

Planning Committee

Application Address	The Ferryman, 6 New Quay Road, Poole, BH15 4AF
Proposal	Part retrospective application to erect a 4 storey building comprising office accommodation on the ground floor and 10no. self contained flats (100% affordable housing) with associated car parking, cycle store and bin provision
Application Number	APP/23/00279/F
Applicant	Mr Nigel Bower Land & Partnership Manager BCP Council
Agent	Darryl Howells Planning Consultancy
Ward and Ward Member(s)	Hamworthy Councillor Julie Bagwell Councillor Peter Cooper Councillor Brian Hitchcock
Report Status	Public
Meeting Date	14 March 2024
Summary of Recommendation	Delegate to the Head of Planning Operations to Grant subject to completion of a Section 106 agreement to secure habitats mitigation and an affordable housing contribution
Reason for Referral to Planning Committee	The application is major development and BCP Council is the applicant.
Case Officer	Sophie Burch
Is the proposal EIA Development?	No

Description of Proposal

1. The scheme seeks retrospective planning permission to erect a four storey building comprising of office accommodation on the ground floor and ten self-contained flats (100% affordable housing) with associated car parking, cycle store and bin provision.
2. It is noted that the proposal is similar to a previously approved scheme - APP/21/01358/F - which granted planning permission for the demolition of the existing building and erection of a four storey building comprising port related office accommodation on the ground floor and nine self contained flats with associated car parking, cycle store and bin provision
3. The main differences between this scheme and the previously approved scheme are the creation of an additional flat through the subdivision of the top floor, changes to the roof design from a mono-pitch to a flat roof, the proposed materials, fenestration detail, changes to internal layout, changes to parking and cycle provision, bin storage and changes to landscaping.

4. It is noted that the description was changed throughout the process to remove the reference to 'port related' office accommodation. Reconsultation was not deemed necessary given the minor nature of this change.
5. The development is operated by BCP Council and provides affordable housing to occupiers.

Description of Site and Surroundings

6. The development is largely complete and partially occupied. Prior to this it was The Ferryman, a locally listed former public house- this has been demolished, as approved under APP/21/01358/F.
7. The site is located close to the entrance to the Port and within an area allocated under Policy PP17 of the Poole Local Plan 2018 for employment uses. Immediately to the east of the site is a modern three storey block of residential flats and older housing stock on Station Road. To the west of the site and opposite are a wider range of commercial and business units of various age, design and scale but increasingly contemporary metal clad structures, many of which are associated with port activities.
8. The site is within an area noted as an unscheduled historic monument. The site is also within an area of archaeological interest. The wider area is believed to contain archaeological remains of a salt extraction industry dating back to the Iron Age and Roman period, as well as a Roman fort.
9. The site lies within Flood Zones 2 and 3 and is at Very Significant Risk of future flooding in the Council's Strategic Flood Risk Assessment (SFRA).

Relevant Planning History:

10. APP/15/01600/F- Change of use of public house (A4) to form a single dwelling house (C3)- **APPROVED**
11. APP/17/01825/PA- Prior notification of proposed demolition of the dwelling at no.6 New Quay Road- **PRIOR APPROVAL NOT REQUIRED**
12. APP/16/01798/F- Change of Use of Ground Floor from Residential (C3) to Cafe (A3), conversion of existing first floor living accommodation into 2no: 2 bed flats, demolition of existing extensions and outbuildings, 2 storey extension to existing Ferryman Building and new development of 2 storey outbuilding to form open plan parking at ground floor level, with 2no: 2 bed flats above, associated external works- **REFUSED**
13. APP/18/01538/P- Outline application for Demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no bed. self contained flats with associated vehicular access and parking and footpath widening- **REFUSED** for three substantive grounds:
 - The proposed residential use would not constitute port-related development and would be likely to prejudice the future economic prosperity of the port contrary to Policy PP17 and PP19 of the Poole Local Plan 2018.
 - The proposed development would appear bland and uninviting due, cumulatively, to its form, limited articulation and expansive undercroft access. It would not exhibit a sufficiently good standard of design to justify the loss of a locally listed building contrary to PP27 and PP30 of Poole Local Plan 2018; PQF1 and PQF3 of Poole Quays Forum Neighbourhood Plan 2017 and the NPPF 2019.

- The proposal would provide insufficient bin storage and the bin storage shown would be an excessive distance from the highway for collection by the Council. The proposal would therefore fail to provide convenient and practical waste arrangements contrary to Policies PP27 of Poole Local Plan (2018).
14. APP/18/1538/P was appealed under reference APP/Q1255/W19/3236677. With regards to the reasons for refusal the Inspector concluded:

Refusal Reason 1

- para 10. *'There is no substantive evidence as to why an increase in the number of noise sensitive receptors (i.e the proposed flats) would have a greater constraint on development or activities elsewhere within the port, especially given the proximity of other dense residential development'*
- para 11. *'There is no clear reason why more intense residential development at this site would be a significant constraining factor on future rail operations'*
- para 13. *'I find no compelling evidence that the development would prejudice the future economic prosperity of Poole Port. Nor, given the existing (residential) use of the site, would it present any meaningful conflict with the aims of Local Plan policies PP17 and PP19 that seek to provide employment opportunities and support the growth of the port.'*

Refusal Reason 2

- para 15. *'the building still makes a positive contribution to the character and appearance of the area'.*
- para 17. *'the proposal would result in the loss of the (heritage) asset and its significance and, therefore, would conflict with local Plan Policy PP30 that requires development affecting locally listed buildings to enhance or better reveal the significance and value of the site'*
- para 18. *'given the relationship between the wider port, and that there is other more modern development between it and other historic properties in the area, the architectural style would not look out of place'*
- para 20. *'I find no harm to the character and appearance of the area would arise from the design approach'*
- para 21. *'I have found that the proposed building would not, in itself, cause harm to the character of the area. There is no clear evidence, however, that it would go beyond this to be a particularly innovative or outstanding design, that would make a positive contