usually considered to result in harm, given the nature of this asset officers do not consider there to be any heritage harm, subject to a condition recommended to ensure a high-quality finish of the relocation.

Weighbridge

- 15.6.12 The weighbridge is located at the northern edge of the Site, running along Ballard Road. The weighbridge is neither statutory nor locally listed; however, given its historic value, officers are considering it as a non-designated heritage asset within the context of this planning assessment. The same approach was taken by the Council on the Appeal Scheme. The inspector did not object to this.
- 15.6.13 The Statement of Common Ground in the Appeal Scheme stated that “*the locally listed weighbridge abutting the northern boundary of the site will be retained in situ, and its significance would also be better revealed, subject to agreed landscaping proposals and access arrangements*” (Para 7.18).
- 15.6.14 The current proposal reduces the scale of the hotel building and significantly moves the massing of Block D away from the weighbridge. In addition, under the current application the applicant has agreed to works to the adjacent boundary wall which would be of further benefit to the asset. While the proposal would be visible in views of the locally listed building, the proposal would better reveal the asset within the setting, so the proposal therefore delivers a heritage benefit to the significance of the weighbridge.

Archaeology

- 15.6.15 The NPPF advises that archaeological assets can be considered as non-designated heritage assets.
- 15.6.16 An archaeological assessment produced by AOC Archaeology Group forms part of the application. The document has been reviewed by a senior archaeologist at Dorset Council, who has advised that the assessment is competent, and the proposed archaeological mitigation is appropriate. Officers are satisfied that any potential archaeological assets will be suitably protected subject to the condition to secure a Written Scheme of Investigation (WSI) with the mitigation supported by the archaeologist. This same approach was taken in the Appeal Scheme.
- 15.6.17 Subject to a condition securing the WSI which secures the proper investigation and mitigation if required, the proposal would not result in any harm to potential non-designated archaeological assets.

15.7 Summary

15.7.1 A summary of the heritage harm identified by officers is provided in the below table:

Designated Heritage Assets	Type	Level of Harm Identified
Town Centre Heritage CA	CA	Low to mid-level of LTSH
Non-designated Heritage Assets	Type	Level of Harm Identified
Lifeboat Museum	Locally Listed	A low level of harm
WWII Pillbox	Locally Listed	Positive impact
Anchor	Locally Listed	No harm
Weighbridge	NDHA	Positive impact
Archaeology	N/A	N/A

Table 3 Summary Table of Identified Heritage Impacts

Heritage Benefits

15.7.2 NPPF Paragraph 206 states:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

15.7.3 Following the submission of revised plans and subject to planning conditions securing details of the substation artwork and frontage canopies, Historic England have advised that the current proposal would not result in any harm to the relevant heritage assets.

15.7.4 In relation to the Appeal Scheme, the Inspector resolved that the existing hotel building is not a negative contributor in and of itself; however, does go on to conclude that the cumulation of the existing onsite development (including the high level of parking hardstanding) does, on the whole, make a negative contribution to the surrounding CA. The proposal would remove this negative contributor, replacing the untidy car parking area with high quality landscaping.

15.7.5 Officers have identified heritage benefits from the proposal better revealing the significance of the locally listed WWII pillbox and the non-designated weighbridge.

Assessment of Cumulative Impact and Summary

15.7.6 Heritage harm has been identified to the Town Centre Heritage CA and the locally listed Lifeboat Museum.

- 15.7.7 The harm to the CA results largely within localised street views on the edge of the CA. There is also harm resulting from longer sweeping views from the quayside to the east. Officers give significant weight to the comments of Heritage England, who have commented in support of the proposal.
- 15.7.8 Officers have weighed the multiple instances of identified heritage harm and conclude that when these are taken cumulatively, the proposal would result in heritage harm which is at the 'low to moderate' end of less than substantial harm, but not amounting to substantial harm.
- 15.7.9 Officers consider the current proposal to be an improvement over the Appeal Scheme and identified significantly less heritage harm than the Appeal Scheme, albeit that it falls within the same category as the Appeal Scheme. While the current proposal does result in a lower level of less than substantial harm, officers do not consider the level to fall as low as to result in a "low" level of less than substantial harm.
- 15.7.10 Less than substantial heritage harm has been identified to a designated heritage asset, and harm to a non-designated heritage asset. The decision maker must therefore consider the application on the balance between the harm and the public benefits of the application. This is conducted within the Planning Balance and Conclusion section of this report.
- 15.7.11 Should Members, as the decision-maker in this application, find a different level of harm, this will need to be weighed accordingly in the planning balance and in accordance with the NPPF.

16 **AMENITY IMPACT**

- 16.1.1 PLP Policy PP27 requires development to be "*compatible with surrounding uses and would not result in a harmful impact upon amenity for both local residents and future occupiers considering levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive*".
- 16.1.2 A plan demonstrating the layout of the buildings of most relevance to the assessment is provided below.



Figure 8 Nearby buildings

16.1.3 The Appeal Scheme was not refused by the Council, nor dismissed by the inspector, due to any impact on neighbouring amenity. Some levels of impact were identified in the Appeal Scheme, which are discussed in the below assessment.

16.2 Daylight, Sunlight and Overshadowing

16.2.1 The proposal is supported by a Daylight, Sunlight and Overshadowing Assessment. The report was conducted in line with nationally recognised methods within the guidance document BRE Site layout planning for daylight and sunlight: a guide to good practice.

16.2.2 The impact is most critical at residential properties. The Daylight and Sunlight Report states that *“where a room use is not known (or a reasonable assumption cannot be made), we have treated the property as domestic. In reality, it is likely to be the case that many windows are either secondary to the main window in a room, nonhabitable, or even non-domestic where there may not be a requirement for daylight”*.

16.2.3 Officers are satisfied that the report identifies and assesses the impact on all necessary properties. The following properties are considered within the report:

- Dolphin Quays

- 40-56 (evens) Skinner Street
- 7-31 East Quay Road
- 54 Perry Gardens
- 23-50, 51-56 Baiter Gardens
- 1 & 2 Ballard Road
- 1A Stanley Road

Impact on Daylight

16.2.4 The submitted assessment utilises the two standard measurements for impact on daylight to existing windows – Vertical Sky Component and No Sky Line.

The Vertical Skyline Component (VSC) test assesses the impact of obstructions on daylight attained at windows. If proposed development obstructs a 25 degree angle taken outwards from the centre of a window, it may result in an adverse impact on levels of daylight to an existing building if the VSC measured at the middle of the window is less than 27 per cent and less than 0.8 times its former value, or if the working plane in a room which could previously receive direct skylight is reduced to less than 0.8 times its former value.

No Sky Line (NSL) measures the working plane inside a room, where room layouts are known, which measures the area that can receive direct skylight and assesses the distribution of daylight around the room. Loss of daylight may be noticeable if the area of the working plane in a room that is enclosed by the NSL that can receive direct skylight will be reduced to less than 0.8 times its former value.

16.2.5 The impact of the proposal would comply with BRE guidelines on VSC and NSL for all windows on the assessed buildings except for a small number of windows across Dolphin Quay, 52 Skinner Street and 7-31 East Quay Road. The development is unlikely to have any noticeable impact on existing levels of daylight at the fully compliant windows.

16.2.6 One window fails the VSC test at 52 Skinner Street; however, the existing VSC level is 6 per cent, which is greatly below the target 27 per cent and therefore exacerbates the figures of the assessment. The window would pass the NSL test. The window receives poor levels of daylight as existing (as evidenced by the 6 per cent VSC rating), due to its location between two existing single-storey extensions. The application is not considered to result in any unacceptable impact on the daylight of this property.

16.2.7 At the block of flats to the north of the Site, 7-31 East Quay Road, 12 of the 60 assessed windows would fail the VSC test. Only one would fail the NSL test. This is an improvement over the appeal, where 16 windows failed the VSC test. The level of impact would also be improved within the current scheme – eight windows would narrowly miss the test (retaining between 74 and 77 per cent, in a test which requires 80 per cent retention) so impact would be barely noticeable. The other failures are 62, 67, 67 and 69 per cent, which are still relatively high retention rates given the urban environment and the development being an allocated site. The Appeal Scheme

was not considered by the Council or inspector to have any unacceptable impact on levels of daylight at the building. The current scheme is a significant improvement from appeal, with an increase in daylight levels.

- 16.2.8 60 windows were considered at Dolphin Quays. 9 windows fail the VSC test and 10 windows fail the NSL test. Six of the windows which fail the VSC test would have retention levels of 70 per cent or higher, narrowly missing out on compliance and acceptable given the urban location and site allocation. The worst impacts are 58, 65 and 68 per cent; however, these windows fail to pass the VSC test in as existing, which exacerbates the statistical impact of any neighbouring development. The current proposal would not have an unacceptable impact at Dolphin Quays. Further, the results are a significant improvement from appeal, where 21 windows failed out of an assessment of only 48, and 10 rooms failed the NSL test at appeal.

Impact on Sunlight

The Annual Probable Sunlight Hours (APSH) test applies to living rooms in existing dwellings which face within 90 degrees of due south and would have a 25-degree horizontal taken from the midpoint of a window obstructed by the proposed development. These rooms may experience an adverse effect to existing levels of sunlight if windows receive less than 25 per cent of APSH, less than 5 per cent APSH between 21 September and 21 March, receive less than 0.8 times the former sunlight hours during either period and have a reduction in sunlight received over the whole year greater than 4 per cent of APSH hours.

- 16.2.9 Windows within the scope of the assessment that face within 90 degrees of south have been tested. 95 per cent of windows would pass the BRE test, with seven windows falling below BRE recommendations. Of the 17 neighbouring properties considered, only Dolphin Quay has rooms that fall below the suggested BRE guidelines. All seven windows fail to meet the 25 per cent APSH rate as existing. Five of the windows are located under recessed balconies – BRE guidelines acknowledge that recessed balconies can exacerbate impact and can be considered. With the exception of one window, the retention rates would be between 65 and 73 per cent. Given the level of impact, which can be assumed within a Town Centre urban area, and noting the improvement on the previous scheme, while there is an impact, officers do not consider the impact to be unacceptable, compliant with Policy PP27(c).

Overshadowing of Gardens and Amenity Spaces

- 16.2.10 BRE guidance suggests that a loss of light in gardens or other external amenity spaces is likely to be noticeable if at least 50 per cent of its area does not receive at least two hours of sunlight on 21 March after the proposed development has been constructed. If any amenity spaces fail this test, then the guidance goes on to suggest that as long as the area which receives 2 hours of sunlight on 21 March is at least 0.8 times the pre-development value, the loss of light is not likely to be noticeable.

- 16.2.11 In comparison to the Appeal Scheme, the current proposal reduces the massing of the proposed buildings and locates them further towards the centre of the Site. The Appeal Scheme was not considered by the Council or inspector to have any unacceptable overshadowing impact on any private or public gardens. The current proposal would be an improvement in this regard and is therefore supported by officers.

Daylight, Sunlight and Overshadowing Summary

- 16.2.12 **Table 4** below shows that the current scheme would result in a significant improvement in daylight impact over the Appeal Scheme and a small increase in impact on sunlight.

BRE Test	Appeal Scheme	Current Proposal
VSC	81%	91%
NSL	88%	97%
APSH	97%	96%

Table 4 Percentage of total windows assessed which pass the BRE test

- 16.2.13 The proposal results in very few failures of BRE guidelines and, when windows have failed, the vast majority of these instances can be explained due to offsite issues such as the impact of recessed balconies or existing poor levels. Impacts are also almost entirely in the minor end of the scale. The proposal would not have any unacceptable impact on levels of daylight, sunlight or overshadowing at neighbouring properties, compliant with the relevant parts of PLP Policy PP27(c).

16.3 Outlook

- 16.3.1 The Appeal Scheme was not refused by the Council on any matters of residential amenity impact; however, the appeal inspector noted that the committee report identified *“that occupiers of some existing dwellings at Dolphin Quays, and East Quay Road would experience an adverse impact on their outlook, but concluded that this would be limited . I see no reason to dispute these findings, and will ensure that this identified harm – albeit modest – is considered in the final planning balance.”* (Para 99)
- 16.3.2 The inspector went on to conclude (Para 118) that the harm would be minimal and afforded it a small amount of weight against the appeal proposal.
- 16.3.3 There is no industry standard methodology for assessing the impact on outlook. Officers have therefore made a site-based assessment on how the proposed building would impact on existing levels of outlook from relevant properties, having regard to the findings of the appeal decision.
- 16.3.4 The Appeal Scheme was found to have some impact on the outlook of a small amount of windows on Dolphin Quay and East Quay Road. The impact was considered to be small by the inspector.

Dolphin Quays

- 16.3.5 In relation to the outlook of windows on Dolphin Quays, the committee report for the Appeal Scheme stated that:

“There will therefore a moderate impact on the outlook from these neighbours from Block A due to the increased height and projection southwards over the current hotel. This impact will be weighed in the balancing exercise.” (Para 269)

- 16.3.6 The current proposal has reduced the depth of Block A by c. 40m, further than the existing hotel, and it would only run the length of the existing blank elevation of the Dolphin Quays development to the north of Fishermans Road. This would be located c. 23m from existing windows at the nearest point and is considered to successfully address previous concerns. Block B (the second nearest block) is sufficiently distanced from Dolphin Quays so that there would be no impact on outlook.

Nos. 7-31 East Quay Road

- 16.3.7 As previously noted, Block D has been moved c. 6m further from the East Quay Road flats, has been significantly reduced in width (including a removal of the curved feature on the western end, which increased the massing onto East Quay Road flats) in comparison to the Appeal Scheme, and has also been reduced in height albeit a minor reduction. The Appeal Scheme’s 16m separation distance has been increased to c. 22m. The facing windows on the nearest elevation of the flatted building at Nos. 7-31 East Quay Road are secondary windows, with the main outlook from rooms being east and west on this arm of the plus shape building, which face almost perpendicular to the north elevation of Block D. Due to the reduction in width, the building presents as a smaller and less overbearing mass. Taking into account the physical changes of the current scheme and noting the role of the windows as secondary viewpoints, officers are satisfied that the current scheme has no unacceptable impact on the outlook of any windows on the existing block of flats.
- 16.3.8 The easternmost parts of the three-storey hotel building have moved nearer to the northeast boundary of the Site and therefore nearer to houses on Ballard Street – a separation distance of c. 22m. Despite still showing three-storeys on the northeast elevation, the building is significantly reduced in scale in comparison to the Appeal Scheme, which had an exaggerated sloped roof form. The northeast elevation would still be significantly distanced from the nearest properties and mimics a classic layout of facing properties with a road in between, where a three-storey building would not be considered to be overbearing at such a distance. Officers do not consider there to be any unacceptable impact.
- 16.3.9 Other buildings further afield, such as those on Skinner Street, are significantly further distanced from the proposed buildings and are not considered to receive any unacceptable impact on outlook. The current proposal has addressed the concerns (which were minor) of the Appeal Scheme.

16.4 Privacy and Overlooking

- 16.4.1 As noted in the previous section on outlook, the Appeal Scheme was not refused on any amenity impact grounds; however, both the Council and inspector identified harm to the privacy of windows of the block of flats on East Quay Road. The inspector went on to conclude that harm would be minimal. There is no definitive standard for assessing privacy.
- 16.4.2 The current application maintains north facing windows on Block D, which is to the direct south of the East Quay Road building and caused the only overlooking in the Appeal Scheme, albeit they are smaller windows and serve bedrooms, which have a lower level of activity or window usage. The space between the two buildings contains a group of mature trees which provides some screening; however, the trees may be susceptible to disease or otherwise removed from the Site, so they are not a guaranteed element screening in considerations; however, given that these trees are protected by virtue of being within a conservation area, their removal is less likely. While there is no defined acceptable distance between facing windows the recession of Block D into the Site (and consequently away from the block of flats) provides a minimum distance of 22m between the two buildings, which is a significant improvement over the Appeal Scheme and is considered to be an acceptable distance to mitigate privacy loss. Block D would be similarly distanced from the open space around the block of flats on East Quay Road. This space is communal amenity space and does not have the same level of privacy as a private garden. In addition, it is already considerably overlooked by the flats within the East Quay Road flats. The significant setback from the boundary would mitigate any overlooking. Noting the improved setback, officers consider the previous concerns addressed and do not identify any unacceptable overlooking or loss of privacy to the flats on East Quay Road.
- 16.4.3 The nearest buildings on Perry Gardens are c. 30m from Block D and have only small windows on the side elevation – there would be no views into the windows from the new windows on Block D. The distance mitigates any potential overlooking into the private gardens of the Perry Gardens properties.
- 16.4.4 The current proposal moves Block B further west, towards Dolphin Quays, and does not have the Appeal Scheme's enlarged Block A which previously screened views to the west; however, the two buildings would have a minimum separation distance of c. 23m, which is sufficient to negate any loss of privacy.
- 16.4.5 The three-storey element of the hotel building would have windows on the northeast and southeast elevations. The southeast elevation would be oriented away from houses on Ballard Road, directed towards the roundabout. The northeast elevations would be toward existing houses on Ballard Road that are north of Cherbourg Roundabout; however, there would be c. 22m of separation distance which is considered sufficient to alleviate any loss of privacy, particularly noting that these windows face onto the public street.

16.5 Noise and Disturbance

- 16.5.1 PLP Policy PP23 (Tourism and the evening/night time economy) supports hotels *“provided that such development would not have an adverse impact on the character, amenity and function of adjoining sites and the surrounding area”*.
- 16.5.2 The inspector considered objections relating to noise within the appeal scheme and concluded that there was no unacceptable impact, noting that the Council's Environmental Health team had not raised any objection.
- 16.5.3 The Site is located on a busy public area which is one of Poole's biggest tourist attractions and has many existing commercial and late-night premises. These classes of land use are expected on the Site, as evidenced by the existing hotel use, the site allocation land uses, and supporting policies (including PP6) requiring active frontage onto The Quay. The land uses are appropriate to the area and are considered to have an acceptable noise impact in principle.
- 16.5.4 The application is supported by a Noise Impact Assessment (NIA). Plant would be located within the basement of the hotel block, distanced and sheltered from nearby buildings. An extract flue for potential kitchens of the commercial units would be at roof level. These would be operated in line with the constraints of the NIA, which are deemed to be at acceptable noise levels to avoid any unacceptable impact on existing or future residents.
- 16.5.5 The council's EHO for noise supports the application, subject to the below list of conditions which officers recommend. These are the same conditions which were recommended on the appeal scheme.
- Construction and Environmental Management Plan.
 - No deliveries or despatches made from commercial premises before the hours of 08:00 nor after 18:00 Monday to Saturday, or before the hours of 11:00 nor after 16:00 on Sundays and Public Holidays.
 - Noise from fixed plant shall not exceed the levels within the submitted Planning Noise Assessment.
 - Recommendations within the submitted Planning Noise Assessment to be implemented to ensure units have acceptable noise insulation (this condition relates to the proposed units, not existing dwellings).
- 16.5.6 The operation of the proposed commercial units is recommended to be secured by operating hours, through a planning condition. In addition, a condition is recommended to secure a Customer Management Plan which will detail how visitors will be managed in order to avoid noise (or other antisocial) impacts, particularly at later times of the day.
- 16.5.7 The proposed commercial units at ground floor could potentially come into use as restaurants, within the flexible set of use classes granted for them. Restaurants may result in further noise from additional extracts. Officers therefore recommend an additional condition to secure details of the flues, if required, prior to any food-related use commencing in the two proposed commercial units.
- 16.5.8 Officers do not consider there to be any unacceptable impact through noise generation or disturbance, complying with PLP Policies PP23 and PP27.

16.6 Odour

- 16.6.1 The Site contains an existing sewer pumping station, located to the northeast of the Site. Repeating their comments on the Appeal Scheme, Wessex Water have advised that habitable development should not be located within a 15m buffer zone of the pumping station. The proposal complies with this requirement and a planning condition is recommended to ensure that this is carried out.
- 16.6.2 The submitted Ventilation Extraction Statement confirms that ventilation from the basement would be extracted through ground level ducts within the Site. This is an acceptable approach, subject to details secured by planning condition. The ventilation of the commercial units would be through a kitchen extract duct at roof level. Both extraction systems are required to be in compliance with the submitted Noise Impact Assessment and details of kitchen fumes are recommended to be secured through a condition only prior to the use of the commercial units in relation to food uses.
- 16.6.3 Subject to the recommended condition, officers are satisfied that the proposal would not have any unacceptable impact from odour.

16.7 Light Spill

- 16.7.1 Given the aforementioned separation distances and the urban location, the proposed buildings (which are residential in nature, within a predominantly residential setting) would not result in any unacceptable light spill from the proposed residential windows. The landscaped areas within the development will have lighting for wayfinding and security purposes; however, this would be at ground level only and is therefore less likely to impact on the surrounding properties. A condition is recommended to secure a Lighting Scheme to ensure that there is no unacceptable impact.

16.8 Amenity Impact Summary

- 16.8.1 Following reductions in scale to the proposed blocks, and relocation of massing further towards the centre of the Site, the proposal would have a significantly improved impact on neighbouring amenity in comparison to the Appeal Scheme. The current proposal is considered to have an acceptable impact, compliant with PLP Policies 23 and 27.

17 TRANSPORT AND ACCESSIBILITY

- 17.1.1 PLP Policy PP27(g) supports development which “*provides convenient and practical parking, servicing, bicycle storage, waste and recycling arrangements in accordance*

with the relevant standards which is designed to be in keeping with the existing pattern of development in the street, or part of the street, the site is located”.

- 17.1.2 Policy PP34 (Transport strategy) directs development to the most accessible locations. It also seeks to “*manage growth and improve accessibility for all users... by... managing delivery of strategic sites to ensure the transport network operates within capacity*”.

17.2 Access and Onsite Manoeuvrability

- 17.2.1 Vehicle access to the Site would be provided through the northeast, off East Quay Road. The Appeal Scheme also proposed this access point, but also had a second access of the road. The current scheme proposes a two-way access and officers remain supportive of this approach.
- 17.2.2 Cars are not able to pass on the narrow section adjacent to the weighbridge. Highways officers have recommended a condition to secure a height reduction of the wall adjacent to the weighbridge, on the Site boundary, in order to allow drivers to see traffic and manage this access. Cars will also be able to acceptably navigate the Site. The Delivery and Servicing Plan (DSP) also shows acceptable vehicle tracking for large vehicles accessing the hotel – compliance with the DSP is recommended to be secured through a planning condition.
- 17.2.3 The revised plans show a raised table vehicle speed reducing entrance feature at the Ballard Road access. Details of this can be conditioned.
- 17.2.4 The revised plans amended the basement ramp design to make manoeuvring improved; however, the Council highways officer have advised that further alterations may be necessary. In addition, the officer recommends a condition to secure an amended layout of supporting columns in the basement parking, to allow for easier vehicle navigation. Officers therefore recommend conditions to secure both these details. Subject to these details, the accessibility of the Site is considered to be acceptable.

17.3 Impacts on the Transport Network

- 17.3.1 The application contains a comprehensive Transport Assessment, assessing the likely trips from the proposal. The existing Hotel has a relatively large car park which is available for general public paid parking. This car park could have long term parking and short-term parking by users, with vehicles coming and going all day.
- 17.3.2 The main vehicle trips likely to be generated by the proposal are from the 73-space basement car park area and servicing/loading/unloading trips associated with the hotel, commercial units and residential deliveries. For the proposed commercial units many customers are likely to already be already visiting the Poole Quay area and therefore these would not be new vehicle trips on the highway network. The proposal is also making commitment to encourage sustainable travel. Therefore, the vehicle trips associated with the proposal are likely to be significantly less than the vehicle

trips associated with the existing car park. The proposal will not therefore have a significant effect on the wider highway network.

Public Transport

- 17.3.3 PLP Policy PP34 seeks to manage growth by “*improve [sic] safety, appearance and convenience of travel, including improved access to local services and facilities by foot, cycle and public transport*” and “*supporting continued improvements in public transport services as a means of reducing the proportion of journeys made by private cars*”.
- 17.3.4 The Site is adjacent to an existing public bus station on The Quay. The proposal would result in additional usage of the bus station. Planning obligations can be used to seek contributions in order to mitigate this additional impact on the service through a s106 agreement. The current proposal reapplies the Appeal Scheme approach, which sought £180,000 towards the enhancement of local bus services – this could allow for operating more frequent buses or for extended hours of services. In addition, the bus station currently provides a subpar service due to a lack of Real Time Information updates. The installation of this feature is also recommended to be secured by planning obligation. Subject to the contributions, officers are satisfied that the public transport network has sufficient capacity to accommodate the proposed development.
- 17.3.5 To further encourage sustainable public transport and discourage private car use, a planning obligation is recommended to secure the provision of sustainable travel vouchers to future occupiers, which can be used on bus, rail or bike hire schemes. Highways officers advise that this would be “*a minimum 90 day free travel voucher with the option to choose a voucher for bus, rail or Beryl Bike Hire scheme hire (the bike hire scheme voucher may be free minutes to the equivalent value of a 90 day bus voucher value)*”.

17.4 Car Parking

- 17.4.1 The proposal includes a 73-space basement car park.
- 17.4.2 All 73 of the spaces would be dedicated to the hotel use, secured through a recommended condition for a Vehicle Parking Management Scheme, which meets the guideline figure within BCP’s Parking Standards SPD. Eight of the parking spaces are designed to allow for disabled access, which meets the 5 per cent SPD requirement. A planning obligation is recommended to secure nine of these spaces (this would require amendments to the layout, which are also secured by a recommended condition) to allow for residential disabled parking as required. This is discussed further in the following paragraphs.
- 17.4.3 The two proposed commercial units would not have any dedicated parking spaces. This complies with the SPD requirements for several of the proposed uses; however, the flexible use of the commercial units may result in a car parking requirement (such as if a museum was located in one of the units). BCP’s transport team have advised

that the relatively modest units would not generate a significant car parking requirement and would likely be largely frequented by pedestrians in the area who are stopping by. They have also noted that *“there are public car parks within a short walk of the site whose principal functions are to serve Poole Quay attractions/commercial uses and the surrounding area uses”*. This includes:

- The Quay Visitors Car Park, c. 2min walk, 539 spaces (16 disabled)
- High Street Shops Car Park, c. 6min walk, 335 spaces (4 disabled)
- Quayside Parking, adjacent to the proposal (13 disabled)
- Quayside Poole Car Park, c. 7min walk
- Pitwines Car Park, c. 8min walk

17.4.4 The proposal complies with the Council’s Parking Standards SPD, which states that residential units should have no car parking in this location. The Parking Standards SPD states that for residential development, *“5% of spaces (with a minimum of 1 space) should be able to adapt, in order to meet the requirements of a disabled space, should a disabled person require its use in the future”*. Officers recommend a planning obligation which would require nine disabled parking bays in the basement to be made available for up to 9 residential units for use throughout the tenure of an occupier who is a blue badge holder and requires parking. If there is no requirement for any number of the spaces at any time, they will revert to hotel parking spaces. Officers are satisfied that this obligation will ensure that the Council’s duty in relation to the protected characteristics of less mobile persons are acceptably addressed. There is also ample disabled parking in surrounding car parks and many on-street parking locations which are accessible to blue badge holders.

17.4.5 A condition is recommended to secure a Parking and Servicing Management Plan. This will ensure parking is managed within the Site and also detail how unauthorised parking within the access road, hotel frontage area and residential areas will be controlled.

Impact on Local Offsite Parking

17.4.6 As previously stated, the proposal complies with the Council’s Parking Standards SPD. This includes the provision to residential units, which the SPD states should have no car parking in this location.

17.4.7 The SPD was adopted on 5 January 2021. The Appeal Scheme was submitted before the adoption and was not compliant. The inspector noted that *“whilst the appeal proposal does not fully conform to these standards, the appellant has commented that it has sought to strike a balance between the policy in place at time of submission, the views of local residents to ensure an element of parking is provided and the wider sustainability agenda as reflected in the SPD”*. As such, the Appeal Scheme included 150 parking spaces for residential units.

17.4.8 The Parking Standards SPD is an adopted document within the Local Development Plan and is a material consideration which can be given full weight. Objections have been received in relation to the lack of parking resulting in increased offsite parking stress. As noted within the committee report for the Appeal Scheme, “the key aim of

zero parking in new developments within town centres is to reduce levels of car use both for traffic congestion and environmental reasons". Road congestion is an issue and must be addressed. The provision of zero residential car parking is required by adopted policy and officers are supportive of this features, subject to the following measures which are recommended to prevent future occupiers of the development from increasing parking pressure in the local area:

- A framework Travel Plan has been submitted, which details how sustainable transport methods will be implemented and encouraged within the development. A full Travel Plan, which builds on these measures and would be secured for compliance, is recommended by condition.
- Financial contribution of £10,000 to allow for the highways team to review the development's impact on parking and assess whether mitigation measures need to be implemented. This includes the potential for residents' parking permits to be removed.
- 316 cycle parking spaces have been provided, encouraging sustainable modes of transport.
- Financial contributions to improve the public transport offer through an improved service and bus shelter.
- Provision of two car club spaces, which will be easily accessible to residents.

Electric Vehicle Charging

17.4.9 30 per cent of the parking spaces would have active charge points for electric vehicles. This is in line with the Parking Standards SPD. Officers recommend a condition to secure details of this. The applicant should ensure that the charge points are accessible with reference to the revised basement column layout to be secured by condition also.

Car Club Membership

17.4.10 BCP's Parking Standards SPD requires the provision of two car club bays for developments greater than 50 units. Officers recommend securing two car club bays by planning obligation, to be provided in close proximity to the Site.

17.5 Cycle Parking

Land Use	Policy Requirement	Proposed Spaces
Residential	302 (+18 short stay)	316 (+18 short stay)
Hotel	29	30
Commercial	12	12 (via condition)

Table 5 Cycle Parking

- 17.5.1 The proposed hotel would be provided with 30 cycle parking spaces, which exceeds the SPD requirement of 29 and is welcomed.
- 17.5.2 The cycle parking provision to residential units was significantly increased as part of revised plans. The scheme now provides 316 secure long-stay cycle parking spaces for residents, which exceeds SPD requirements by 14 spaces. There are also 18 short-stay spaces for visitors within the landscaped areas of the Site, which meets SPD requirements.
- 17.5.3 Design officers are not supportive of cycle parking being located in the basement, stating that they are less convenient and attractive, and mean some users may rely on the ramp rather than the bike lifts, putting them in conflict with motor vehicles and impacting on safety. Much of the proposed cycle parking is at ground floor level; however, there is little additional space available due to the provision of commercial units and ground floor residential units to ensure active frontage. The Appeal Scheme contained the majority of cycle parking within the basement, which was not cause for a refusal. Notwithstanding a preference for more accessible cycle parking, officers have taken into account the spatial constraints of the Site and consider the parking provision acceptable.
- 17.5.4 The commercial units are required to be provided with 12 short-stay cycle parking spaces by SPD standards. The submitted plans have not proposed any dedicated spaces. Officers are satisfied that the Site has sufficient space to accommodate this and therefore recommend a condition to secure the appropriate cycle parking which would be located on the Site frontage, where visitors of the commercial units are likely to wish to park.

17.6 Delivery and Servicing

- 17.6.1 PLP Policy PP35(f) (A safe, connected and accessible transport network) requires development proposals to *"identify opportunities for the provision of new accessing/servicing rear of commercial premises, particularly where commercial premises are located in pedestrianised areas or along classified roads. New development should seek to retain and, wherever practicable, improve any existing rear servicing provision to commercial premises"*.

Residential and Hotel

- 17.6.2 The Planning Addendum document confirms that a vehicle barrier will be added to prevent general public vehicles from accessing the landscaped residential area within the Site, which would prioritise pedestrian movements, and the basement car park access. The location of the barrier shown in this document is acceptable and can be secured by planning condition. There is one large vehicle bay outside the confines of the barrier and one within – this gives flexibility for short or long stay servicing to the Site and is supported. The outside space also allows for parking while gaining access. Hotel guests can be provided with access on check-in. The barrier is not shown on plans – a condition is therefore recommended to secure details and

implementation of this. As previously stated, the submitted swept path analysis demonstrates that vehicles can acceptably manoeuvre and turn within the Site safely.

Commercial Units

17.6.3 The road fronting the Site currently has loading and unloading restrictions which would prevent service vehicle parking. However, noting that the proposed commercial units have no rear commercial servicing access the highways officer has advised that they would not object to the alteration of the existing parking restrictions to the front of the site to facilitate a loading/unloading bay. This methodology is supported by PQFNP Policy PQF11, which requires vehicular access on The Quay to be timed. In terms of a location, the closure of the existing hotel vehicle access to The Quay frees up an area within which loading and unloading could occur without causing significant highway safety issues. Officers recommend securing details and implementation through the s106 legal agreement (including a £10,000 contribution towards a Traffic Regulation Order to implement works), as the works would be offsite and cannot be secured by planning condition. Subject to acceptable details discharged as part of the planning obligation, the commercial servicing is supported by officers.

17.7 Transport Summary

17.7.1 The Appeal Scheme was not refused on any transport matters. Following revisions to plans, the current proposal is considered to be acceptable in this regard, subject to the following:

Recommended Planning Obligations

- £180,000 contribution towards public transport service enhancements
- Enhancement of the existing bus stop shelter on The Quay to have Real Time information.
- Implementation of a car club scheme consisting of two spaces
- £10,000 contribution towards the Traffic Regulation Order relating to the off-site works
- £10,000 parking review contribution
- Provision of Sustainable Travel Vouchers to occupiers of the development
- Securing routes through the Site to be maintained for public use at all times.

Recommended Conditions

- Access, turning space, vehicle parking and cycle parking to be implemented prior to the commencement of the use of the development.
- Details of the basement car park ramp design and location of basement supporting columns to accord with the latest edition of Design Recommendations for Multi Storey and Underground Car Parks (Institute of Structural Engineers).

- Development to be operated in accordance with the submitted Delivery and Servicing Plan
- Phasing plan of works to be submitted
- Submission of a full Construction Environment Management Plan
- Provision of electric vehicle charging points.
- Submission of a full Travel Plan

18 **WASTE MANAGEMENT**

18.1.1 PLP Policy PP27(1)(g) states that development will be permitted provided that it:

“(g) provides convenient ... waste and recycling arrangements in accordance with the relevant standards which is designed to be in keeping with the existing pattern of development in the street, or part of the street, the site is located”

18.1.2 The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019) is the adopted waste plan in the planning area. Policy 22 (Waste from new developments) states that proposals for major development should:

- demonstrate that the waste arising from construction, demolition and excavation works will be minimised and managed in accordance with the waste hierarchy;*
- incorporate adequate facilities on-site into the design that allow occupiers to separate and store waste for recycling and recovery and*
- demonstrate that there is adequate capacity available at sewage treatment facilities or suitable arrangements are made for their provision.*

18.2 Hotel Provision

18.2.1 The hotel basement has storage for 10x 1,100L refuse bins, which is a 1,100L increase on the Appeal Scheme capacity. The access lift is of an acceptable scale and access point to allow for bin access. Refuse collection would take place independently from the other elements in the scheme, from the drop-off adjacent to the lay-by. The Council's Storage and Collection of Waste in New Developments guidance note recommends a storage capacity of 7,500 litres of waste per 1000sqm of hotel floorspace. The provision will need to be increased, or other measures implemented to relieve pressure on the waste capacity. The application has sufficient scope to secure this – officers recommended a condition requiring the submission of a Commercial Waste Management Plan to provide updated details.

18.2.2 The practicality, operation and ongoing lift maintenance associated with storing the hotel bins in the basement must be agreed with the Council. A condition is recommended to secure this, as part of a full Waste Management Plan.

18.3 Residential Provision

18.3.1 The guidance note requires 180L refuse and 240L recycling storage per unit in flatted development.

18.3.2 Each residential block would have dedicated bin storage areas within the ground floor as follows:

Building	Units	Refuse Provision	Proposed	Required
Block A	35	12 x 1280L bins	15,360L	14,700L
Block B	38	19 x 1280L bins	24,320L	15,960L
Block C	19	19 x 1280L bins	24,320L	7,980L
Block D	12	12 x 1280L bins	15,360L	5,040L

Table 6 Ecology mitigation planning obligations

18.3.3 The residential provision to Blocks A, B, C and D exceed guidance requirements. The stores are located within an acceptable distance from the stopping point of the collection vehicle. The scheme would provide solely 1280L bins – this should be changed to 1100L bins for refuse and recycling, and 180L wheelie bins for food waste. All storage areas have sufficient space to accommodate the appropriate container sizes. Officers recommend these details being secured on plans showing the amended layout, by condition of the full Waste Management Plans.

18.4 Commercial Provision

18.4.1 Storage for the commercial units is not shown on plans, to be located within the units upon their fitout by a future operator. Officers are satisfied with this approach – details to be conditioned in within the Commercial Waste Management Plan. The applicant is advised that commercial waste must be stored separately to residential waste, and neither party should have access to other bin stores.

19 FLOOD RISK AND DRAINAGE

19.1.1 The Site is located within current day Flood Zones 1, 2 and 3. Areas of the Site therefore have between low and high risk from tidal flooding. The Site is within the Future Flood Risk Zone.

19.2 Tidal Flooding

19.2.1 In accordance with NPPF Paragraph 167, a site-specific Flood Risk Assessment has been submitted as part of the application.

19.2.2 The Site is an allocated site within the Poole Local Plan and is also located within the Poole Town Centre sequential test exemption area. As such, the proposal does not need to carry out the sequential or exception tests in relation to flood risk, in line with PLP Policy PP38(2) (Managing flood risk) and Paragraph 166 of the NPPF.

- 19.2.3 The EA have also recommended that internally accessed ground floor single-storey dwellings should not be located in areas of high flood risk. All ground floor dwellings will be located in Flood Risk Zone 1, which has a low risk of flooding. This will be secured through a planning condition. In addition, a further condition is recommended to secure a Flood Evacuation Management Plan to ensure that protocol is put in place and maintained for use in the event of a flood. This is the same stance that was supported on the Appeal Scheme.
- 19.2.4 Subject to these conditions, the proposal would acceptably be addressed in relation to tidal flooding, complying with PLP Policy PP38.

19.3 Drainage

- 19.3.1 PLP Policy PP38 states in part 3 that:

“Sustainable Drainage Systems will be required for all major developments, unless the relevant Surface Water Management Plan (SWMP) indicates otherwise or they are demonstrated to be impractical. Proposals should be appropriate to the location and designed to manage surface water run-off in accordance with the appropriate technical standards”

- 19.3.2 The application is supported by a Flood Risk Assessment and Drainage Strategy, which outlines which proposes a surface water drainage system that provides a betterment over the Site’s existing discharge rates, including in the event of a 1 in 100-year storm event. Wessex Water support the approach, reminding that surface water must not be discharged into the public foul sewer.
- 19.3.3 The Local Lead Flood Authority (LLFA) has not objected to the approach, which is similar to that which was supported in the Appeal Scheme, subject to a condition to secure proposed overall runoff rates matching greenfield runoff. Officers have recommended this condition.

19.4 Wessex Water Assets and Infrastructure

- 19.4.1 Wessex Water (WW) support the proposed connection to the water mains supply network and have advised that any necessary improvements will be made if required. WW have also advised that the development will be accommodated by the public foul sewer, requiring an assessment on capacity (and details of a point of discharged) to be undertaken prior to any construction taking place and any necessary alterations to improve capacity will be at the cost of the developer. This is subject to a private agreement between the applicant and WW – an informative is recommended to be added to the consent to remind the applicant of this requirement.
- 19.4.2 A condition is also recommended (as requested by WW) to secure details of the diversion of the existing onsite public foul sewer.

Strategic Assets

- 19.4.3 Reiterating comments on the Appeal Scheme, Wessex Water (WW) have drawn attention to the east quay surface water slipway pumping station located in the southeast of the Site, which discharges the public surface water sewer system through flap valves in the sea wall. WW have stated concerns that access for operation and maintenance must be maintained, and that the station must be protected from any impact of construction activities.
- 19.4.4 As previously discussed in this report, a planning condition is recommended to ensure no residential units are located within a 15m buffer zone of the foul pumping station, in accordance with the Agent of Change principle to ensure the residential use does not pressure the continuance of the existing use in the future.

19.5 Summary – Flood Risk and Drainage

- 19.5.1 Officers are satisfied that the development will not result in any unacceptable impact on air quality levels during its operation stage, compliant with PLP Policy PP38.

20 ENERGY AND SUSTAINABILITY

- 20.1.1 PLP Policy PP37 (Building sustainable homes and businesses) requires proposals for new homes and commercial development to contribute to tackling climate change.
- 20.1.2 The proposal will utilise sustainable construction, such as efficient building fabrics, services and energy efficient light fittings, as well as renewable energy sources through ground and air source heat pumps.
- 20.1.3 The application proposes over 11 new homes and is therefore required to gain at least 20 per cent of future energy generation from renewable sources by Policy PP37. The submitted Energy Strategy uses the accepted SAP (Standard Assessment Procedure) methodology and demonstrates a design-stage level of a 53.8% reduction due to renewable energy sources, which exceeds the 20 per cent policy requirement. A condition is recommended to ensure that this level is met.
- 20.1.4 The application proposes 803sqm of commercial floorspace. Policy PP38 therefore requires the commercial development to achieve a BREEAM rating of at least 'Very Good'. The submitted BREEAM Pre-assessment document targets this rating and a condition is recommended to ensure that this is met.
- 20.1.5 Subject to the recommended conditions, the proposal would be an energy efficient and sustainable development, compliant with PLP Policy PP37.

20.2 Sustainable Transport Methods

- 20.2.1 The development would provide cycle parking storage in excess of BCP requirements and would meet requirements for electric vehicle charging spaces and car club provision. The public realm improvements would encourage walking through the Site, providing a better connection between The Quay and residential to the north. Planning obligations are also recommended to secure public transport improvements as detailed in the Accessibility and Transport section of this report. A condition is recommended to secure a Travel Plan which will promote sustainable transport methods throughout the lifetime of the development.
- 20.2.2 The development would have a positive impact on sustainable transport methods and it is considered to comply with PLP Policy PP34.

21 **WIND MICROCLIMATE IMPACT**

- 21.1.1 The application is supported by a Microclimate Analysis. There is no national planning guidance for wind microclimates; however, Planning Practice Guidance (PPG) on wind advises that taller buildings in particular should carefully consider how they meet the ground and the impacts in relation to local wind patterns. The Lawson Comfort Criteria is a commonly accepted metric used to determine wind speeds in a location and provide a grading on types of activity which people would experience acceptable comfort in. The scale goes from unsafe at the worst wind levels, to uncomfortable and then through strolling, standing, to sitting which is the best level of comfort, meaning wind levels are sufficiently low that it would not create discomfort to people sitting in that area.
- 21.1.2 The supporting text of PLP Policy PP29 notes that “*tall buildings can also cause extensive overshadowing and result in an unpleasant street level environment due to microclimatic changes and wind tunnelling effects*” (Para 9.13).
- 21.1.3 The Statement of Common Ground of the Appeal Scheme acknowledged that:
- “The Appeal Scheme includes significant new planting across the site (with over 100 new trees) which provide mitigation for tree removal and wind mitigation”* (Para 7.45)
- 21.1.4 The submitted documents demonstrate that all ground floor areas, including those used by the public, would largely achieve comfortable sitting or standing ratings on the Lawson Comfort Criteria during the summer period, which measures the comfort level users would experience in terms of wind exposure. This will be achieved through the location of buildings and the planting of 206 new trees, which is double the number of the Appeal Scheme, in which the planting was considered sufficient to mitigate wind impact. The trees on the Quay frontage, which were included in the Appeal Scheme at the request of officers, have been maintained in the current scheme. The maintenance of the trees would be secured by a recommended condition.
- 21.1.5 In the windiest climate, the majority of areas would achieve similar levels to the existing Site, with the exception of some access areas between the blocks and

adjacent to the hotel block; however, all areas would achieve appropriate levels for their use and none would experience an 'uncomfortable' pedestrian climate. The proposed balconies would all achieve standing or sitting levels of comfort, with the exception of the two high level areas.

- 21.1.6 Officers are satisfied that the current proposal demonstrates an acceptable impact on wind microclimate, compliant with PLP Policy PP29.

22 OPEN SPACE, ECOLOGY AND BIODIVERSITY

22.1 Trees

- 22.1.1 PLP Policy 27 (b) supports development which *“responds to natural features on the site and does not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area. Any scheme that requires the removal of trees should, where appropriate, include replacement trees to mitigate their loss”*.

- 22.1.2 The NPPF states (Paragraph 131) that *“trees make an important contribution to the character and quality of urban environment”* and requires that *“that existing trees are retained wherever possible”*.

- 22.1.3 While there are no trees on the Site which are subject to a Tree Preservation Order, Section 211 of the Town and Country Planning Act (1990) protects trees within a conservation area which are not protected by a Tree Preservation Order.

- 22.1.4 The Council refused the Appeal Scheme with tree impact being one of the reasons refusal, reading as follows:

“The scheme, by reason of the proximity of the proposed Block D to the established trees on the northern boundary of the site is likely to compromise their long-term retention through subsequent pressure to fell. The long-term loss of the trees would be harmful to the character and appearance of the area. The proposals would therefore be contrary to Policy PP27 of the Poole Local Plan (2018).”

- 22.1.5 While the Inspector went on to find that the positioning of Block D would also impact on the visual amenity value of the tree group, this is assessed in the Landscaping section of this report.

- 22.1.6 Notwithstanding the inspector upholding the tree reason for refusal due to the loss of public amenity value, he disagreed that the pressures of the Appeal Scheme would result in harm to the existing group of trees, stating:

“Drawing all the above points together, for the reasons just set out I do not consider that the specific matters put forward in the Council's second reason for refusal have been sufficiently justified to warrant finding against the appeal proposal on those grounds.” (Para 77)

- 22.1.7 The current application has improved the relationship between the building blocks and the tree group, moving the footprint of Block D a further c. 5m away from the nearest trees in the group, located fully outside any Root Protection Areas (RPAs) and is thereby reducing any potential impact. None of the trees in the group, nor any other trees of high landscape or biodiversity value, would be removed from the Site. The 32 trees that are proposed to be removed comprise 31 young trees (and one semi-mature) and are all Category C or U. A comparison of the built footprint of both schemes is provided in **Figure 4**.
- 22.1.8 Some of the tree group may need pruning in the future; however, this would not be for at least nine years (looking at predicted growth rates) and thereafter on an eight year cycle – this is considered to be acceptable and would not harm the lifespan of the trees.
- 22.1.9 Subject to recommended conditions securing the implementation of the submitted Tree Protection Plan (TPP) and Arboricultural Method Statement, the Council's arboricultural officer advises that the *"construction of the proposed development is not likely to cause damage to any roots or their respective rooting environments. None of the proposed apartments are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment"*. Noting this, and giving weight to the inspector's stance in the Appeal Scheme, the proposal is considered to have an acceptable impact on the group of trees, compliant with PLP Policy PP27.
- 22.1.10 There will be some tree removal onsite; however, these are not protected trees and will be replaced by new planting at a ratio of 6:1. The arboricultural officer has concluded that this *"will offer an immediate impact and provide a major enhancement and improvement of the arboricultural quality and character of the site for the long term"* and is supportive of the planting scheme and the proposed species selection, subject to conditions. The proposal is considered to have an acceptable impact on the health of existing trees and the planting of proposed trees, subject to recommended conditions which would secure a comprehensive Landscape Maintenance Plan and Management Plan.

22.2 Biodiversity

- 22.2.1 PLP Policy PP33 requires development to *"demonstrate how any features of nature conservation and biodiversity interest are to be protected and managed to prevent any adverse impact, incorporate measures to avoid, reduce or mitigate disturbance of sensitive wildlife habitats throughout the lifetime of the development; and seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks"*. The policy continues that *"where relevant, new development should seek to incorporate ecologically sensitive design features to secure a net gain in biodiversity as appropriate"*.
- 22.2.2 The Site is brownfield and contains little high quality green space. The proposal is supported by a Biodiversity Net Gain (BNG) Assessment which demonstrated that the proposal would deliver a BNG of 92.84 per cent – this is a great improvement over the 51.8 per cent achieved on the Appeal Scheme and the 10 per cent future

requirement in the Environment Act (not yet adopted but likely to come into force in late 2023).

22.2.3 Biodiversity enhancements include 12 bat tubes and 10 swift boxes, details of which will be secured by condition. These will provide nesting opportunities for wildlife on the Site.

22.2.4 An up-to-date bat survey has been undertaken and demonstrated that there are no active bats on the existing building. Following the updated survey, the Council's biodiversity officer is in support of the scheme. Officers have recommended a condition to secure the mitigation measures set out in the report. The existing building also has scope for bird nesting on the roof. If construction is undertaken within bird nesting season, an ecologist survey prior to the commencement shall be required by conditions. Demolition will need to be delayed until nesting is complete, if found.

22.2.5 The Council's biodiversity officer has raised issue with upwards lighting in the Landscaping Statement, as this may be incompatible with wildlife. A condition has already been recommended to secure a Lighting Strategy. The document should also take into account the potential impact on bats in its light wavelengths and being directed away from potential bat habitat and the proposed bat tubes – this has been noted in the planning condition.

22.2.6 Amendments to several planting species are required, as they are a locally invasive species. Conditions are recommended to secure additional details of this within a full Landscape Plan. Further, while Natural England have not commented on the current application, officers recommend a condition requiring Japanese Knotweed removal, noting their comments on the Appeal Scheme as follows:

“The required conditions are also supported, the eradication of Japanese Knot weed should be secured prior to commencement – herbicide treatment may be more cost effective than physical removal, a method statement should be submitted.”

22.3 Heathland Mitigation

Mitigation Strategy	Plan Area	Scheme	Specific Project
Dorset Heathlands Planning Framework	BCP	1. SAMM	BCP Wardens, Urban Heaths Partnership
		2. HIP	Upton Farm SANG
Poole Harbour Recreation Mitigation Interim Scheme	Poole	3. SAMM	Dorset Dogs, Coordinator and Warden
Nitrogen Reduction in Poole Harbour		4. Offsetting	Upton Farm, Soldiers Road, Briantspuddle Wetland

Table 7 Ecology mitigation planning obligations

- 22.3.1 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation). Working in collaboration with Dorset Council and with advice from Natural England, BCP Council has adopted the Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document, the purpose of which is to set out the approach to avoid or mitigate harm to these protected sites. In this instance, it is considered that the proposal is likely to have a significant effect on the Dorset Heathlands; however, having undertaken an appropriate assessment it is believed that the integrity of these sites can be maintained provided appropriate mitigation is secured. In this case, a financial contribution is considered necessary for the purposes of such mitigation; such contribution to be secured by way of an appropriate planning obligation.
- 22.3.2 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.
- 22.3.3 These contributions are recommended to be secured through a s106 legal agreement. Subject to this, the proposal is considered to comply with PLP Policy PP32.

22.4 Open Space

- 22.4.1 Open space standards are set in the legacy Borough of Poole Local Plan Open Space Needs Assessment (OSNA) (Nov 2017). This is still current and adopted within BCP Council. These policies are reinforced in the Poole Local Plan, specifically Policies PP24 (Green Infrastructure), PP25 (Open space and allotments) and PP26 (Sports, recreation, and community facilities).
- 22.4.2 PP25 states that where provision cannot be secured on-site the Council will require off-site provision in lieu of on-site provision secured through a S106 agreement. Average occupancy levels suggest that there is an open space requirement of 1.48ha from the development, calculated as follows:

Typology	Local Standard: Ha per 1000 population.	Total Ha required from development.
Strategic parks	0.75	0.224
Local park / recreation grounds	0.5	.15
Amenity Space	0.5	.15
Natural & semi-natural spaces	3	.90
Children and young people (play)	0.2	0.059

Outdoor sports facilities	Detailed through Playing pitch needs assessment	
Total	4.95	1.48

Table 8 Ecology mitigation planning obligations

22.4.3 The Council's Open Spaces team note that the proposal would increase the amount of greenspace onsite through well thought through landscaping, but given the scale it can be reasonably assumed that the uplift in residents would increase pressure on surrounding sites managed by the Council.

22.4.4 The team advise that a planning obligation within the s106 legal agreement should be used to secure financial contributions towards improvements of offsite open space, totalling £103,500 which is an increase from the £90,000 obligation of the same nature agreed on the Appeal Scheme. The obligation would comprise the following:

- £11,000 to offset increased pressure on nearby green spaces through the provision of additional key site infrastructure (Eg benches, bins, fencing).
- £4,500 contribution to local food growing and green infrastructure opportunities.
- £11,000 contribution towards biodiversity enhancements in nearby open spaces.
- £22,000 contribution towards the Baiter Park skate park / youth facility.
- £22,000 towards offsite play facilities.
- £33,000 towards offsite sports facilities, including football pitch improvements on the Whitecliff recreation ground.

23 AIR QUALITY

23.1.1 NPPF Paragraph 186 requires development to "*sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas*".

23.1.2 PLP Policy PP34 (Transport strategy) seeks to reduce impacts on air quality. Policy PP35 (A safe, connected and accessible transport network) requires development which has any potential significant impact on local air quality to include proportionate mitigation measures.

23.1.3 The Dorset Heathlands Interim Air Quality Strategy 2020-2025 (2021) also guides Poole's approach to air quality

23.1.4 The Site is located in an area where NO₂, NO_x, PM₁₀ and PM_{2.5} levels are within acceptable Air Quality Assessment Level (AQAL) guidelines from recent mapping. The Site is not located within an Air Quality Management Area (AQMA).

23.2 Construction Phase

- 23.2.1 The proposal would involve the demolition of a large building on site, which Environmental Health Officers (EHOs) have assessed as a low risk to human health. Dust soiling and ecological impact risks are assessed as Medium Risk during the Demolition phase and High Risk during the Construction phase.
- 23.2.2 The submitted AQA recommends that a Construction Environmental Management Plan (which includes demolition) should be secured by condition, which will secure mitigation measures with reference to the Institute of Air Quality Management (IAQM) guidance.
- 23.2.3 The Council's EH team are satisfied that construction vehicle/plant emission would not be significant, which is further mitigated by the avoidance or limited use of residential roads and peak hours movements. A condition is recommended to control emissions from Non-Road Mobile Machinery (NRMM).
- 23.2.4 Subject to a DCEMP (to include impacts from the demolition stage in addition to the CEMP requirements), officers are satisfied that there will be no unacceptable impact on air quality at construction stage.

23.3 Operational Phase

- 23.3.1 The application will result in a net reduction in vehicle trips, as confirmed in the Transport Assessment. The proposed energy centre would not produce emissions to air, as confirmed in the Energy Statement. The development would also encourage sustainable transport, as outlined within the Transport and Accessibility section of this report, to be secured through the Travel Plan which can be required by planning condition. The AQA demonstrates that the BCP Council NO₂ monitoring data at West Street and West Quay Road where the AQAL has not been exceeded.
- 23.3.2 Officers recommend a condition to secure details of mechanical ventilation for the basement parking, to be reviewed EH officers. Current submission documents indicate that vents will be located within the Site, suitably distanced from future or existing residents.

23.4 Summary – Air Quality

- 23.4.1 Offices are satisfied that the development will not result in any unacceptable impact on air quality levels during its operation stage.

24 CONTAMINATED LAND

- 24.1.1 NPPF Paragraph 183 requires development to be located on sites which are “*suitable for its proposed use taking account of ground conditions and any risks arising from*

land instability and contamination. This includes risks arising from natural hazards or former activities...".

24.1.2 The Appeal Scheme was not refused on land contamination grounds. The officers' report for the Appeal Scheme noted that there is a medium risk for onsite contamination, which may be mobilised during construction to pollute controlled waters, noting the sensitive location near the Site of Special Scientific Interest (SSSI), Conserved Wetland Site (Ramsar site) and Special Protection Area (SPA). NPPF Paragraph 178 applies, requiring development to conserve areas defined as Heritage Coast.

24.1.3 The Environment Agency have advised that the previous uses of the Site present a risk of contamination that could be mobilised during construction to pollute controlled waters, which are particularly sensitive at this location.

24.1.4 The current proposal is supported by a Phase I Desk Study Report and a Geotechnical and Geoenvironmental Interpretative Report, which have been independently reviewed by Mabbet on behalf of BCP's Environmental Health department. Mabbet are supportive of the approach, subject to a condition securing the following:

- Submission of an updated Preliminary Contamination Risk Assessment (Phase I)
- Site Investigation (testing of soil/ groundwaters to appropriately assess the risk to human health, the built development, ecology and controlled waters (groundwater)).
- A remediation scheme to appropriately address any contamination if found
- The presence of any unencountered contamination that is found being reported to the LPA

24.1.5 The Environment Agency agree with this approach, noting that the submission demonstrates that it will be possible to manage the risks posed to controlled waters by this development and have requested similar conditions, which officers have recommended to be imposed on the application if approved.

24.1.6 These conditions restate those recommended for the Appeal Scheme. Subject to the recommended conditions, the proposal complies with the NPPF in this regard. Natural England were consulted but have not commented on this application; however, they provided comments and had no objection to the proposal.

25 CRIME PREVENTION

25.1.1 Paragraph 130 of the NPPF requires development to "*create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*". This includes "*high quality public space, which encourage the active and continual use of public areas*".

- 25.1.2 PLP Policy PP27(e) supports development which “*creates an accessible, safe environment that minimises crime through the layout of the site and the positioning of doors and windows on elevations that face onto public or shared areas*”.
- 25.1.3 Dorset Police have made multiple recommendations on the quality of security measures – these are listed in the Dorset Police’s comments within the Consultations section of this report and included as informatives which officers recommended placing on the consent if granted. In response to general safety measures, officers recommend a condition requiring the development to achieve Secured By Design (SBD) accreditation.
- 25.1.4 The police have stated that the proposed canopies could encourage antisocial behaviour and recommend a retractable design. The canopy design is subject to a condition securing design details and officers have noted that a retractable design should be explored if feasible.
- 25.1.5 The police have also noted that excessive dense planting and zig-zag pathways can create areas of potential crimes. The zig-zag pathways are required in order to provide wheelchair access at an acceptable gradient. As part of the recommended landscaping condition, low level planting can be utilised in the at-risk areas in order to ensure that there are sufficient sight lines and natural surveillance for pedestrians. A lighting strategy is also recommended to be secured by condition, which will secure details to ensure adequate lighting for wayfinding and security.
- 25.1.6 Subject to the recommended conditions, officers consider the proposal to provide safe development to occupiers and the public, in accordance with Policy PP27(e) and the NPPF.

26 **FIRE SAFETY**

- 26.1.1 Fire Statements for the residential and hotel elements of the scheme have been submitted as part of the application, as per Article 9a of the Town and Country Planning (Development Management Procedure) (England) Order (2015) (as amended). The applicant has submitted Fire Statements for the residential and non-residential parts of the development.
- 26.1.2 It is best practice to incorporate fire safety measures at early design stage; however, they are ultimately assessed as part of the Building Regulations, as stated by the comments from Dorset and Wiltshire Fire Rescue (DWFR), who have not objected to the submitted statements.
- 26.1.3 In their comments, DWFR noted that the single stair serving the basement car park would not conform with the adopted design standard. This can be addressed at Building Regulations stage and an informative has been attached in order to bring this to the applicant’s attention. The distance of the route into the basement car park was also noted. This is a requirement due to the spatial constraints of the Site – the applicant and will be addressed within the basement details condition and through Building Regulations requirements.

26.1.4 While fire safety is principally a Building Regulations matter, the applicant has complied with the submission requirements and has demonstrated that fire safety is being considered early in the design process. This is welcomed and officers have no objection based on fire safety.

27 **PLANNING OBLIGATIONS AND CIL**

27.1.1 The residential element of the development is liable for CIL, falling within Zone B(i) of the Poole CIL Charging Schedule.

27.1.2 In accordance with Paragraphs 55 and 57 of the NPPF, a S106 legal agreement would be used to secure the following planning obligations which are considered necessary in order to mitigate the impacts of the development and in order for the proposal to be acceptable on the relevant planning grounds.

27.1.3 PLP Policy PP39 (Delivering Poole's infrastructure) states that "*subject to compliance with the statutory tests planning obligations can be secured to enable the grant of planning permission*". The policy goes on to state that "*the Council will collect funding from development for infrastructure and affordable housing by the following means:*

- *Community Infrastructure Levy (or equivalent successor regime) for infrastructure;*
- *Section 106 Agreements for infrastructure and affordable housing;*
- *Section 278 Agreements for highway works; and*
- *Section 106 Agreement or Section 111 to provide some of the mitigation for European and internationally important sites (that cannot be taken through CIL)."*

27.1.4 Officers recommend securing the following planning obligations through a s106 legal agreement, to mitigate the impacts of the scheme:

Affordable Housing

- Early and late-stage review mechanisms

Hotel Delivery

- Requirement for the hotel to be built and ready for occupation prior to the occupation of the 129th residential unit hereby permitted.

Transport

- Early and late-stage review mechanisms
- £180,000 contribution towards public transport service enhancements.
- Enhancement of the existing bus stop shelter on The Quay to have Real Time information.
- Implementation of a car club scheme consisting of two spaces.
- £10,000 contribution towards the Traffic Regulation Order relating to the off-site works.

- £10,000 parking review contribution.
- £10,740 contribution for the provision of Sustainable Travel Vouchers to occupiers of the development.
- Securing routes through the Site which are to be maintained for public use at all times.
- Requirement for 9 spaces in the basement parking to be available for up to 9 of the residential units with a blue badge holding occupier.
- A full Travel Plan to be provided, complied with and monitored.

Biodiversity

- £59,249 contribution towards Heathland Mitigation (SAMM)
- £21,122 contribution towards Poole Harbour Recreation mitigation

Open Space

- £103,500 contribution towards offsite open space improvements

Infrastructure and Services

- £247,287 contribution towards local education improvements.
- £14,320 contribution towards increased healthcare capacity.

Heritage Assets

- Re-location of the locally listed anchor

28 **PLANNING BALANCE AND CONCLUSION**

28.1 Appeal Scheme

- 28.1.1 The inspector weighed the Appeal Scheme on the planning balance and concluded that the proposal did not outweigh the identified conflicts, thereby dismissing the appeal. In doing this, the inspector stated that:

“...although finely balanced, I consider that the public benefits would not be sufficient to outweigh the considerable weight which the heritage harm has to attract.”

- 28.1.2 The inspector went on consider the proposal in the round, with all public benefits, and the other disbenefits comprising the impact on townscape and the impact on neighbouring residents, finding:

“My overall conclusion is that this proposal should be dismissed, as the public benefits it would give rise to would not be sufficient to offset the considerable weight which has to be given to the harm which would be created as a result of the proposal failing to preserve or enhance the character or appearance of the Conservation Area. But even if I am wrong on this count, my assessment under the Framework’s tilted balance still points to the fact that this proposal should fail.” (Para 127)

28.2 Policy Context

- 28.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 28.2.2 In accordance with Paragraph 38 of the revised NPPF the Council, as the Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. The application was subject to pre-application engagement under a Planning Practice Agreement wherein the Council has worked proactively with the Applicant. In addition, revised plans and updated supporting documents have been accepted in the course of the application to respond to officers' concerns with the proposal.
- 28.2.3 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 28.2.4 The Site falls within an area of an adopted Neighbourhood Plan – the Poole Quay Forum Neighbourhood Plan (PQFNP). NPPF Paragraph 14 states that *“in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits”*. However, the paragraph requires the four subparagraphs 14(a-d) to apply. Subparagraph (a) requires that *“the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made”*. The PQFNP was adopted in 2017 and therefore does not meet this requirement. NPPF Paragraph 14 is therefore not applied.

28.3 Summary of Heritage Harm

- 28.3.1 A table which summarises officers' conclusion of the level of harm resulting from the proposal to the individual heritage assets impacted by the proposal is provided earlier in this report. Officers have identified an overall level at the low to middle end of less than substantial harm. This is within the same category of harm as the Appeal Scheme; however, it is significantly nearer the 'lower' level of less than substantial harm than the Appeal Scheme.
- 28.3.2 In relation to the identified designated heritage assets, Paragraph 202 of the NPPF states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

28.3.3 In relation to the identified non-designated heritage assets, Paragraph 203 of the NPPF states that:

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

28.3.4 The Planning Applications Committee is the decision-maker on this application and if they reach a different conclusion regarding heritage impact, the differing impact on any heritage assets should be considered and great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (as per NPPF Paragraph 199).

28.3.5 The PPG note on the Historic Environment advises that *“in general terms, substantial harm is a high test, so it may not arise in many cases”*. If Members come to a view that there would be substantial harm or total loss of the significance of a designated heritage asset, consent should be refused, unless it is demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the identified harm or loss as per NPPF Paragraph 201.

28.3.6 If Members come to a view that there would be less than substantial harm to the significance of a designated heritage asset, but that the level of harm is greater than that identified by officers, Members should weigh the identified harm against the public benefits of the proposal as per NPPF Paragraph 202.

28.4 Identified Public Benefits

28.4.1 Supplementing the NPPF’s approach, the Government’s Historic Environment PPG advises that *“public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8)”*. This includes:

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;

- a. 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

- i.
- b. 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

28.4.2 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.

28.4.3 Officers have identified the following public benefits which would be secured by the proposal:

Economic

- The proposed larger sustainably designed replacement hotel, overlooking Poole Harbour, would improve the tourism offer, promote growth of the tourist economy and bring economic benefits to the wider area.
- The hotel would provide 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 larger hotel development.
- Improved commercial elements would support the local economy with job creation.
- Job creation would also take place at construction stage for residential, commercial and hotel elements of the proposal.
- The density and number of residential units would support the economic function of the town centre.

Social

- The provision of 179 market housing units would make a large contribution towards Poole's housing stock, providing homes to meet the social objective for future generations in a beautiful and safe place with accessible services.
- Increased commercial offer providing for community needs.
- Public realm improvements, including routes through the Site, and improved active frontages on The Quay and local open spaces that reflect and support the community's health, social and cultural well-being.

Environmental

- The proposal would utilise sustainable building design renewable energy? and reduce energy usage fully satisfying and significantly exceeding the local plan policy requirements.

- Improved heritage setting of nearby locally listed buildings.
- Replacement of the existing site layout, which is a negative contributor with its surface car park (although it is recognised that there would be minor heritage harm resulting from the proposed buildings to take their place).
- Artwork displayed on existing pumping station.
- Sustainable transport-led scheme with cycle parking and e-charging, and offsite improvements to encourage the use of public transport bus services.
- Improvements to sustainable drainage.
- Biodiversity mitigation and enhancement for Poole Harbour and Dorset heathlands.
- Additional tree planting on the Site and an improved landscaped setting.

28.5 Heritage Harm Balance

28.5.1 To recap the inspector's conclusion on balancing heritage harm, he stated that:

"This is how I have approached this assessment, and although finely balanced, I consider that the public benefits would not be sufficient to outweigh the considerable weight which the heritage harm has to attract. As such, I share the Council's view that in this case the decision falls to be made under paragraph 11(d)(i) of the Framework, with the application of the heritage policies in the Framework providing a clear reason for refusing the development proposed." (Para 122)

28.5.2 Taking into account the improvements to the proposal, which result in a reduced amount of heritage harm, and giving appropriate weight to the public benefits of the proposal listed above, officers consider the public benefits of the current scheme to outweigh the identified overall low to middle level of less than substantial harm.

28.5.3 The appeal decision afforded significant weight against the Appeal Scheme on the heritage harm to the Conservation Area and only "*modest weight against the appeal proposal*" to the heritage harm of the locally listed Lifeboat Museum.

28.5.4 The current scheme has reduced the heritage harm and maintained the positive heritage impacts on the non-designated heritage assets, which have their significance better revealed – the inspector gave these improvements modest weight. Officers have afforded the same levels of weight in this assessment.

28.5.5 Noting that the public benefits of the Appeal Scheme were considered by the inspector to fail to outweigh the heritage harm which was "finely balanced", and noting the reduced heritage harm of the current scheme, officers consider the public benefits of the current proposal to outweigh the identified heritage harm.

28.6 The Planning Balance and Recommendation

Conflict with the Development Plan

28.6.1 The inspector noted on the Appeal Scheme that:

“I have found this proposal to be in conflict with a number of adopted development plan policies, and whilst these policies have to be regarded as out-of-date in Framework terms, I am satisfied that they should still carry significant weight in this appeal, as they deal with matters of design, which is a key element of the Framework’s policies, and aspirations.” (Para 126)

28.6.2 In addition to the identified heritage harm, officers have identified the following conflict with other policy requirements in the Development Plan:

- Unacceptable scale and design which is not appropriate to the surrounding area and fails to provide an acceptable quality of accommodation.

28.6.3 While the current proposal is still found to have an impact, officers have concluded that the new design has significantly improved the built relationship with the surrounding townscape, including the transition to the east, so this point of conflict has less bearing on the planning balance than the Appeal Scheme.

Sustainable Development

28.6.4 As previously discussed in the Presumption in Favour of Sustainable Development section of this committee report, in accordance with the NPPF and owing to the lack of five- year housing land supply, the requirements of the ‘Presumption in Favour of Sustainable Development’ will need to be considered in reaching a decision.

28.6.5 Paragraph 11(d) of the NPPF allows for the refusal of an application under out-of-date policies if *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*. The footnote in this subparagraph notes that such policies are:

“...habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.”

28.6.6 Officers have not identified any reason for refusal which falls under Paragraph 11(d) of the NPPF. The tilted balance should therefore be applied, as the proposal would comprise sustainable development.

28.6.7 Giving weight to the appeal decision, officers have identified the following areas of improvement of the current scheme over the Appeal Scheme:

- Compliant with the site designation limitations

- Less townscape harm than the Appeal Scheme, through a considerable reduction in massing and an improved design
- Less heritage harm than the appeal
- Improved design than the appeal
- Reduced impact on residential amenity
- Improved transport sustainability
- Improved hotel provision in comparison to the appeal
- Improved public spaces
- Public art on pumphouse
- Improved impact on protected trees
- Improved tree planting and biodiversity

28.6.8 When considering the hotel proposed with more hotel bedrooms than the existing hotel (or the Appeal Scheme hotel), the benefits that arise from the enhanced tourism use are significant to the economy through provision of jobs and supporting the tourism function of the Poole.

28.6.9 The residential apartments will also provide substantial material economic social and environmental benefits that weigh in favour of the proposal with impacts on the public realm beyond the site and with contributions to offsite recreation improvements to the benefit of the wider community.

Officers' Recommendation to Committee

28.6.10 This assessment has taken into account the development plan, matters raised by consultees and in public representations, and taking into account all other material considerations.

28.6.11 The current proposal is a vastly improved scheme in comparison to the Appeal Scheme which has improved policy compliance in key areas. The Site is an underutilised area within a highly sustainable location in a town centre. Officers consider tall buildings to be an acceptable approach given the features of the surrounding area.

28.6.12 Officers have had regard to the statutory duty to give special attention to preserving the conservation area under Section 72 of the Listed Buildings and Conservation Areas Act and adverse impacts to non-designated heritage assets. Significant weight has been given to the appeal decision in officers' deliberations. This includes the inspector finding the heritage harm to only "finely" outweigh the public benefits of the Appeal Scheme.

28.6.13 Having had regard to the harm weighed against approval on the previous proposal Officers have found in this current proposal that the heritage harm has now be reduced to such an extent that the lower level less than substantial harm to heritage is now considered to be outweighed by the public benefits of this proposal. A decision on the application on the whole must be made under the 'tilted balance' within NPPF Paragraph 11(d).

28.6.14 Officers have weighed the application on its merits, taking into account the heritage harm and policy conflicts, and consider that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, in accordance with the NPPF assessment. Officers therefore recommend that members:

“**GRANT** permission for the reasons as set out in this report subject to:

- a. the following conditions with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
- b. a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified in this report.”

29 **RECOMMENDED CONDITIONS**

1. Time Limited Permission

The development shall be carried out in accordance with the approved phasing plan ref 900.00 P1 unless any subsequent variation to the phasing of the development is first agreed in writing by the Local Planning Authority.

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

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

2. Approved Plans

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

100.01; 100.02; 100.03; 100.10; 150.00; 150.01; 150.02; 200.00 P1; 200.01 P3; 200.02 P2; 210.00; 210.01 P1; 210.02 P1; 215.00 P1; 215.01 P1; 300.00; 300.01; 300.02; 300.03; 300.04; 300.05; 300.50; 400.00; 400.01 P1; 400.02 P1; 400.03 P1; 400.04 P1; 400.05 P1; 400.06 P1; 400.07 P1; 400.08 P1; 400.09 P1; 400.50 P1; 500.00; 500.01 P1; 500.02 P1; 500.03 P1; 500.04 P1; 500.05 P1; 500.06 P1; 500.07

P1; 500.08 P1; 500.09 P1; 500.5 P2; 600.00; 600.01; 600.02; 600.03; 600.04; 600.05; 600.5 ; 700.00; 700.01 P1; 700.02 P1; 700.03 P1; 700.04 P1; 700.05 P1; 700.06 P1; 700.07 P1; 700.08 P1; 700.50 P1; 700.51 P1; 700.52 P1; 700.53 P1; 700.54 P1; 700.55 P1; 700.56 P1; 700.57 P1; 850.00; 850.01; 850.10 P1; 850.11; 850.20 P1; 850.21; 850.30; 850.31; 850.40; 850.41 P1; 900.00 P1;
 Air Quality Assessment, dated December 2022;
 Arboricultural Implications Report, dated November 2022;
 Archaeology Assessment, dated December 2022;
 BREEAM Ecology, dated December 2022;
 Commercial Fire Statement, dated December 2022;
 Delivery and Servicing Plan, dated December 2022;
 Energy Statement, dated December 2022;
 Flood Risk Assessment and Drainage Strategy, dated December 2022;
 Geotechnical and Geoenvironmental Interpretative Report R4, dated October 2022;
 Landscape Addendum, dated May 2023;
 Noise Impact Assessment, dated December 2022;
 Residential Fire Statement, dated December 2022;
 Site Waste Management Plan, dated December 2022.

Unless otherwise specified by conditions attached to this permission.

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

3. Phasing Plan

The development shall be carried out in accordance with the approved phasing plan ref 900.00 P1 unless any subsequent variation to the phasing of the development is first agreed in writing by the Local Planning Authority.

Reason: To secure the proper development of the site and in accordance with Policies PP6, PP23, PP27, PP33, PP35 and PP38 of the Poole Local Plan (2018) and the National Planning Policy Framework.

4. Sewer Diversion (Wessex Water)

No construction work, including site clearance, shall be commenced on site until details for the diversion of MH SZ01902301 and the existing 300mm diameter public foul sewer (located within the northern quartile of the site) has been submitted to and formally approved by Wessex Water. Details shall include ground floor and basement plans to show the existing sewers crossing the proposed layout, to highlight where the conflicts with the basement structure and sewers arise, and how this will be resolved including details of any proposed diversion of conflicting sewers across the development site. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure existing asset is protected and statutory standoff distance can be achieved to provide Wessex Water with unfettered access to carry out our statutory duties as set out in the Water Industry Act 1991 to maintain and repair our Assets.

5. Demolition Environmental Management Plan

Prior to the commencement of any development, including demolition, a Demolition Environmental Management Plan (DEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:

- a) A Dust Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation and demolition.
- b) A qualitative Air Quality Assessment of operational air quality impacts within the AQA has shown that air quality in the area is currently well within AQALs and the proposed development of the Site is considered unlikely to result in significant impacts to future and existing residents.
- c) the parking of vehicles of site operatives and visitors
- d) loading and unloading of plant and materials
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) scheme for recycling/disposing of waste resulting from demolition works; delivery, demolition and construction working hours
- h) Control of NRMM use onsite
- i) Details of arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the DEMP.

Reason: In the interests of highway safety and convenience and to safeguard the amenity of the area for local residents, businesses and workers in accordance with Policies PP3, PP27, PP34, PP35 and PP36 of the Poole Local Plan (2018).

6. Pollution Prevention Response Plan

Prior to the commencement of the development hereby approved (including demolition), a Pollution Prevention and Response Plan which contains details that ensure the demolition and construction phases of the development hereby permitted will have no adverse impact on the Poole Harbour SSSI, SPA and Ramsar site shall be submitted to and agreed in writing by the Local Planning Authority. The demolition and construction phases shall take place in accordance with the agreed details.

Reason: To ensure that the development does not impact on protected sites through the period of its demolition and construction phases, in accordance with Policies PP32 and PP33 of the Poole Local Plan (2018), the Conservation of Habitats and Species Regulations 2017 (as amended) and Paragraph 174 of the National Planning Policy Framework.

7. Flood Defence Levels

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (dated December 2022, Ref: WIE16317-100-R-6-5-2-FRA) and the following mitigation measures:

- The threshold level ramp leading down to the basement car park will be raised to at least 3.60 metres above ordnance datum (mAOD)
- Finished Floor Levels (FFLs) will be raised to a minimum of 3.00mAOD for commercial units, and 3.60mAOD for residential units and the hotel building (including entrances),
- Site levels will be set to minimum level in accordance with the Landscape General Arrangement Plan (dated 2 October 2020, Revision P01, Ref: 845_PL_001)

These mitigation measures shall be fully implemented prior to occupation and subsequently maintained thereafter throughout the lifetime of the development.

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

8. Land Contamination

Preliminary Contamination Risk Assessment (Phase 1)

- A. Prior to the commencement of the development hereby approved, an updated Preliminary Contamination Risk Assessment (Phase I) shall be submitted in writing to BCP. The Phase I should be produced in accordance with the Environment Agency 'Land Contamination Risk Management'. A preliminary Conceptual Site Model (CSM) shall be developed to include a comprehensive assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations will be required.

Site Investigation

- B. If a Phase I has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency should be undertaken. A Phase II report will be submitted to and approved in writing by BCP prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all relevant receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include :

- i. detailed site investigation comprising an assessment of soil, groundwater and ground gases/vapours to establish the extent, scale and nature of contamination on the Site (irrespective of whether this contamination originates on the Site). An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to sensitive receptors.
- ii. If the risk assessment identifies any unacceptable risks, a further remediation strategy/plan will be submitted to and approved in writing by BCP and shall be implemented as approved.
- iii. A Preliminary Contamination Risk Assessment (Phase I) shall be submitted in writing to the Local Planning Authority. The Phase I should be produced in accordance with 'Land Contamination Risk Management' published by the Environment Agency. The report shall develop a preliminary Conceptual Site Model (CSM) and include a comprehensive risk assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in consideration of the proposed development. If the risk assessment identifies any unacceptable risks, further assessment comprising intrusive investigations will be required.

Site Investigation

C. If a Phase I has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency should be undertaken. A Phase II report will be submitted and approved in writing by the Planning Authority prior to development works. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include:

- i. A detailed site investigation comprising an assessment of soil, groundwater and ground gases / vapours to establish the extent, scale and nature of contamination on the Site (irrespective of whether this contamination originates on the Site).
- ii. An updated Conceptual Site Model (CSM) should be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end-users and construction workers), the built environment, controlled waters and sensitive ecology.
- iii. If the risk assessment identifies any unacceptable risks, a further remediation strategy / plan will be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

Remediation Scheme

D. Remediation will be required if the Phase II establishes the presence of a significant pollutant linkage. If required, a remediation strategy / plan will be submitted to and approved in writing by the Planning Authority prior to development works. The

report shall be prepared by a suitably qualified and competent person and the works thereafter will be carried out in full accordance with the remediation strategy / plan. No development works (other than investigative works) shall commence on-Site until such a time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Planning Authority.

- i. If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on-Site.
- ii. Following completion of remediation works, a Verification Report which demonstrates the effectiveness of the completed remediation works, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, shall be submitted to and approved in writing by the Planning Authority.

Reporting of Unexpected Contamination

E. a) The presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to the Planning Authority in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to re-commencement works in the affected area. The approved details shall be implemented as approved.

b) Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

NB: Any risk assessments should be undertaken by competent and suitably qualified persons to assess the nature and extent of contamination at the site in accordance with 'Land Contamination Risk Management' published by the Environment Agency.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and is carried out safely and in the public interest, in accordance with Policies PP32 of the Poole Local Plan (2018) and Paragraph 170 of the National Planning Policy Framework.

9. Bird Breeding Season

No vegetation clearance or demolition of any building on this site shall be carried out inside the bird breeding season of 1st March to 31st August inclusive, unless the land is supervised and surveyed by an ecologist which confirms that no bird nests are

present. If bird nests are present vegetation clearance must be delayed until nesting is complete.

Reason: Prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981(as amended) and in accordance with PLP Policy PP33.

10. Highways Works Landscaping Scheme

Notwithstanding the approved plans, the following details and a timescale for the implementation of the works shall be submitted to the Local Planning Authority for written approval prior to the commencement of Phase 3 of the development hereby permitted:

- a. Details of any proposed trees or landscaping which are to be located on the adopted Highway, including details of the location, method of planting, timescales for planting and a scheme for future maintenance.
- b. A scheme of public seating along The Quay within the adopted highway frontage to the site
- c. Reinstatement of the existing hotel car park vehicle access on The Quay back to full kerb height including footway construction details
- d. Provision of cycle parking facilities on The Quay to accommodate a minimum of 12 bicycles
- e. Provision of a new vehicle loading/unloading bay facility on The Quay with appropriate signage and road markings
- f. Provision of a raised table vehicle speed reducing feature at the vehicle access from Ballard Road
- g. Relocation of existing street signage and street furniture on The Quay frontage as required as a result of the proposal. The works shall be completed in accordance with the agreed details and timing/phasing plan
- h. Alterations to the wall and surfacing near the historic weighbridge

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

Reason: In the interests of the creation of an attractive and safe pedestrian environment and sustainable development and to protect the character and appearance of the conservation area in accordance with Poole Local Plan Policies PP6, PP27, PP30 and PP35.

11. Vehicle and Cycle Parking Management Scheme

Prior to the occupation of the relevant phase, details of a Vehicle and Cycle Parking Management Scheme shall be submitted to the Local Planning Authority for written approval. The approved scheme shall include details of:

- (i) The management of vehicle parking spaces to prevent long stay car parking that is not associated with the approved hotel use.

- (ii) A monitoring strategy for on-site cycle parking use and cycle parking demand and details of how cycle parking facilities will be increased on the site, should increase cycle parking demand arise.
- (iii) Details of a vehicle entry control system and the operation of the proposed vehicle barrier

The vehicle parking spaces, and cycle parking provision shall thereafter at all times accord with the approved Vehicle and Cycle Parking Management Scheme and any extensions thereof that have been provided pursuant to (ii) above.

Reason: In the interests of sustainable development and encouraging sustainable forms of travel in accordance with Policy PP35 of the Poole Local Plan (2018).

12. Close Other Access(es) by Physical Works

All existing accesses to the Site which are not proposed to be retained shall be permanently stopped up and abandoned within 7 days following construction or opening of the new access. Details are to be submitted to, and approved in writing by, the Local Planning Authority prior to the new access being constructed within Phase 3 of the development hereby permitted, unless otherwise agreed in writing.

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

13. Parking/Turning Provision

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking of the relevant phase shown on the approved plans 200.00 P1 and 200.01 P3, or varied by any condition in this permission, have been constructed, and these shall thereafter be retained and kept available for those purposes at all times unless otherwise agreed in writing with the Local Planning Authority. The vehicle and cycle parking shall be made available prior to the first occupation of the commercial use or residential unit for which that parking is associated with.

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

14. Locally Listed Anchor Relocation

Notwithstanding the approved plans and prior to the commencement of Phase 3 of the development hereby permitted, details demonstrating the relocation, design of any structure or materials in the new siting, and the making-good of the existing anchor location shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall relate to the heritage value of the anchor. The approved details shall be implemented prior to the occupation of any residential unit, or the commencement

of any other use hereby approved on the site, and maintained in accordance with the details thereafter.

Reason: To protect the special interest of the non-designated heritage asset, to protect the character and appearance of the surrounding conservation area and to ensure safe accessibility within the development site, in accordance with Policies PP27, PP30 and PP35 of the Poole Local Plan, and the National Planning Policy Framework.

15. Tree Protection Scheme

No development, including site clearance, demolition, ground preparation, temporary access construction/widening or construction works shall commence until a scheme for tree protection, prepared in accordance with BS5837 "Trees in Relation to Design, Demolition and Construction" has been submitted to and approved in writing by the Local Planning Authority ("the Approved Tree Protection Scheme"). No development or other operations shall take place other than in accordance with the Approved Tree Protection Scheme. The Approved Tree Protection Scheme shall include the following information:

- a. confirmation of the appointment of a consultant arboriculturist for the full duration of the demolition and construction phases of the development, from start until completion (or per each relevant phase);
- b. identification of arrangements that secure that the appointed consultant arboriculturist shall be (i) responsible for the implementation of all temporary tree protective measures; (ii) the supervision of all works within or abutting root protection areas, and (iii) the regular monitoring of the condition of retained trees and tree protection measures;
- c. provision for monitoring visits to be undertaken by the appointed arboricultural consultant on a monthly basis (or such other frequency as is agreed in writing by the local planning authority) in addition to any supervisory or other monitoring visits;
- d. provision for a pre-commencement meeting with the appointed consultant arboriculturist and the site or construction manager prior to the start of any site clearance, demolition, ground preparation, temporary access, construction or widening or construction works on site to which a Local Planning Authority Tree Officer shall be invited;
- e. arrangements that provide for (i) written site notes and/or reports detailing the results of ALL site supervision and monitoring visits and any necessary remedial works undertaken or required to be taken at each such supervision and monitoring visit; and (ii) to be received by the local planning authority within 7 calendar days of each such supervision and monitoring visit. Any variation to the approved supervision and monitoring schedule must be submitted in writing to the Local Planning Authority and shall not be implemented unless written consent has been received by the Local Planning Authority;
- f. A tree protection plan comprising a drawing at a scale of no less than 1:500 that includes (i) the position of root protection areas, fencing and ground protection measures to be established for retained trees; (ii) the specification and signage for protective fencing; (iii) the location of site compound and contractor access routes; and (iv) a timetable to show when fencing will be

erected and dismantled in relation to the different phases of the development. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase;

- g. a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by paragraph (f) of this condition;
- h. a tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that any tree protection measures are contravened;
- i. details of all ground preparation including soil management;
- j. a specification and section detail for tree planting pits, soil cell systems including root management, aeration, irrigation and tree anchoring components for both hard and soft landscaped areas.
- k. the routing of overhead and underground services with provisions for minimising their impact on trees;
- l. a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme; and
- m. details of tree protection recommendations which will be incorporated into the construction method statement; and
- n. provision for briefing construction personnel on compliance with the Approved Tree Protection Scheme

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice (BS5837:2012) and Policies PP27 and PP33 of the Poole Local Plan (2018).

16. Drainage Details (Wessex Water)

Prior to the commencement of the development (excluding demolition) of Phase 3 of the development hereby permitted, the following details and plans shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Wessex Water.

- a. Details in relation to the 15-metre odour buffer to be shown on the proposed ground floor plans that demonstrate that the blocks of residential buildings are outside the 15- metre nuisance zone for the foul pumping station.
- b. Details of any mitigation measures required to the hotel building as a sensitive receptor in close proximity to the foul pumping station
- c. Details of any mitigation measures required to the hotel building as a sensitive receptor in close proximity to the Surface Water pumping station.

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

Reason: In the interests of residential living conditions and protection of existing sewerage infrastructure, in accordance with Policies PP27 and PP38 of the Poole Local Plan (2018).

17. Archaeological Mitigation

Prior to the commencement of any development (excluding site clearance and demolition) hereby approved, a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. This shall contain a programme of archaeological work which covers archaeological fieldwork together with post-excavation work and publication of the results. The development shall be carried out in strict accordance with the programme of archaeological work.

Reason: The area is of archaeological potential, and it is important that any archaeological features and finds are properly recorded, in accordance with Policy PP30 of the Poole Local Plan (2018) and the National Planning Policy Framework.

18. Piling Works Risk Assessment

Prior to the commencement of any development in of Phase 2 (not including demolition) of the development hereby approved, a Piling Works Risk Assessment shall be undertaken to assess geo-environmental risks to Controlled Waters associated with deep foundations, and shall be submitted to, and approved in writing by, the Local Planning Authority. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the proposed development does not contaminate or harm groundwater resources in line with Policies PP32, PP33 of the Poole Local Plan (2018), Paragraph 174 of the National Planning Policy Framework and the 'The Environment Agency's approach to groundwater protection'.

19. Detailed Basement Plans

Notwithstanding the approved plans, prior to the commencement of any below ground development (other than demolition and site clearance) hereby permitted, plans and details of the following shall be submitted to, and approved in writing by, the Local Planning Authority in respect of the basement:

- a. layout;
- b. materials;
- c. lighting;
- d. levels;
- e. sections;
- f. structural supports / columns and beams;
- g. means of escape (whether by stairs and / or lift);
- h. means of ventilation / extraction (which will be based on an air quality assessment that models predicted vehicle movements during the operational phase); and

- i. details of satisfactory vehicle clearance heights, including on the ramped vehicular access

The basement ramp design and location of basement car park supporting columns shall accord with the latest edition of Design Recommendations for Multi Storey and Underground Car Parks (Institute of Structural Engineers).

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

Reason: In the interests of the health and safety of occupiers and customers of the proposed development, to ensure safe and efficient access to the development, in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018).

20. Construction Environmental Management Plan

No above ground development (not including demolition and site clearance) of Phase 2 or 3 shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e. wheel washing facilities;
- f. measures to control the emission of dust and dirt during construction;
- g. scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and convenience and to safeguard the amenity of the area for local residents, businesses and workers in accordance with Policies PP3, PP27, PP34, PP35 and PP36 of the Poole Local Plan (2018).

21. Landscape Management Plan

Notwithstanding the submitted plans, prior to the commencement of any above ground development of Phase 3 (excluding demolition) of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) lasting for a minimum of 30 years shall be submitted to and agreed in writing by the Local Planning Authority, and subsequently implemented in accordance with the agreed details.

This shall include the biodiversity recommendations as given 5.7 to 5.21 (inclusive) of 'Island View Preliminary Ecological Appraisal December 2022' by Waterman Infrastructure & Environment Limited, shall be implemented in full, with the alteration of the sparrow terraces in 5.16 replaced by at least 10 swift boxes installed in compliance with height and aspect as given in <http://www.swiftconservation.org/OurLeaflets.htm>.

Reason: To be enhance and minimise impact on the natural and local environment, and provide net gain in biodiversity, in accordance with Policies PP24, PP27 and PP33 of the Poole Local Plan (2018) and Paragraph 174 of the National Planning Policy Framework.

22. Sample of Materials

Notwithstanding the submitted plans, prior to the commencement of any above ground development (excluding demolition) of the relevant building hereby approved, a sample panel and schedule of all external facing and roofing materials to be used for that building shall be submitted to and approved in writing by the Local Planning authority. Alternatively, details of the relevant materials can be submitted for approval as photographs or otherwise where agreed in advance with the local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

23. Tree Protection

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved 'Arboricultural Implications Report' (produced by SJA Trees, dated November 2022), and shall be supervised by an Arboricultural consultant holding a nationally recognised Arboricultural qualification.

Any alterations to the approved 'Arboricultural Implications Report' shall be submitted for approval and works carried out in accordance with the revised details approved. In the event that trees are damaged during construction and are required to be removed, a scheme of replacement trees shall be submitted to and approved in writing by the local planning authority to confirm the location and species of replacement trees.

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

24. Landscaping Scheme to be Submitted

Notwithstanding the submitted plans, prior to the commencement of any above ground development (excluding demolition) of the relevant phase, proposals for the

landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting including tree planting, the retention and protection of existing trees and other site features including the weighbridge and WWII pill box, details of proposed landscape management and a timetable for delivery Upon approval:

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

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

25. Hard Landscaping

Notwithstanding the submitted plans, prior to the commencement of any above ground development (not including demolition) of the relevant phase, full details and samples of the proposed hard landscaping materials, including surfacing materials and colours/ kerbing/ bollards/railings/walling, retaining walls or other structures, fencing or any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and completed prior to first occupation/use of the development hereby approved and thereafter retained.

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

26. Accessible and adaptable dwellings

Notwithstanding the submitted plans, prior to the commencement of any above ground development (not including demolition) of Phase 3 of the development hereby permitted, there shall be submitted to, and agreed in writing with the Local Planning Authority, details showing 20 per cent of the residential dwellings which shall be built in accordance with the requirements of Approved Document Part M4(2) Category 2 'adaptable and accessible homes' of the Building Regulations (2015) (as amended). The development shall be constructed and maintained in accordance with the agreed details.

Reason: In the interests of meeting the needs of the ageing population and in accordance with PP12 of the Poole Local Plan (2018) and Paragraphs 62 and 130 of the National Planning Policy Framework.

27. Ventilation Assessment

Notwithstanding the submitted plans, prior to the commencement of any above ground development (not including demolition) of Phase 3 of the development hereby permitted, the following details shall be submitted to and approved in writing by the local planning authority.

- a. show the design, location and external appearance of the proposed basement ventilation/extraction units
- b. identify receptors that may be impacted by noise, smells or fumes from any proposed ventilation / extraction units and/or any vehicle movements that may result from the development hereby permitted together with an explanation of the methodology undertaken to identify such receptors;
- c. assess the possible impact on those receptors of such units and movements; and
- d. identify mitigation measures to address any identified impact(s) including proposed assessments and maintenance requirements to evidence and secure that any such mitigation measures have been and will remain effective to overcome any adverse impacts,

The development thereafter shall be constructed and at all times comply with the approved details.”

Reason: To ensure acceptable levels of air quality and avoid an unacceptable impact on the amenities of residents, in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018) and Paragraph 186 of the National Planning Policy Framework.

28. Renewable Energy – Residential

Prior to above podium level construction of the relevant residential building of Phase 3 of the development hereby permitted, details (including ‘as built’ SAP assessment documents with the corresponding Energy Performance Certificate) of measures to provide 20% of the predicted future energy use of the block in question from on-site renewable sources, shall be submitted to and approved in writing by the Local Planning Authority. This shall be submitted for:

- a) Block A
- b) Block B
- c) Block C
- d) Block D

These measures must then be implemented before any residential occupation of that block is brought into use, and maintained thereafter all in accordance with the approved details.

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

29. Renewable Energy – Non-Residential

GB – break this into commercial and hotel?

Prior to first occupation of the non-residential parts of the buildings of the Phase 3 of the development hereby permitted, details of the measures to provide on-site renewable energy sources to meet a minimum of 20 per cent of the predicted energy use of the non-residential development, shall be submitted to and approved in writing by the Local Planning Authority. These measures must then be implemented before any non-residential occupation is brought into use and maintained thereafter in accordance with the approved details.

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

30. Shopfront Details

Prior to the commencement of any above ground development (excluding demolition) Phase 3 of the development hereby permitted, detailed elevations (including sections) and details of materials to be used in all active frontage to commercial units shall be submitted to and approved in writing by the Local Planning Authority. This will also include details on any access points, doors, windows and the location of any advertising fascia. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship and active frontage between the existing and the new development including the tertiary frontage in accordance with Policies PP6, PP27 and PP30 of the Poole Local Plan (2018).

31. Lighting Scheme

Notwithstanding the approved plans, prior to the commencement of Phase 3 of the development hereby permitted, an External Lighting Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The External Lighting Strategy shall provide details of the design, hours of use, locations and management of any temporary or permanent exterior lighting within any public area, including signage, floodlighting and road/path lighting. The lighting shall be compliant with the Bat Conservation Trust and Institute of Lighting Professionals (2018) 'Bats and

Artificial Lighting in the UK'. The lighting for the development shall subsequently be installed and operated in accordance with the approved External Lighting Strategy at all times.

Reason: To safeguard the visual amenities of the area, to provide safe access to the site, to protect future occupiers and neighbouring/nearby residents from excessive light spillage on site and in the interests of minimising disturbance to protected species and habitats in the area in accordance with Policies PP27 and PP33 of the Poole Local Plan (2018).

32. Landscape Maintenance Plan

Prior to the occupation of any residential unit hereby permitted, or the hotel and commercial units hereby permitted, a Landscape Maintenance Plan containing full details of landscape management for a minimum period of 5 years from first occupation of the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas, to ensure their longevity, in the interests of visual amenity and to accord with Policies PP24, PP25 and PP27 of the Poole Local Plan (2018).

33. Sustainable Urban Drainage

Prior to the commencement of Phase 3 of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

34. Water Efficiency

Prior to the commencement of any above ground (excluding demolition or site clearance) development of Phase 3 of the development hereby permitted, a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details and retained as such for the duration of the development.

Reason This condition contributes to sustainable development and meeting the demands of climate change and the recognized climate emergency, in accordance with Policy PP37 of the Poole Local Plan and the National Planning Policy Framework.

35. Secured by Design

The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. A certificate of accreditation to Secured by Design Standards shall be submitted to the local planning authority for approval in writing prior to the commencement of any use of the development of Phase 3 hereby permitted. The development shall thereafter accord with these approved details.

Reason: To ensure that the development maintains and enhances community safety in accordance with Policy PP27 of the Poole Local Plan (2018) and the National Planning Policy Framework.

36. BREEAM

Prior to commencement of the use of the relevant part of the development, a Post-Construction Review Certificate shall be submitted to, and approved in writing, by the Local Planning Authority verifying that the relevant BREEAM rating has been met. The development hereby permitted shall achieve a minimum BREEAM "Very Good" for the commercial units and "Excellent" rating for the hotel (or equivalent standard(s)).

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

37. Electric Vehicle Charging Points

Notwithstanding details shown on the submitted plans, prior to the occupation of the hotel or any residential unit hereby approved, details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit

hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained and available for use at all times.

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

38. Waste Management Plan (residential)

Prior to the occupation of any residential units of Phase 3 of the development hereby permitted, a Residential Waste Management Plan for the permitted residential units shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Details of how the buildings are to be serviced and the waste collected
- b) Full scaled plans of the waste storage and any compaction areas within the building
- c) Details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection
- d) Waste chute capacity, maintenance and a schedule for staff including emptying and cleaning of the chutes
- e) Details and product specifications of any compactors used on site
- f) Details of an agreed back-up Waste Management Plan to hand the storage, management and collection of waste in the event of a partial / total compactor failure on site (eg Private collection contract)
- g) Details of the collection and disposal of bulky goods (arising from vacating or new residents) by a licensed waste carrier so that unimpeded access is always available for collection staff and residents.
- h) Caretaking details to ensure the bin store is maintained, clear of side waste and that any contamination is removed from bins prior to collection

The approved Residential Waste Management Plan shall be implemented prior to the occupation of any residential units hereby permitted and the development shall be maintained in accordance with the plan thereafter.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, to prevent any unacceptable impact on the efficiency of the local highway network nor the safety of its users in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018) and the National Planning Policy Framework.

39. Waste Management Plan (commercial units)

Prior to the commencement of the use of the flexible use commercial units hereby approved, a Commercial Waste Management Plan for the commercial units approved

shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Details of how the buildings are to be serviced and the waste collected
- b) Details the location of lockable waste containers suitable for the containment of the waste generated by the specific business activity in the commercial units
- c) Details of the management company to be set up; the employment of a private contractor to collect the refuse; frequency of collection; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection
- d) Details and product specifications of any compactors used on site, if applicable
- e) Details of an agreed back-up Waste Management Plan to hand the storage, management and collection of waste in the event of a partial / total compactor failure on site (eg Private collection contract)
- f) Details of the storage and disposal of used cooking oil. This must be stored in locked and bunded storage facility

The businesses have a duty under the Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place, guidance relating to capacity is based on Waste management in buildings — Code of practice BS 5906:2005.

The approved Commercial Waste Management Plan shall be implemented prior to the commencement of any non-residential use hereby permitted and the development shall be maintained in accordance with the plan thereafter.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, to prevent any unacceptable impact on the efficiency of the local highway network nor the safety of its users in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018) and the National Planning Policy Framework.

40. Waste Management Plan (hotel)

Prior to the commencement of the use of the hotel hereby approved, a Commercial Waste Management Plan for the hotel hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- g) Details of how the buildings are to be serviced and the waste collected
- h) Details the location of lockable waste containers suitable for the containment of the waste generated by the specific business activity in the commercial units
- i) Details of the management company to be set up; the employment of a private contractor to collect the refuse; frequency of collection; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection
- j) Details and product specifications of any compactors used on site, if applicable

- k) Details of an agreed back-up Waste Management Plan to hand the storage, management and collection of waste in the event of a partial / total compactor failure on site (eg Private collection contract)
- l) Details of the storage and disposal of used cooking oil. This must be stored in locked and bunded storage facility

The businesses have a duty under the Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place, guidance relating to capacity is based on Waste management in buildings — Code of practice BS 5906:2005.

The approved Commercial Waste Management Plan shall be implemented prior to the commencement of any non-residential use hereby permitted and the development shall be maintained in accordance with the plan thereafter.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, to prevent any unacceptable impact on the efficiency of the local highway network nor the safety of its users in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018) and the National Planning Policy Framework.

41. Flooding Evacuation Plan

Prior to the occupation of any residential units, hotel or commercial units hereby permitted, the owner of buildings/site shall register its' management company with the Environment Agency's Early Flood Warning Hotline (or subsequent equivalent), and details of a Flood Warning and Evacuation Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Any physical measures set out in the approved Flood Warning and Evacuation Plan shall be implemented in full prior to the commencement of any use in the development hereby approved.

Reason: In order to ensure the mitigation required to protect the site and public from flooding are in place prior to a flood event occurring to prevent the risk from flooding, in accordance with Policies PP27 and PP38 of the Poole Local Plan (2018).

42. Hours of Opening

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

Reason: In the interests of the living conditions of nearby occupiers, in accordance with Policy PP27 of the Poole Local Plan (2018).

43. Substation Appearance

Notwithstanding the approved plans and prior to the commencement of any development to the substation, detailed plans and elevation drawings, including details of any materials, shall be submitted to, and approved in writing, by the Local Planning Authority. The development will be carried out in accordance with the approved details, and maintained as such.

Reason: To ensure the development has a satisfactory appearance, to protect the character and appearance of the surrounding conservation area, and to ensure the strategic water asset is not unacceptably impacted or inaccessible, in accordance with Policies PP27, PP30, PP38 and PP39 of the Poole Local Plan (2018).

44. Canopy Details

Prior to the development of the relevant part of the development, details (including full elevation plans and details of materials) of the proposed canopy shall be submitted to, and approved in writing, by the Local Planning Authority. The development will be carried out in accordance with the approved details, and maintained as such.

Reason: To ensure the development has a satisfactory appearance, to protect the character and appearance of the surrounding conservation area, and to create a safe and accessible environment, in accordance with Policies PP27 and PP30 of the Poole Local Plan (2018).

45. Japanese Knotweed Management Plan

If Japanese Knotweed is identified during the construction of the development, a management plan shall be submitted to and approved in writing by the local planning authority prior to commencement of any further part of the development hereby permitted, including any ground clearance works. The management plan shall be in accordance with the latest best guidance published and/or endorsed by the UK Government to prevent spread of this plant and ensure that any waste taken off site is disposed of in correct way. The development shall be carried out in accordance with the management plan.

Reason: To prevent the spread of invasive species and protect local biodiversity, in compliance with Policy PLP37 of the Poole Local Plan (2018), Section 34 of Environment Protection Act and Section 14(1) of The Wildlife and Countryside Act 1981 (as amended).

46. Demolition Timing

Demolition of any existing building on the application site shall be carried out outside the bird breeding season of 1st March to 31st August inclusive, unless surveyed by an ecologist that no bird is nesting on the roof, if so work to be delayed until nesting complete.

Reason: to prevent the disturbance to birds' nests as protected under Wildlife and Countryside Act 1981(as amended) and in accordance with Policy PP33 of the Poole Local Plan (2018).

47. Vegetation Clearance

Vegetation clearance on this site shall be carried outside the bird breeding season of 1st March to 31st August inclusive, unless it can be sufficiently checked by an ecologist to show that nesting birds are not present.

Reason: to prevent the disturbance to birds' nests as protected under Wildlife and Countryside Act 1981(as amended) and in accordance with Policy PP33 of the Poole Local Plan (2018).

48. Delivery and Servicing Plan

The development hereby approved shall at all times the site shall be operated in accordance with the approved Delivery and Servicing Plan produced by Waterman, dated December 2022.

Reason: In the interests of amenity, highway safety, to ensure there is no unacceptable impact on the flow of traffic and transport safety in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018).

49. Delivery Hours

No deliveries or despatches shall be made to or from commercial premises or the hotel on the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 08:00 nor after 18:00 Monday to Saturday, or before the hours of 11:00 nor after 16:00 on Sundays and Public Holidays.

Reason: To protect the amenities of nearby residents, in accordance with Policy PP27 and PP35 of the Poole Local Plan (2018).

50. Plant Noise

Noise from any fixed plant within the development shall not exceed the plant noise limit contained within the Planning Noise Assessment November 2022 prepared by Waterman (Document Reference: WIE16317-105-R-9-4-6_Noise Project Number: WIE16317).

Reason: To ensure that future occupiers and residents at nearby properties are provided with acceptable living conditions and do not experience unacceptable levels of noise or disturbance, in accordance with Policy PP27 of the Poole Local Plan (2018).

51. Residential Noise Levels (proposed)

All recommendations contained within the Planning Noise Assessment November 2022 prepared by Waterman (Document Reference: WIE16317-105-R-9-4-6_Noise Project Number: WIE16317) shall be fully implemented, and any further measures required shall be taken, to ensure that all residential units are designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in daytime: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LMax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LMax)

Reason: To ensure that future occupiers are provided with acceptable living conditions and do not experience unacceptable levels of noise or disturbance, in accordance with Policy PP27 of the Poole Local Plan (2018).

52. Fire Statement

The development hereby permitted shall be carried out in strict accordance with the ‘Hotel Fire Statement’ and ‘Residential Fire Statement’ both produced by Marshall Fire, dated 30/11/2022 and maintained in compliance with the document for the duration of the development.

Reason: To ensure that the development incorporates the necessary fire safety measures and protects public safety in accordance with Policy PP27 of the Poole Local Plan (2018) and Article 9a of the Town and Country Planning (Development Management Procedure) (England) Order (2015) (as amended).

53. Servicing Management Plan

The development hereby permitted shall be operated in accordance with the approved Delivery and Servicing Plan, dated December 2022 throughout the lifetime of the development.

Reason: To ensure accessible and safe access to the development, in accordance with Policies PP27 and PP35 of the Poole Local Plan (2018).

54. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, there will be no development or alterations which would compromise the flood mitigation measures as set out in the approved FRA and the plans agreed in line with the above Flood Defence Levels condition. Including lowering of ground or ramp levels or the introduction of potential flood flow routes below 3.0mAOD for commercial elements or 3.6mAOD for the residential and hotel elements.

Reasons To reduce the risk of flooding to the proposed development and future users by ensuring the development is safe for its lifetime and secure the effectiveness of the agreed flood risk mitigation in accordance with Policies PP27 and PP38 of the Poole Local Plan (2018) and Paragraph 167 of the National Planning Policy Framework.

55. Telecommunications Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended), or an Order revoking or re-enacting that Order, with or without modification, no telecommunications equipment, as permitted by Part 16 of Schedule 2 of the Order, shall be constructed without the express written consent of the Local Planning Authority.

Reason: To ensure the development has a satisfactory appearance and, in the interests of the visual amenities of the wider area and to protect the character and appearance of the surrounding conservation area in accordance with Policies PP27 and PP30 of the Poole Local Plan (2018).

56. No external Piping

Unless shown on the approved elevational drawings or unless otherwise agreed in writing by the Local Planning Authority beforehand, any pipework shall be internal to the building.

Reason: To ensure the development has a satisfactory appearance and, in the interests of the visual amenities of the wider area and to protect the character and appearance of the surrounding conservation area in accordance with Policies PP27 and PP30 of the Poole Local Plan (2018).

57. Land Use Control

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any subsequent re-enactments thereof:

- a. All hotel block hereby approved shall be used solely for purposes specifically relating to a hotel under Use Class C1 (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) and for no other purpose.
- b. The two commercial units hereby permitted shall be used solely for purposes specifically relating to the following:
 - a. restaurant (under Use Class E(b))
 - b. Restaurants / cafes (Use Class E(b))
 - c. Display of works of art (otherwise than for sale or hire) (F1(b))
 - d. Museums (F1(c))

- e. Public libraries or public reading rooms (F1(d))
- f. Public halls or exhibition halls (F1(e))
- g. Halls or meeting places for the principal use of the local community (F2(b))

Reason: In the interests of local residential amenity, to provide an acceptable active frontage onto the Quay and to prevent a loss of hotel use on the site and to resist an unacceptable impact on the transport network, in accordance with Policies PP6, PP22, PP23, PP27 and PP35 of the Poole Local Plan (2018).

58. Bat Mitigation Measures

The development hereby permitted shall be carried out in accordance with the recommendations in Section 5 of the approved Bat Emergence Survey, dated July 2023, throughout the development.

Reason: Reason: to prevent harm to protected species under Wildlife and Countryside Act 1981(as amended) and in accordance with Policy PP33 of the Poole Local Plan (2018).

30 INFORMATIVES

1. You are advised to inform future residents that those residents may be excluded from being able to purchase permits associated with parking permit schemes controlled by the Council in the area. This is to reduce the impacts from the development due to the low amount of car parking provision being proposed and to encourage sustainable modes of travel amongst future residents.
2. Prior to construction commencing on site, the applicant/site developer is strongly advised to contact BCP Highways by email at tenghelpdesk@bcpcouncil.gov.uk, or in writing at BCP Highways, Town Hall Annexe, St Stephens Road, Bournemouth, BH2 6EA, to discuss how the highway network in the vicinity of the site is to be safely and lawfully managed during construction. This team is responsible for managing the highway network and must be consulted prior undertaking any work that may impact on the operation of the public highway. They will also be able to advise on any Permits, Licences, Temporary Traffic Regulation Orders (TTROs), traffic signal or ITS changes and signing requirements, together with co-ordination of work in relation to the planned work of other parties on the public highway. Some procedures, require significant lead in times and therefore early engagement is essential. Therefore, to avoid any delay in starting work it is strongly recommended that the applicant makes contact at least 3 months before commencing work. Failure to do so may result in delay in starting work. If any permanent changes are required to Traffic Regulation Orders (TROs), please note that these may take a minimum of 9 months to process and this period should be considered when planning your project.
3. You are advised by Wessex Water that no surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

4. You are advised by Dorset Police that:
 - External cycle stores should meet the requirements of Section 64.1 – 64.3 of Secured By Design 'Homes 2023' and internal cycle stores should meet the requirements of Section 32 of Secured By Design 'Homes 2023'.
 - The doors to entrances and bike stores should be of a minimum standard LPS 1175 Issue 8:B3 with access control measures in place on both doors and lifts.
 - The underground car park should comply with the requirements for Section 63.3 and 63.4 of Secured By Design 'Homes 2023'.
5. You are advised by Dorset and Wiltshire Fire and Rescue that the single stair serving basement and covered car park does not conform to the adopted design standard BS:9991. The use of a suppression system would not mitigate this as is already a requirement due to the height of the building.
6. Wessex Water (WW) advise in relation to the Slipway Pumping Station (SPS), it discharges the public surface water sewer system through flap valves in the sea wall. WW have stated concerns that access for operation and maintenance must be maintained, and that the station must be protected from any impact of construction activities. We would welcome early engagement on all these matters. WW are aware that the existing SPS site would benefit from refurbishment and would be open to working together with the developer towards an SPS site that would be more acceptable to the applicant.
7. Wessex Water advise that there is limited capacity in the surrounding foul network, therefore, it will be necessary to review the impact of the increased foul loads over and above the existing discharges. Should this capacity review identify the need for any off site capacity improvements it will be necessary to reach agreement with the applicant and the Local Planning Authority upon the timetable of such works. In such circumstances we would advise that the development does not proceed until we have confirmed that capacity can be made available, and a suitable point of discharge has been agreed.
8. Wessex Water advise that Sewer diversion (at the developers cost) can be permitted but the developer must prove satisfactory hydraulic conditions and that there will be no loss in capacity within the diverted sewer, all new sewers must be constructed to the standards set down in the Design and Construction Guidance (DCG) (formally Sewers for Adoption Guidance). Early consultation with our Sewer Protection Team is advised. Public sewer/water main diversions must be undertaken wholly within land under the applicant's ownership or with consent of the third-party landowner.

30.1 APPENDICES

Appendix 1 - Proposed Phasing Plan



Appendix 2 - Weighbridge



Appendix 3 - HTVIA View Comparison

Dolphin Quays



Stanley Road - near



Stanley Road - long



Perry Gardens



Ballard Road

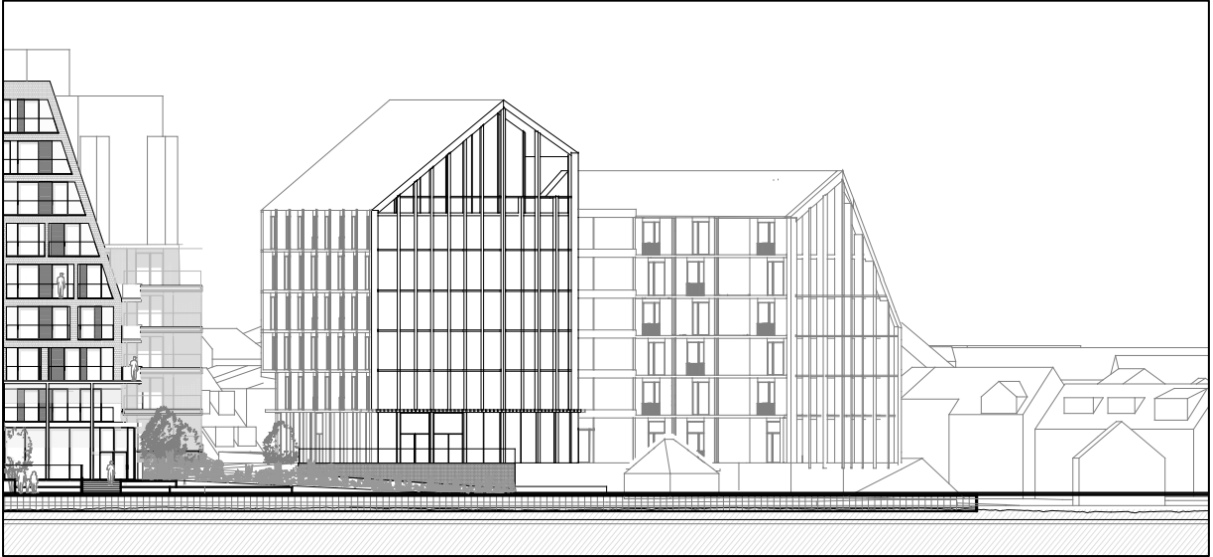


Labrador Drive



Appendix 4 - Hotel block comparison

Appeal Scheme



Current Scheme



Appendix 5 - CGI comparison with Appeal Scheme

Appeal Scheme

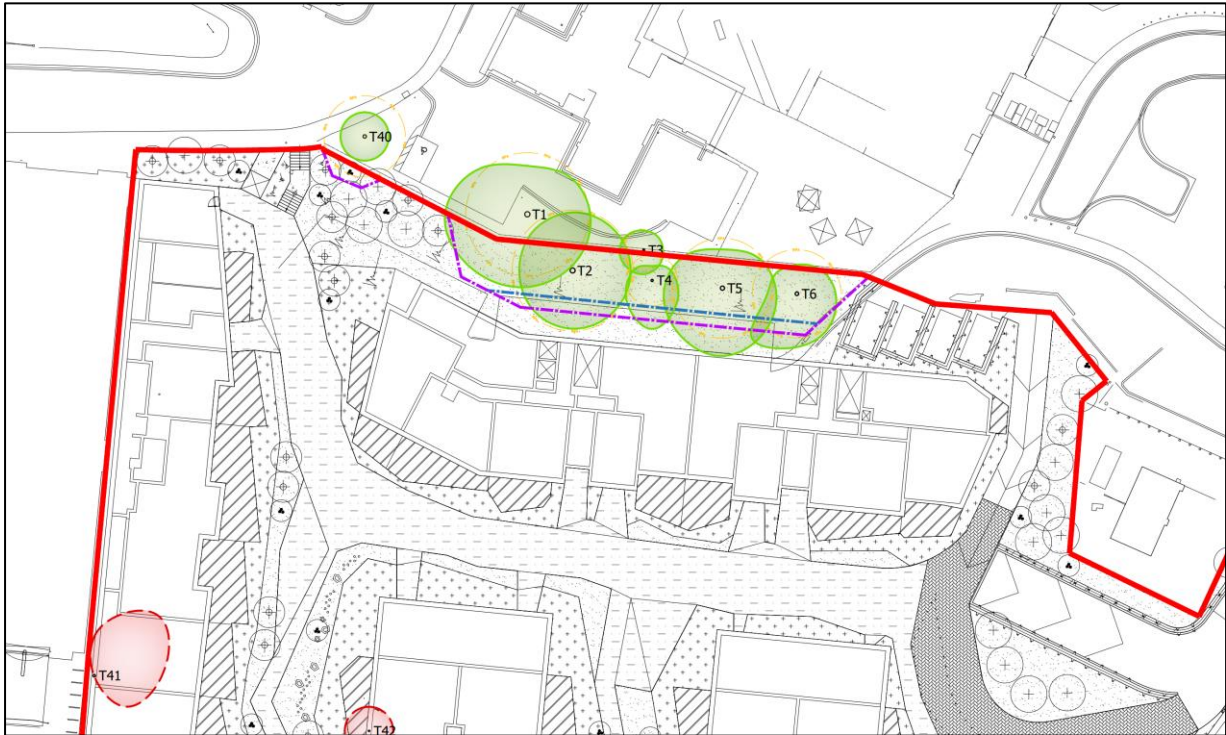


Current Scheme

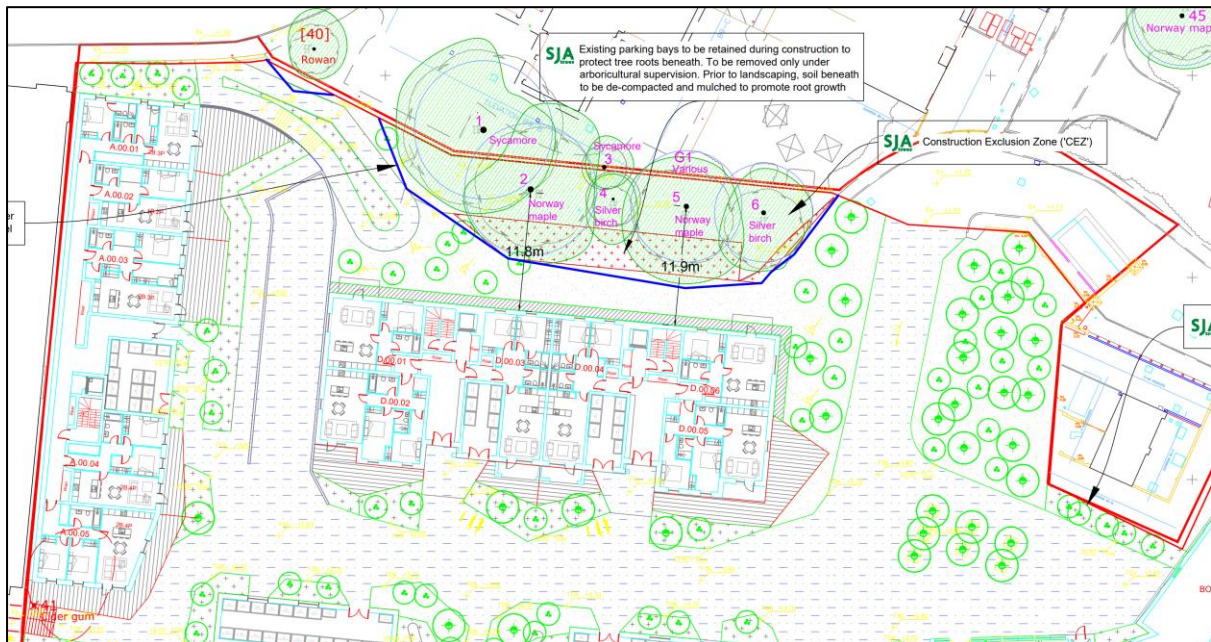


Appendix 6 - Impact on trees comparison

Appeal Scheme



Current Scheme





Appeal Decision

Inquiry opened on 7 June 2022 Site visit made on 14 June 2022 **by David**

Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

31 Appeal Ref: APP/V1260/W/22/3291925 The Thistle Hotel, The Quay, Poole, BH15 1HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MHA Burleigh Poole (Propco) Limited ('the appellant') against the decision of Bournemouth Christchurch and Poole Council ('the Council').
 - The application Ref APP/20/01163/F, dated 2 October 2020, was refused by notice dated 9 December 2021.
 - The development proposed is demolition of the existing hotel building and redevelopment to provide a mixed use scheme of 5 buildings providing flexible commercial units (Class E/F1/F2) at ground floor with residential above (Class C3) and a hotel with ancillary bar/restaurant (Class C1), plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.
 - The inquiry sat for 6 days on 7-10 and 14-15 June 2022.
-

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The appeal site lies within the Poole Town Centre Heritage Conservation Area ('the Conservation Area'). I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
3. After the inquiry had closed, but in accordance with an agreed timescale, the appellant submitted a completed planning obligation in the form of an agreement made under section 106 (S106) of the Town and Country

Planning Act 1990, as amended. I deal with this in more detail under the third and fourth main issues.

Site description and details of the appeal proposal

4. The appeal site comprises some 1.3 hectares of land lying within Poole Town Centre, and also within the Conservation Area. The site currently contains the Quay Thistle Hotel which is a part 2- and part 3-storey brick building with the third floor housed within a slate-hung mansard roof. This hotel building sits in the southwestern part of the site, with surface-level car parking to its north and east, and with an area of currently unused and vacant land at the eastern part of the site. There is also an area of soft landscaping to the south of the hotel, fronting The Quay, the road which runs along the site's southern boundary. A mooring area for boats, and Poole Harbour itself, is located just to the south of The Quay.

5. The Cherbourg Roundabout lies adjacent to the site's eastern end, with Ballard Road running alongside the site's north-eastern boundary. An existing 4-storey block of flats on East Quay Road borders the site to the north, whilst the Dolphin Quays residential and commercial development which comprises a double-height ground floor with 4-6 storeys above, along with its multi-storey car park, lies to the west of the site, separated from it, in part, by Fisherman's Road.
6. The appeal site does not contain any statutory listed buildings, although it does contain a WWII 'pillbox', identified as being a local heritage asset, and an old weighbridge which is not locally listed but which has been identified as a nondesignated heritage asset. In addition, the locally listed single-storey Lifeboat Museum lies a short distance to the south-east, across the road on East Quay.
7. The Statement of Common Ground¹ (SoCG) between the Council and the appellant explains that the appeal site is located within Flood Zones 1, 2 and 3, and has a probability of between low and high of flooding from tidal sources.
8. Under the appeal proposal the existing hotel would be demolished and replaced by 4 residential blocks on the western part of the site, containing 228 residential apartments, with 3 of these (Blocks A, B and C) orientated north-south and the fourth (Block D) lying east-west to the north of Blocks B and C. Block A would rise to 6 storeys, Block B to 7 storeys, Block C to 9 storeys, and Block D to 4/5 storeys. The eastern part of the site would accommodate a hotel with 118 rooms, a restaurant and bar. The hotel would comprise 2 linked blocks, with the western block generally of 7 storeys and the eastern block of 6 storeys, with a long sloping roof falling to an eaves height of 3 storeys on the hotel's north-eastern elevation. The development would be set on a podium to address potential flood risk

¹ Document (Doc) 13

concerns, with levels agreed with the Environment Agency. There would also be a semi-basement parking area for cars and bicycles.

Main issues

9. The proposal was recommended for approval by Council Officers but was refused planning permission by Members of the Council's Planning Committee, for 4 reasons. The third reason was that the applicant (now appellant) had failed to demonstrate that the scheme was not sufficiently viable to be able to provide an affordable housing contribution in accordance with Policy PP11 of the Poole Local Plan (PLP), adopted in November 2018.
10. Since that time the Council and the appellant have agreed that the appeal scheme cannot currently viably provide any affordable housing, but have worked together on a S106 agreement, and have sought to establish whether a review mechanism could and should be incorporated into this agreement, so as to provide for affordable housing if the viability of the scheme was to improve at a later date.
11. The fourth reason for refusal was that the appeal proposal failed to provide adequate mitigation for the impacts of the scheme with regards to a number of stated subject areas. The submitted S106 agreement seeks to address these concerns.
12. In light of the above points I consider the main issues in this case to be:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area, including on the Conservation Area;

 - the effect on established trees on the site's northern boundary;
 - whether an appropriate review mechanism should be incorporated into the S106 agreement, to ensure the provision of affordable housing if the viability of the scheme was to improve at a later date; and
 - whether any submitted planning obligations would satisfactorily address the impacts of the proposed development.

13. Following my assessment of the main issues I look at other matters raised and then consider the benefits and disbenefits of the proposal. I then carry out the necessary balancing exercises and, finally, reach my overall conclusion.

Reasons

14. I consider it helpful to first outline the planning framework against which this proposal needs to be assessed, before turning to consider the main issues.

The Planning Framework

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. The SoCG confirms that the development plan includes the PLP and the Poole Quays Forum Neighbourhood Plan (PQFNP), although the Council alleged no conflict with any PQFNP policies.
16. The National Planning Policy Framework ('the Framework'), last updated in July 2021, is an important material consideration in this case. Specific Framework policies relevant to the consideration of this proposal are discussed later, under the main issues. The Framework also sets out the decision-taking process that should be adopted when considering planning proposals. In particular, it explains in its paragraph 11(c), that development proposals that accord with an up-to-date development plan should be approved without delay.
17. Whether the development plan is considered up-to-date depends on consistency with the Framework. In situations where the development plan policies which are most important for determining the application are out-of-date – which includes circumstances where the Council cannot demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer - paragraph 11(d) of the Framework makes it plain that planning permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The SoCG indicates that based on the most recent published data, the Council only has a 4.1 year housing supply, amounting to a shortfall of some 423 homes. There is therefore no dispute that the most important policies for determining this proposal have to be considered to be out-of-date. In this regard the Council's reasons for refusal allege conflict with a total of 11 policies from the PLP which I discuss, as appropriate, under the relevant main issues.

Main issue 1 – the effect on character and appearance, including on the Conservation Area

19. The Town Centre Supplementary Planning Document² (SPD) noted in 2015 that the Quay Thistle Hotel and adjoining land has long been identified for redevelopment to make efficient use of land. It makes reference to the types of uses envisaged for the site - a hotel and associated leisure facilities,

² Core Document (CD) 4.4

along with residential units and parking - and also provides guidance on such things as site layout, building heights, the skyline, and the need for development to step down towards the surrounding low-scale buildings on Ballard Road and East Quay Road.

20. The desire to redevelop this site was carried forward in the PLP with Policy PP6(T12) referring, amongst other things, to a mixed use development including a hotel and approximately 180 homes. However, a footnote makes it clear that this housing figure is just an indicative Planning Officer estimate, and does not preclude a developer achieving significantly more or less homes on the site, subject to other policy considerations. The need to provide a transition in scale to the existing residential properties to the rear and east of the site is a specific criterion for redevelopment of the appeal site, as is the need to improve pedestrian connections between these properties and the quayside, and to preserve or enhance the Conservation Area, giving particular attention to the quayside location.
21. Other, more general criteria within Policy PP6 require development proposals to preserve or enhance the historic character of the area, having particular regard to the scale, roof profiles, building widths, appearance and detailing; incorporate flood protection measures where appropriate; and be in accordance with any other policy and guidance prepared for the area and adopted by the Council, including the Town Centre SPD. The policy's supporting text identifies the Conservation Area as being on the Historic England (HE) 'Heritage at Risk' Register; explains that the heritage status limits opportunities for significant change; and states that development must take place sensitively in this area, with due regard to its heritage setting.
22. There is nothing in either the Town Centre SPD or Policy PP6 which specifies the acceptable height of new buildings on the appeal site. However, PLP Policy PP29, cited in the Council's reasons for refusal, includes the requirement that developments which include a tall building³ must make a positive contribution to the townscape, ensuring any heritage assets and their settings are preserved or enhanced and that adjacent residential properties are not dominated.
23. PLP Policy PP27, also cited in the Council's reasons for refusal, requires a good standard of design in all new developments, which should reflect or enhance local patterns of development and neighbouring buildings in terms of layout and siting, including building line and built site coverage; height and scale; bulk and massing, including that of the roof; materials and detailing; landscaping; and visual impact. New development should also respond to natural features on the site and not result in the loss of trees that make a significant contribution, either individually or cumulatively, to the character and local climate of the area. Any scheme that does involve the

³ Defined as over 6 storeys (approximately 16m) or those which are substantially taller than their neighbours

removal of trees will be required, where appropriate, to include replacement trees to mitigate their loss.

24. This policy also states that where appropriate, the Council will encourage developments with potentially significant impacts to undertake independent design

review. In this case the proposal was presented twice to the South West Design Review Panel (SWDRP) and the Panel also had the benefit of a site inspection and a copy of comments made on the proposal by HE.

25. The final policy stated in the first reason for refusal is PLP Policy PP30, which explains that development proposals will be supported where they preserve or enhance the historic, architectural and archaeological significance of heritage assets, and their settings, in a manner that is proportionate with their significance. It goes on to state that developments within conservation areas and/or affecting listed/locally listed buildings should, amongst other things, enhance or better reveal the significance and value of the site within the street scene and wider setting; and seek to retain buildings that make a positive contribution to the conservation area.
26. Section 16 of the Framework deals with conserving and enhancing the historic environment. Amongst other things it indicates that applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. The appellant has undertaken this in its Heritage, Townscape and Visual Impact Assessment (HTVIA) and HTVIA Addendum⁴, and I draw on these documents and the Council's 2-part Town Centre Heritage Appraisal⁵ (TCHA), in setting out further details of the Conservation Area and its significance, below. *The Conservation Area, appeal site, and its significance*
27. The Conservation Area was designated in 2013, following the aforementioned Appraisal exercise, which was carried out in 2012. It contains a wide-ranging mix of architectural styles, ages, qualities and uses, with much of the western part being characterised by narrow streets which connect the historic core of the Old Town to the quayside, together with open areas on the immediate quayside, with glimpsed views into these narrow interconnected streets. It contains a significant number of listed buildings, ranging from Grade I to Grade II, located predominantly within the High Street and Old Town 'character' areas, and at the western end of the Town Quay character area. The majority of the historic buildings which front the west and central parts of Town Quay date from the Georgian and Victorian periods, with some infill developments of modern, yet traditionally styled, buildings.
28. Much of the East Quay area, where the appeal site lies, was reclaimed from the harbour at the end of the 19th century. This enabled a gasworks to

expand its operations south of East Quay Road, with historic photographs indicating that the northern part of the appeal site housed a number of large, warehouse-style industrial buildings associated with the gasworks, whilst large mounds of coal occupied the southern part of the site. Some relatively large-scale buildings also appear to have occupied parts of the south-eastern corner of the site, including one with an asymmetrical sloping roof which the appellant likens to the roof proposed for the hotel. Victorian terraced housing at Stanley Road and Ballard Road lies further to the east, also within the Conservation Area.

29. The TCHA comments that this East Quay area has been radically transformed from its industrial past into a residential, commercial and leisure area. This change has come about as a result of the construction of the Quay Thistle Hotel in 1979, and the re-development of the former Poole Pottery manufacturing site in the early 2000s by the Dolphin Quays mixed use development and adjacent marina.
-
30. Dolphin Quays comprises a series of 6- to 8-storey high linked buildings in a contemporary style, with curved roofs and broken elevations. It lies immediately to the west of the appeal site and is described in the TCHA as dominating the area, as its height and massing exceeds the tallest of the quay buildings. The consensus of opinion is that it has not been a particularly successful development, with un-let and unattractive commercial units in its inner areas, some uninviting public areas, and with materials which have not worn or weathered particularly well.
31. The TCHA refers to the area around the Quay Thistle Hotel as being open, informal and welcoming, despite the lack of landscaping around the hotel car park and derelict open space to the east. It comments that this low-rise hotel has a neutral or benign impact on its surroundings and, together with its green landscaped frontage, is seen to blend in well with the surrounding residential areas. The appellant's heritage witness disagrees with these comments, aligning his views with those expressed by HE, that the 'existing hotel building and sprawling car parks have a negative impact on the Conservation Area's character and appearance'. HE also considers that the existing hotel building, with its squat appearance, is of no architectural or historic merit and offers little interaction with the quayside.
32. My own view however, which generally accords with that expressed by the Council's heritage witness, is that despite the hotel building's somewhat bland architecture and atypical orientation parallel to the quayside, its relatively unobtrusive form means that when considered in isolation it does, indeed, have a neutral impact within the Conservation Area. It is only when the large expanse of somewhat neglected and untidy surface-level car parking to the rear of the hotel is also

taken into account, that the hotel complex, overall, could be said to have a negative impact on the character and appearance of the Conservation Area.

33. The appellant's HTVIA has established that there would be no intervisibility between the sensitive historic core of the Conservation Area and the proposed development. As a result, the appellant 'scoped out' the historic, western part of the Conservation Area and those listed buildings within it, and did not consider them further in its HTVIA. This course of action was not objected to by the Council, and I, too, consider it to be an appropriate and acceptable approach.
34. In light of the above points, I see a particular significance of the appeal site to be that it can effectively function as a transition site from the mass of the Dolphin Quays development to the smaller-scale residential buildings to the east and north, both within and just outside the Conservation Area. This view is largely endorsed by HE in the first of its consultation responses⁵ which sees redevelopment of the site as an opportunity to extend the exceptional high quality urban environment of Poole Quay past Dolphin Quays, and unite the domestic-scale Victorian cottages of the eastern part of the Conservation Area with the dynamic quay area. *The impact of the proposed development*
35. At the Inquiry the appellant provided a comprehensive run-through of the design process which resulted in the scheme now at appeal, with this process also being described and presented in the Design and Access Statement⁶ (DAS) and in CD5.13. It was highlighted that the scheme design had undergone 8 main iterations, responding to comments and advice given variously by HE, the SWDRP and the Council. But notwithstanding these various design iterations, it seems to
-
- me that the final layout fails, at least to some degree, to accord with some of the 'design principles' set out in the Town Centre SPD, with the chosen positioning of Block D being a case in point.
36. The appellant pointed out that this block was introduced at the instigation of the SWDRP, to give the development a greater sense of containment and to reduce what it referred to as too many pedestrian routes through the site which were not leading to an obvious destination. However, whilst I understand the reason behind the introduction of Block D, it does not automatically follow that its chosen positioning and form would be acceptable – either in policy/SPD guidance terms, or in terms of the SWDRP's own comments.
37. This building would comprise a flat-roofed block of flats with an overall length of some 60m and a depth of about 15m, rising to 5 storeys on the south side and 4 storeys on the north side, all set on a podium to reduce

⁵ CD7.2

⁶ See CD1.6 and CD1.7

flood-risk and therefore raised somewhat from existing ground level. It would be located to the south of a group of trees agreed to be of public amenity value, referred to as T1 to T6 in the Arboricultural Impact Assessment⁷. At the time of my site visit these trees were all in full leaf and could be seen across the eastern part of the appeal site from The Quay, and from a variety of locations round to Ballard Road at the north-eastern side of the site, as well as from the southern end of Perry Gardens and from East Quay Road adjacent to part of the appeal site's northern boundary.

38. It is common ground between the parties that these trees make a significant contribution to the character and appearance of the area. Four of the trees feature on the Urban Design Map 2 within the TCHA as 'Trees of townscape significance', and they also feature on Heritage Map 2 in the same document as 'Positive Features'. The SWDRP commented on these trees in its written response dated 16 July 2019⁸, stating that it would be welcomed if they could be retained and worked into a proposition. It referred to these existing mature trees as 'your friends', in terms of filtering views and reducing overlooking of neighbouring properties, and felt that they should be meaningfully incorporated into the scheme.

39. Then, in its 4 October 2019 response the SWDRP stated that retaining the trees to the north of the site is welcomed as this helps with the transition to the surrounding housing, noting that the trees have been given more space in the revised scheme, which is positive⁹. I am not aware of the detail of the layout which prompted this SWDRP comment, but in the scheme now at appeal Block D is just a few metres from this group of trees, with the main parties agreeing that this would necessitate significant and regular pruning of some of these trees.

40. I deal with the issue of pruning under the second main issue, and also accept that the Framework only requires existing trees to be retained where possible. But under this first issue it is relevant to consider whether or not the chosen positioning, as a matter of principle, would be appropriate, and would accord with policy and guidance. Relevant guidance on such matters is contained in BS5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*'¹¹. Whilst clearly only guidance, this states, at its paragraph 5.3.4 that '*a realistic assessment of the probable impact of any proposed development on the trees ... should take into account the characteristics and*

condition of the trees, with due allowance and space for their future growth and maintenance requirements'.

⁷ CD1.15

⁸ CD6.5

41. Furthermore, subsections of this paragraph state that '*proposed buildings should be designed to take account of existing trees, their ultimate size and density of foliage, and the effect that these will have on the availability of light*'; and '*buildings ... should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread*'. Whilst not expressing any firm view on the acceptability of the proposed location of Block D, the appellant's arboricultural witness did accept that by not taking account of the future growth potential of these trees, the proposed development did not fully have regard to this guidance.
42. The proposed positioning of Block D would cramp the growth of these trees of acknowledged townscape significance and, as such, would fail to accord with that aspect of the Town Centre SPD guidance for this site which indicates that buildings should be positioned to '*positively address the surrounding streets and spaces*'. The proposed positioning of Block D would, in effect, also block all views of these trees from the south, thereby severely reducing their public amenity value and failing to adequately respond to natural features on the site. This would place the proposed layout and siting of Block D at odds with some aspects of PLP Policy PP27.
43. Block D would also be the closest new building to the existing dwellings to the north of the appeal site. I acknowledge that one of these existing buildings, 7-31 East Quay Road, is itself a relatively large 4-storey, pitched-roof building on a 'cross' footprint. However, this building, and other nearby buildings to the north of the appeal site, would still be much smaller in scale than Block D. Moreover, whilst the proposed set-back of the fifth storey would lessen the bulk of Block D when viewed from close to its northern elevation, this fifth storey would be easily seen from slightly more distant locations on East Quay Road and Perry Gardens, from where I consider Block D would appear as a large, bulky building, out of scale and keeping with its more modest existing neighbours. Because of this, I do not consider that this aspect of the appeal proposal would achieve the necessary transition in scale required by PLP Policy PP6(T12) or the Town Centre SPD.
44. On other aspects of the design process the appellant explained that the proposed Blocks A to C have taken, as their basis, the gable-ended, industrial warehousetype buildings which formerly existed on the appeal site when it operated as the town's gasworks, as shown in some of the historic photographs submitted in evidence. However, whilst I can understand and appreciate the inspiration for the chosen building forms, the final building designs and site layout seem to me to only loosely reflect these former warehouses.
45. The proposed buildings all appear to be taller and more bulky than the previous buildings which inspired them, with significantly different spacing to one another than previously existed and with fenestration and materials

which do not necessary conjure up ideas of warehouses. Moreover, there was no suggestion that the previous buildings on the site are well remembered locally, and it is therefore unclear whether the new buildings would be received with any form of nostalgic enthusiasm.

46. Staying on this topic, whilst it is the case that the materials chosen for the appeal proposal are not referred to specifically in the Council's reasons for refusal, the first reason for refusal does allege that the scheme would fail to make a positive contribution to the townscape. Further, the Council's Statement of Case states that

the appeal scheme presents a series of buildings that would appear as large, discordant features in the townscape, whose impact would not be mitigated by the use of materials proposed.

47. In this regard I note that a 'Principle' in the Town Centre SPD requires new buildings to reflect Poole's palette of building materials which includes red and buff brick, stone, tiles, slate and render, wherever possible. However, many of the materials proposed by the appellant, such as the dark grey cladding, louvres, light grey bricks, glass reinforced concrete and extensive tile hanging are not typically used in Poole, and are therefore at odds with this SPD requirement. Whilst some small areas of the distinctive green glazed Poole tiles are proposed, their use seems to be minimal and, as such, not really noticeable or notable.

48. Moreover, Blocks A to C would use the same materials for the roof and walls of the buildings, with no eaves details. This design feature is not found elsewhere in the Conservation Area, at least not to the extent now proposed, nor does it appear that this design was used on the historic gasworks buildings. In view of the above points I share the Council's view that these buildings would not reflect or enhance local patterns of development in terms of such things as bulk and massing, including that of the roof, materials and detailing, all as required by PLP Policy PP29.

49. A further 'Principle' set out in the Town Centre SPD is the requirement to establish appropriate building heights, with these stated to likely be between 2 and 4 storeys, depending on the specific location. I accept that the appeal site, located adjacent to the Dolphin Quays development which rises up to 8 storeys, need not be bound to just a 2 to 4 storey limit. But the issue of height does need to be considered very carefully, when a key requirement of both the SPD guidance and the site-specific policy for redevelopment of this site is to provide a transition in scale to the existing residential properties to the rear and east of the site.

50. On this point the SWDRP commented, in its July 2019 response, that the starting point for an options analysis should not be to use the existing tower blocks nor Dolphin Quays as a baseline to build high. Moreover, whilst being generally supportive of the appellant's proposals it indicated that more work was needed to demonstrate how proposals for redevelopment of

this site would integrate successfully with its unique context, and mediate successfully between the traditional domestic 2-storey townscape to the east and the bulky forms (including Dolphin Quay) to the west. For reasons already given, and others which I set out shortly, I do not consider the appeal proposal to be successful in this regard.

51. The appellant explained that it had interpreted comments and guidance in the TCHA and the Town Centre SPD as indicating that a proposal for the appeal site that would provide a variety of heights and roofscapes, and a varied skyline, both within the site and in relation to neighbouring sites, would be welcomed. The DAS also notes that Poole contains an eclectic mix of buildings of all shapes and sizes, constructed using a broad mix of materials, and contrasts the permeable street frontage at the western end of the Town Quay with the impermeable street frontage created by Dolphin Quays. With these points in mind the DAS further comments that the appeal site gives the opportunity for a development on the appeal site to provide a permeable street frontage and taller buildings.

52. In part, the justification for this reference to taller buildings arose from the DAS's consideration of the wider context of the appeal site, which noted that the overall skyline of Poole contains a number of taller buildings, reaching up to 12 storeys in some locations. The appellant acknowledges that these tower blocks are not within

the Conservation Area but argues that they have become an established feature of the post-WWII townscape of Poole, and can be seen as prominent features from several roads within the Conservation Area. But whilst these points are factually correct, regard still has to be had to achieving a transition in scale to the lower, more modest buildings to the east and north, as noted previously, in the context of any redevelopment of the appeal site.

53. The success or otherwise of this aspect of the proposed development can best be judged by means of the visualisations of the proposal from the agreed viewpoints set out in the HTVIA Addendum. I visited many of these viewpoints as part of my accompanied site visit, and formed my own impression as to the likely impact of the proposed development not only from these viewpoints, but also from other nearby locations visited during the site visit. It is the case that the proposed buildings would be most clearly seen and would have the greatest visual impact in views from the south, east and north, and would be more prominent and noticeable from locations closer to the appeal site, unimpeded by intervening buildings.

54. Dealing first with Viewpoint 5 on the Town Quay outside Dolphin Quays, from the viewpoint itself a sliver of the front elevation of Block B would be seen, with more of the west side and front elevation of Block C behind it. Continuing eastwards along the quayside, more of these buildings would come into view, with a clear sensation of increasing building heights. Continuing further eastwards, the tall western part of the hotel would come into view, and then the slightly lower eastern part of the hotel would be

seen. But the significantly sloping roof of this eastern part would not be appreciated until relatively close to this part of the building, by which time much of the area of modest 2-storey housing at Ballard Road and Stanley Road would also be part of the view. To my mind the appearance would be one of a significant disparity in height and scale between the hotel and these much smaller residential properties. Because of this I consider that the reduction in height of the eastern part of the hotel, to 3 floors at eaves level, would be largely ineffective in achieving any meaningful visual transition in scale.

55. Insofar as Viewpoint 6 from Perry Gardens is concerned, the visualisation shows that the eaves line on the finally proposed version of the hotel design would clearly be lower than with the originally proposed scheme. However, the ridge heights of both parts of the hotel building would remain the same and the tall Block C would become more visible as one moves south-westwards down Perry Gardens, with the 4/5 storey Block D also becoming visible. Notwithstanding the fact that these views are from outside the Conservation Area, it is my assessment that the visual juxtaposition of these modest Perry Garden dwellings with the taller and more massive buildings proposed on the appeal side would not achieve an acceptable transition in scale.

56. I share the appellant's view that the 2-storey roof form of the short terraces on Perry Gardens is highly distinctive. But despite being considered for inclusion within the Conservation Area in 2012, as part of the Lagland study area, these post-WWII dwellings in Perry Gardens, along with other nearby dwellings of similar age, were not included in the Conservation Area when it was designated in 2013. Because of this, I do not consider that it is appropriate to draw on such features to guide development within the Conservation Area, as the appellant has done here.

57. On this point I acknowledge that one of the historic photos placed before the Inquiry did show a similar asymmetric sloped roof, but in my assessment it was on a much smaller, lower and less bulky building than the proposed hotel. Because of

this, and the points set out above, I do not see the proposed steeply sloping hotel roof either as a positive design feature, or as a successful way of complying with the aforementioned 'transition in scale' requirements of PLP Policy PP6(T12).

58. Turning to Viewpoints 7 and 8, looking south-westwards along Stanley Road, from within the Conservation Area, any development of the appeal site to accord with Policy PP6(T12) would inevitably change these views and result in some built form being visible on the appeal site. Although there would be a separation of some 30m across Ballard Road between the hotel and the nearest dwellings, this would not be overly apparent in views down Stanley Road, and the proposed positioning of the hotel building at the extreme eastern end of the site would place it uncomfortably close to these existing modest, 2-storey terraced houses.

59. The steeply sloping roof with its somewhat unusual inset planting strip on the hotel's north-eastern side is clearly an attempt to manage the transition in scale required by PLP Policy PP6(T12). But as the greater ridge height, gable-end and bulk of this part of the hotel would still be very noticeable from the western end of Stanley Road and from Ballard Road, I do not consider that this arrangement would satisfactorily lessen the visual massing or deliver the necessary transition in scale.
60. The appellant acknowledges that in the context of these viewpoints the appeal proposal would result in some harm to visual amenity and significance of the Conservation Area which it categorises as less than substantial in Framework terms. I agree, although as already detailed above, I consider that visual harm would also arise from other viewpoints. This less than substantial harm needs to be weighed against the wider public benefits of the proposal, which I do later in the planning balance section of this decision.
61. Finally, I consider the likely impact of the appeal proposal from Labrador Drive and Ballard Road from the east, as shown in Viewpoints 10 and 9 respectively. From the more distant location, the taller Dolphin Quays buildings form a noticeable backdrop to the 2-storey dwellings at the end of Labrador Drive/Green Gardens, and to the low form of the Lifeboat Museum. There is a clear sense of Dolphin Quays being some significant distance away from these properties, with the existing hotel not really visible from this location. However, the 'now proposed' viewpoint shows that there would be a significant change, with the buildings on the appeal site noticeably taller and more prominent than Dolphin Quays, resulting in an uncomfortable visual relationship with the aforementioned lower buildings.
62. A very similar experience would arise from Viewpoint 9, from where the modest Lifeboat Museum, which currently enjoys a relatively isolated setting, would be clearly seen against the far taller but much more distant Dolphin Quays complex, with further modest 2- and 3-storey residential dwellings at Ballard Road also in view. The proposal would result in a significant increase in height and massing on the appeal site when viewed from this location, and even though the final amendments to the scheme would see Block C set back into the site a little, and the eaves height of the hotel reduced, the visible development on the site, principally in the forms of the hotel, Block C and Block D would appear to rise relatively abruptly from the edge of the site.
63. I accept that the vertical form of the proposed hotel would contrast somewhat with the horizontal form of the Lifeboat Museum, but the fact that this tall hotel building would be sited in relatively close proximity to the Lifeboat Museum would, in my assessment, have an adverse impact on the Lifeboat Museum's setting.
- Furthermore, I acknowledge that from Viewpoint 9 the proposed tree planting and landscaping to the north-east of the hotel would be a noticeable and attractive feature, but it would not be the most prominent

part of the proposed development from this location, with any viewer's eye being much more likely to be drawn to the bulk and height of the hotel building itself.

64. Insofar as comments from professional consultees are concerned, I note that HE has expressed general support for the principle of the appeal proposal, but it has also commented that a reduction in units could allow for a reduction in scale and massing to assuage concerns about potential townscape impact. This is a somewhat ambiguous comment as it is unclear whether it is HE, itself, that has concerns about the scale and massing of the proposal, and consequent concerns about the potential impact on townscape. At the very least, however, this does not appear to be a ringing endorsement of the appeal proposal.
65. It also appears to be the case that although the scheme has taken on board some of the SWDRP's comments, some further matters set out in its written responses have not been fully met by the final design option. For example, the SWDRP highlighted that a key area of work would be to include the transition to the existing neighbours on all sides, and in my assessment this is an aspect of the proposal which, for reasons given above, the proposed design has not successfully achieved. *Summary*
66. Drawing all the above points together, the appeal proposal would offer a number of positive features, including commercial spaces likely to provide a vibrant active frontage to the quayside; the orientation of the residential blocks to maximise waterfront views; and the avoidance of single-aspect, north-facing residential units. Furthermore, I understand and support the need to make efficient use of the appeal site. However, having regard to the layout and siting of the proposed buildings, with their significant height, scale and bulk, and the intended palette of materials, I conclude that the proposed development would not sufficiently reflect or enhance local patterns of development, or neighbouring buildings, and would not make a positive contribution to the townscape.
67. Moreover, in light of these points I consider that the quantum of development sought would result in a cramped layout and distribution of development, and would not afford the trees of townscape significance on the site, sufficient space. This means that a further criticism of the proposal is that it would appear out of keeping on this site in the context of the nearby existing development to the north and east, and would thereby fail to deliver the necessary transition in scale to the existing residential properties to the rear and east of the site.
68. As a result, the proposed development would have an adverse impact on the character and appearance of the surrounding area and would fail to preserve or enhance the character or appearance of the Conservation Area. Indeed it would undermine the integrity of the Conservation Area as a whole and would leave Stanley Road and Ballard Road disconnected from the remainder of the Conservation Area. This would amount to less than substantial harm to the significance of the Conservation Area and, in

accordance with the Framework, this harm needs to be weighed against the public benefits of the proposal, an exercise which I undertake later in this decision. Overall, for the reasons detailed above, the proposed development would be in conflict with those aspects of PLP Policies PP6(T12), PP27, PP29 and PP30, and the requirements of the Town Centre SPD, to which I have already referred.

Main issue 2 – the effect on established trees on the site’s northern boundary

69. The Council’s second reason for refusal alleges that the proximity of proposed Block D to the established trees on and just outside the northern boundary of the site is likely to compromise their long-term retention, through subsequent pressure to fell, and that loss of the trees would be harmful to the character and appearance of the area. As such it contends that there would be a conflict with PLP Policy PP27.
70. The trees in question comprise 2 Sycamore, 2 Norway Maple and 2 Silver Birch. It is common ground that the appeal proposal would not directly result in the loss of any of these trees. There are, however, clear differences of opinion between the Council and the appellant regarding matters such as the acceptability and effects of pruning, the likely pressure to fell the trees, and the Council’s ability to resist any such pressure. The Council also expressed concerns about the success or otherwise of future tree planting on the site.
71. This juxtaposition of trees and Block D can be seen from the submitted drawings, perhaps best so from Appendix 2 to the appellant’s arboricultural witness’s proof of evidence¹⁰, where the extent of pruning for these trees is also shown. This indicates that the existing crown spread of both Norway Maples – T2 and T5 – would need to be more or less halved on their south sides, to achieve a 3m clearance from Block D, with a similar impact on the Silver Birch, T6.
72. Notwithstanding my concerns regarding the fundamental matter of site layout and building positioning, dealt with under the first main issue, I now consider the proposed pruning which would be necessary if this proposal was to proceed. The most detailed evidence on this matter was put forward by the appellant’s arboricultural witness who had undertaken his own, recent assessment of the extent of the crown spread of these trees, and their pruning requirements. He concluded that for the 3 Category B trees T2, T5 and T6, branches would need to be cut back to 3.75m from the trunk for T2; 3.5m from the trunk for T5; and 3.6m from the trunk for T6, to achieve a 3m clearance to the north elevation of Block D.
73. By considering historic images of these trees he determined that they have exhibited an average annual growth of some 250mm, a figure which was

¹⁰ Pages 61-64 in CD5.11A

not seriously disputed by the Council. This means that having initially pruned the trees to be no closer than 3m from Block D, they would need to be pruned on a 4-year cycle to ensure they encroach no closer to Block D than 2m. Growth rates can be variable, but as a mathematical/analytical exercise I cannot fault the appellant's position on this matter. As no firm evidence was submitted to demonstrate that the trees would be unacceptably harmed by such pruning, and as a 4-year pruning cycle does not seem to me to be excessive, I would not have considered this matter to weigh against the appeal proposal if all other things had been in its favour.

74. I turn now to deal with the Council's concern that there could be pressure to fell one or more of these trees because of potential impacts on future occupiers of Block D, such as loss of light. On this point the appellant argued that the Council would be in a strong position to refuse any such requests, because the rooms on the north elevation of Block D most likely to be affected by the close proximity of the trees would be bedrooms, which do not have as strong a requirement for good lighting as would be the case for living rooms or kitchens.

75. But whilst this is correct, it is also quite possible that some future occupiers could seek to use one or more of their bedrooms for other purposes – such as a home office – which may well change the lighting requirements. As such, any requests for felling would clearly need to be assessed on their own particular merits. Again, however, no firm evidence was submitted on this point, and because of this I do not consider it to be something that I can come to a firm view on at the present time. In these circumstances I again take the view that this matter would not weigh materially against the proposal if all other points had been in its favour.

76. The final matter put forward by the Council on this issue is that in the absence of any firm planting scheme agreed at this stage, there can be no certainty that any newly planted trees would successfully establish on the site. In this regard the Council's arboricultural witness highlighted a number of reasons why he considered replacement or newly planted trees might not flourish or survive in this coastal environment. However, I share the appellant's view that the matters raised all relate to relatively common challenges which need to be faced when planting new trees on sites close to the sea. As such, I am not persuaded that they amount to anything which could not adequately be addressed by the detailed and comprehensive planning condition on this topic, agreed between the parties as appropriate to be imposed if planning permission is granted. I therefore do not consider this to be a matter which should weigh materially against this proposal.

77. Drawing all the above points together, for the reasons just set out I do not consider that the specific matters put forward in the Council's second reason for refusal have been sufficiently justified to warrant finding against

the appeal proposal on those grounds. However, as explained above, and also referred to under the first main issue, the proposed positioning of Block D would effectively block all views of these trees from the south, thereby severely reducing their public amenity value.

78. Because of this, and notwithstanding my conclusions on the Council's specific areas of concern, I have to conclude that the appeal proposal would have an adverse impact on the established trees of townscape significance on the site's northern boundary and, as already noted, this would place it in conflict with PLP Policy PP27.

Main issue 3 – whether a review mechanism should be incorporated into the S106 agreement, to provide for affordable housing if the viability of the scheme was to improve at a later date

79. The factual position on this matter is straightforward and is set out in the agreed SoCG. This explains that because of the appeal site's location within the town centre, PLP Policy PP11 seeks to secure an affordable housing contribution equivalent to 10%. Part (g) of this policy indicates that in circumstances where developers contest that they cannot meet the affordable housing requirement, they must demonstrate the maximum amount of affordable housing provision and tenure mix that could be achieved on site viably, through the submission of a Residual Land Value assessment as set out in Policy PP40: Viability.
80. In this case an Economic Viability Assessment was submitted by the appellant and this was independently assessed by the District Valuer Service which gave qualified endorsement to the conclusion that the appeal scheme could not viably provide any affordable housing. Although the Council's Planning Committee subsequently resolved to refuse planning permission on the basis that the appeal proposal would not provide affordable housing, the appellant and the Council are now agreed that the appeal scheme cannot viably provide any affordable housing at the present time.
81. At the time the SoCG was finalised, the Council and appellant were working together to consider whether it was possible to agree the terms of a review mechanism which could provide for affordable housing should the viability of the scheme improve at a later date, if planning permission was granted for the appeal scheme. This work has been concluded and, as a result, Schedule 2 has been included within the submitted S106 agreement to deal with this matter. In summary, it provides for the following.
82. First, if substantial commencement¹¹ of the development has not occurred within 30 months of a grant of planning permission, the Owner is required to carry out an Early Stage Review, to determine whether a 'deficit' or

¹¹ Defined as demolition of the structure of the existing buildings on the appeal site to ground floor slab level, and practical completion of the works to divert the Wessex Water public sewer which crosses the site ¹⁴ CD8.1 – CD8.9

'surplus' has arisen; and in the event of a surplus, an Affordable Housing Contribution shall become payable. This will be the lower of (a) 25% of the surplus; or (b) a financial cap equivalent to the provision of 23 residential units (being 10% of the residential units to be provided as part of the development), on the basis of 70% being provided as affordable rent and 30% intermediate housing.

83. Second, a Late Stage Review carried out when 50% of the residential units have been disposed of or occupied, whichever is the earlier, again to determine whether a deficit or surplus has arisen, and whether an Additional Affordable Housing Contribution shall become payable, in accordance with the Formula set out as part of the Schedule. If an Additional Affordable Housing Contribution is payable, it will be the lower of (a) 25% of the surplus; or (b) a financial cap equivalent to the provision of the balance of 23 residential units not provided as a result of the Early Stage Review Assessment (being 10% of the residential units to be provided as part of the development), on the basis of 70% being provided as affordable rent and 30% intermediate housing.

84. There is, however, a distinct difference of opinion between the parties on this topic. Put simply, the Council considers that the obligations set out in Schedule 2 providing for an 'Early Stage Review' and a 'Late Stage Review' are both justified. In contrast, the thrust of the appellant's argument is that neither of these reviews are required to make the development acceptable in planning terms, because there is no such requirement for any viability review set out in the Council's development plan. The appellant therefore invites me to disregard these obligations and give them no weight in determining this appeal.

85. In this regard I have noted the appellant's contention that the main reason behind the Council's requests for these reviews is that negotiations on this matter, have been carried out on its behalf by an external London-based Solicitor, who is used to dealing with such reviews in the context of the London Plan, and London-related guidance, which makes explicit provision for such reviews. Be that as it may, it nevertheless remains the case that the key question which needs to be asked in this regard, is whether such viability reviews would be necessary to make the development acceptable in planning terms.

86. I have had regard to the extensive arguments put forward by the Council and the appellant on this topic, and have also considered the many legal authorities submitted by the appellant¹⁴, although it does not seem to me that any of these directly mirror the details or circumstances of the current case. I have therefore reached my own view on this matter, along the following lines.

87. The starting point is the application of PLP Policy PP11 which, as already noted, requires housing schemes like this, sited within the Poole Town

Centre Boundary, to provide 10% of the residential units as affordable housing. However, the agreed position in this case is that at the present time the scheme could not viably provide any affordable housing, in accordance with part (g) of this policy. This proposal could therefore be granted planning permission with zero affordable housing, and it would still be policy-compliant insofar as Policy PP11 is concerned. It is relevant, however, that the supporting text to this policy states that the Council will support affordable housing delivery by maintaining an up-to-date Affordable Housing SPD.

88. The relevant SPD¹² in this case was adopted in 2011, following appropriate public consultation, with its main objective being to provide support for what was at that time the operative development plan policy for the provision of affordable housing in the planning authority's area. A new Local Plan is now in force, along with a different responsible local planning authority, but there is no firm evidence before me to suggest that this adopted SPD is not able to continue to provide support for the currently operative development plan policy dealing with affordable housing - PLP Policy PP11. Despite being adopted in 2011, the SPD seems to generally accord with Framework requirements for affordable housing provision, and I therefore regard it as up-to-date and capable of carrying weight in this appeal.
89. The SPD does make it clear that developers will have to enter into a legal agreement where development is intended on a site where an affordable housing obligation is required. It further makes it clear that such a legal agreement will contain provisions to rule out the banking of sites until market values rise; and to seek to capture any additional affordable housing contribution in circumstances where there is an uplift in the market. There is no explicit reference to a 'viability review', but it seems quite clear to me that the SPD's use of the phrase 'overage (clawback) of value' effectively seeks to achieve the same thing. The SPD defines 'overage value' as the residual value after the scheme has been reappraised.
90. The SPD does provide an example, in its Appendix E, as to how an overage clause could be incorporated into a legal agreement, pointing out that any such agreement would need to include the recognition of a 'trigger point' for subsequent assessment, and an agreement of the proportion of any revised contribution that would be attributable to affordable housing. It seems to me that these provisions are just what the Early Stage and Late Stage reviews currently included in Schedule 2 of the S106 agreement seek to achieve, and it is therefore apparent that this sort of mechanism was foreshadowed in the adopted SPD. It should therefore not be a surprise to any potential developer.
91. I have noted the content of the Council's guidance note, entitled *'Information required supporting the submission of a planning*

¹² CD4.11

application. Economic Viability Appraisal: Affordable Housing', which is dated April 2018 and is stated to come into effect from 1 May 2018. However, whilst this is clearly the most recent indication of what the Council would like to see in terms of an affordable housing review mechanism, it does not appear to have undergone any public consultation or independent assessment and, as such, it has no formal status. I have therefore not had regard to its content in considering this matter. But this does not change the views I have expressed above, regarding Policy PP11 and its supporting SPD.

92. In summary, if planning permission was to be granted for this proposal, I conclude that the Early Stage and Late Stage review options in the S106 agreement would

be needed to make the proposal acceptable in planning terms, in accordance with the requirements of CIL Regulation 122, repeated in paragraph 57 of the Framework. I take this view because the inclusion of these obligations seems to me to be the only way that a policy-compliant contribution to affordable housing could potentially be achieved, if viability of the proposal was to improve. In these circumstances I am not persuaded that the absence of any direct reference to the need for such a review in the Council's adopted policies need be a barrier, as claimed by the appellant.

Main issue 4 – Planning obligations

93. The Council's fourth reason for refusal alleged that the appeal proposal failed to provide adequate mitigation for the impacts of the scheme with regards to open space provision; education provision; medical provision; highway impacts; heathland mitigation; and Poole Harbour mitigation. As a result, the reason for refusal alleged a conflict with a number of PLP policies. However, an Informative Note attached to the reason for refusal made it clear that the completion of a suitable S106 agreement to secure the necessary contributions would satisfactorily overcome this reason for refusal.

94. In this case, the submitted S106 agreement makes provision for:

- Works to improve the existing bus stop at The Quay to provide real-time information;
- the provision of 2 Car Club Spaces and a Car Club Contribution of £55,410;
- an Education Contribution of £373,641 towards the provision of additional school places at early years, primary, secondary and post-16 phases;

- a Habitat Contribution of £61,788 for planting acid grassland within Dorset Heathlands to compensate for loss of acid grassland on the appeal site;
- a Harbour Contribution of £22,116 towards offsetting the recreational impact of the proposed development on the Poole Harbour Special Protection Area;
- a Health Contribution of £19,188 towards an additional clinical room and ancillary space for one or more surgeries in the Council's administrative area;
- an Open Space Contribution of £90,000, split £20,000 towards the upgrade of the Green Road play park; £20,000 towards a current Council project at Baiter Park; £30,000 for football pitch improvements; and £10,000 for the creation of meadows, tree or hedge planting;
- a Transport Contribution of £180,000 towards frequency improvements for the Route 1 bus service;
- a Transport Contribution Supplement of £4,000 towards traffic regulation orders and necessary bay markings and signage in the event that the Car Club spaces have to be provided on the public highway; and
- a Travel Plan, incorporating practical measures tailored to the occupiers/users of the proposed development, aimed at reducing the impact of car travel on the environment and promoting a range of sustainable travel choices.

95.As appropriate, all of the above contributions would be index linked.

96.Having had regard to the above details, and the Community Infrastructure Levy (CIL) Compliance Statement¹³ submitted by the Council, I am satisfied that all of these obligations are necessary to make the development acceptable and that all meet the requirements of Regulation 122 of the CIL Regulations 2010 and paragraph 57 of the Framework. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

97.I therefore conclude that these submitted planning obligations would satisfactorily address the impact of the proposed development, and that the appeal proposal would therefore not be at odds with PLP Policies PP24 (Green infrastructure); PP25 (Open space and allotments); PP32 (Poole's nationally, European and internationally important sites); PP34 (Transport strategy); PP35 (A safe, connected and accessible transport network); or PP39(Delivering Poole's infrastructure).

¹³ Doc 19

Other Matters

98. I now deal briefly with a number of other matters of concern, raised by interested persons either in written representations, or at the Inquiry.

Living conditions

99. A number of existing residents in nearby properties expressed concern that the proposed development would result in a loss of sunlight, daylight, outlook and privacy, and also that noise would increase, associated with parking, and with deliveries and the general comings and goings associated with the hotel. On these points the Officer's report to Committee concluded that the appeal proposal would be largely acceptable in terms of privacy, daylight/sunlight levels and overshadowing. It did, however, identify that occupiers of some existing dwellings at Dolphin Quays, and East Quay Road would experience an adverse impact on their outlook, but concluded that this would be limited. I see no reason to dispute these findings, and will ensure that this identified harm – albeit modest – is considered in the final planning balance.

100. In terms of noise, none of those objecting to the proposal submitted any firm evidence to support their concerns, and I have noted that the Council's Environmental Health department raised no objections, commenting that the submitted report demonstrates that there should be no significant impact from noise arising from the proposed development. I see no reason to dispute this view, and therefore do not consider that these objections should carry any material weight against the proposal.

Parking

101. There were many concerns from interested persons that there would be inadequate parking provision for the development, and in this regard I note that during the determination of this proposal the Council adopted its revised Parking Standards SPD, which advocates zero parking in the town centre for residential development. Whilst the appeal proposal does not fully conform to these standards, the appellant has commented that it has sought to strike a balance between the policy in place at time of submission, the views of local residents to ensure an element of parking is provided and the wider sustainability agenda as reflected in the SPD.

102. In addition, to offset any harm which might arise as a result of the level of parking provided, the appellant has agreed to contribute towards measures which would

mitigate and discourage car use, through obligations secured through the S106 agreement. With such mitigation the Council confirmed that the quantum of car parking proposed would be acceptable, and I see no reason to take a contrary view.

Biodiversity

103. At the Inquiry, a local resident, Dr Christine Brady, expressed concern about the impact of the proposal on biodiversity. I note, however, that the planning application was supported by a Biodiversity Net Gain (BNG) Assessment¹⁴ and a Preliminary Ecological Assessment¹⁵, and that these had satisfied the Council that the proposal would have an acceptable impact on local ecology. In particular, the BNG Assessment confirmed that the proposal would deliver a BNG of some 51.8% on the site. Although expressing some scepticism regarding this figure, Dr Brady produced no countervailing information, and in the absence of any firm, contrary evidence I see no reason to dispute the appellant's findings and conclusions.

Summary

104. Although a significant number of objections were raised against the proposal at application stage, with some further objections at appeal stage, there was very little put forward in the way of firm evidence to support these views and objections, and therefore little for me to meaningfully address in this regard. The Council comprehensively dealt with the matters raised in the Officer's report to Committee, and it is clear that the Council did not consider that these matters warranted being used as reasons for refusal.
105. With these points in mind, and having regard to the fact that the SoCG between the appellant and the Council also deals comprehensively with a range of other concerns, I am satisfied that there are no further matters which need to be considered as weighing against this proposal.

Benefits and disbenefits

106. Having regard to the evidence submitted and my own observations and assessments I set out, below, the weight which I consider should be given to benefits and disbenefits of this proposal, dealing first with the list of benefits agreed between the Council and the appellant as set out in paragraph 7.68 of the SoCG.

Benefits

107. The first listed benefit is the fact that the appeal proposal would result in the redevelopment of a site that is currently underutilised brownfield land, situated within the town centre, and which has long been considered appropriate for redevelopment. I consider that this benefit should attract substantial weight. However, I am not persuaded that the second item listed as a benefit – the fact that the appeal scheme proposes the same mix of

¹⁴ Doc 11

¹⁵ Doc 12

uses as sought by the site allocation in PLP Policy PP6(T12) – materially adds anything to this first benefit.

108. I am satisfied, however, that the provision of 228 residential units is a clear benefit of this proposal. I consider that this should attract significant weight, especially as the Council cannot currently identify a deliverable 5-year supply of housing land.

109. I agree that some economic benefits would arise from the construction and operational phases of the development through local spend and net employment generation, including in association with the opening of new commercial units. But

as some of these benefits would only be temporary, and as similar benefits would arise with any redevelopment of the appeal site, I consider that these benefits should just be afforded moderate weight.

110. There would also be clear benefits from the delivery of a modern hotel, which would enhance the current tourism offer of Poole, providing visitor accommodation and a destination for visitors, with views of the harbour. But as a hotel already exists on the site, I again consider it appropriate to just give these benefits moderate weight.

111. Finally, in terms of the agreed SoCG list, there would be improvements to the public realm along the Quay, including improvements to accessibility and landscaping, and public realm improvements would also extend to the site itself, to include the proposed landscaped areas between the residential blocks. Overall I consider that these public realm improvements would be relatively extensive and warrant being given significant weight.

112. In terms of other benefits, elsewhere in the SoCG there is recognition that the locally listed WWII pillbox and the non-designated weighbridge would both be better revealed and incorporated into the final scheme design. I consider that modest weight should be attributed to these improvements.

Disbenefits

113. Contrary to the view expressed by the appellant, my assessment, detailed above under the first and second main reasons, is that the appeal proposal would be in conflict with each of the 4 PLP policies cited by the Council in its first reason for refusal, namely Policies PP6(T12), PP27, PP29 and PP30. Importantly, 3 of these make direct reference to the need for new development proposals to preserve or enhance heritage assets, and for the reasons I have detailed above I consider that the appeal proposal signally fails to achieve this. Like the Council and the appellant I consider that the harm to the Conservation Area would fall into the 'less than substantial' category referred to in the Framework.

114. The appellant only considers the harm to the Conservation Area to arise as a result of the impact on amenity and the townscape character and appearance, in the views along Stanley Road. It places this harm at the low end of the 'less than substantial' scale. However, like the Council, I consider the harm to comprise further elements, including the failure to provide an acceptable transition in scale to the north as well as to the east; the fact that the proposal would not sufficiently reflect or enhance local patterns of development or neighbouring buildings in relation to layout, siting, height, scale, bulk, massing and visual impact; and the fact that the proposed buildings would appear as large, discordant features in the townscape, whose impact would not be mitigated by the use of proposed materials. As a result I consider that the level of harm would be greater than argued by the appellant. I place it at the low- to mid- point of the 'less than substantial' range.
115. Further harm would arise from the fact that I have found that the appeal proposal would have an adverse impact on the character and appearance of the surrounding area, under the first main issue. Whilst I acknowledge that there is a degree of overlap between this harm and the specific harm to the Conservation Area which I have already identified, I consider that there would be additional harm to townscape and to the character and appearance of the surrounding area more generally. Put simply this would arise, at least in part, as a result of the scale and extent of development which the appellant seeks to place on this site. I consider that this more general harm should carry significant weight.
116. It is this desire to place the proposed amount of development on the site which has led to the scale and positioning of the proposed buildings, and it is this which in turn has led me to conclude that further harm would arise under the second main issue, as a result of the failure to respect and give adequate space to the trees of townscape significance on the northern part of the site. Again, I consider that this harm should carry significant weight.
117. In my assessment, the current, relatively isolated setting of the locally listed Lifeboat Museum would be adversely affected by the close proximity of the more massive development on the appeal site. I consider that this harm should carry modest weight.
118. Finally, it is clear from the Officer's report to Committee, that there would be some adverse impact, albeit slight, on the living conditions of some occupiers of Dolphin Quays, and some residents in properties to the north of the site, through a loss of outlook. I consider the harm, in these cases, to be minimal, attracting just a small amount of weight against the appeal proposal.

Balancing exercises

119. Paragraph 199 of the Framework makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I give the less than substantial harm which would be caused in this case, considerable importance and weight.
120. The public benefits to be set against this harm are detailed in paragraphs 107 to 112, above. These are real and tangible benefits, which would clearly flow from the specific scheme now at appeal. However, they would arise from a development which would be in conflict with a number of important development plan policies, and in my assessment this has to lessen the weight which can be given to them compared to those which would flow from a fully policy-compliant scheme.
121. At the Inquiry the appellant took the view that this balance should be considered more or less as a mathematical exercise with the subjectively assumed weights in the proposal's favour being simply set against the considerable weight that this heritage harm attracts. In my view, however, this exercise is much more nuanced than that, with qualitative and policy issues also needing to be taken into consideration.
122. This is how I have approached this assessment, and although finely balanced, I consider that the public benefits would not be sufficient to outweigh the considerable weight which the heritage harm has to attract. As such, I share the Council's view that in this case the decision falls to be made under paragraph 11(d)(i) of the Framework, with the application of the heritage policies in the Framework providing a clear reason for refusing the development proposed.
123. I therefore intend to dismiss this appeal. But for completeness, and as the most important policies for determining this proposal have to be considered out-of-date because the Council cannot demonstrate a 5-year supply of deliverable housing land, I also consider it appropriate to assess this proposal under the 'tilted balance' set out in the Framework's paragraph 11(d)(ii). In this case, although there is no dispute that the Framework requires PLP Policies PP6(T12), PP27, PP29 and PP30 to be regarded as out of date, all of these policies deal with matters of design - in one way or another – and the need for good design is a key element and component of the Framework. This means, to my mind that these policies are consistent with the Framework, and can and should still attract significant weight in the assessment of this proposal.
124. Carrying out the tilted balance, there are no more material benefits to be considered, as compared to the previous heritage balance. But in terms

of disbenefits, there are the further harms arising from the adverse impacts to the character and appearance of the surrounding area, and the adverse impact on the established trees of townscape significance on the site's northern boundary, all as detailed in the first 2 main issues. Whilst acknowledging a degree of overlap with the harm to the Conservation Area, as already noted, I consider that each of these harms should carry significant weight against the appeal proposal. The harm to the setting of the Lifeboat Museum adds some modest weight to this side of the balance, and the loss of outlook to a small number of residential units in Dolphin Quays and to the north of the appeal site attracts a further, small amount of weight against the appeal proposal.

125. Having regard to the above points, I conclude that the adverse impacts of allowing this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Summary and overall conclusion

126. I have found this proposal to be in conflict with a number of adopted development plan policies, and whilst these policies have to be regarded as out-of-date in Framework terms, I am satisfied that they should still carry significant weight in this appeal, as they deal with matters of design, which is a key element of the Framework's policies, and aspirations.
127. My overall conclusion is that this proposal should be dismissed, as the public benefits it would give rise to would not be sufficient to offset the considerable weight which has to be given to the harm which would be created as a result of the proposal failing to preserve or enhance the character or appearance of the Conservation Area. But even if I am wrong on this count, my assessment under the Framework's tilted balance still points to the fact that this proposal should fail.
128. The potential to obtain some affordable housing contribution through obligations in the S106 agreement if viability should improve is noted, as are the other contributions offered by the appellant to address matters raised in the Council's fourth reason for refusal. But these matters do not go to the heart of my concerns regarding this proposal, and do not alter my decision.
129. I have had regard to all other matters raised, including the Planning Officer support at the Committee stage, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mr Matthew Fraser of Counsel

instructed by Robert Firth, Senior Solicitor
(Law and Governance), Bournemouth
Christchurch and Poole (BCP) Council

He called:

Mr Ignus Froneman
BArchStud ACIfA IHBC
Mr Lloyd Fursdon
NCHArb TechArborA
Mr Ransford Stewart
BA(Hons) MRTPI

Director, Cogent Heritage

Arboricultural Officer, BCP Council

Director, Stewart Management and Planning Solutions

FOR THE APPELLANT

Mr Gwion Lewis QC

instructed by Ms Claire Saffer, Legal Counsel,
Gunnercooke LLP

He called:

Dr Chris Miele
IHBC MRTPI
Mr Simon Jones
DipArb(RFS) FArborA
Mr Peter Bovill
BSc(Hons) MA DipSurv
AIEMA MRTPI MRICS FRSA
FRGS

Partner, Montagu Evans LLP

Managing Director and Principal Consultant,

Simon Jones Associates Ltd RArborA

Partner, Montagu Evans LLP

INTERESTED PERSONS OPPOSING THE PROPOSAL

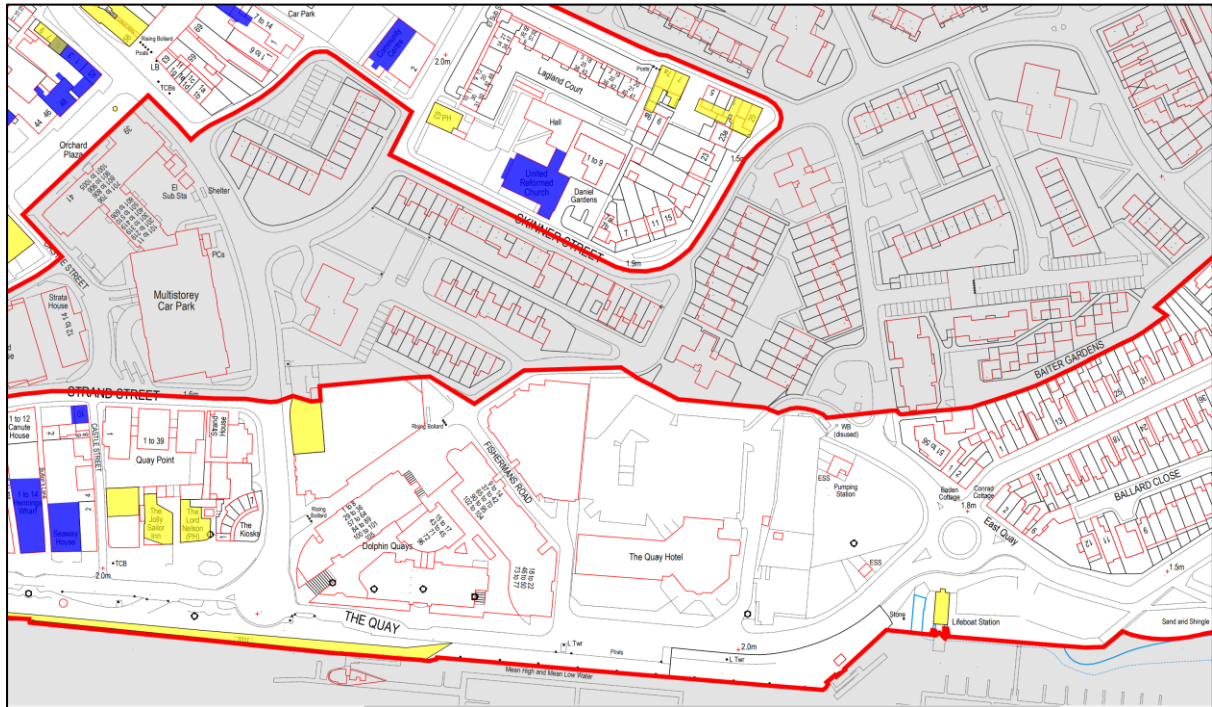
Mr Bill Constance

Chair, Poole Quays Forum

Dr Christine Brady PhD

Local resident

Appendix 8 - Conservation area location



The conservation area is marked in a red boundary with a brighter internal area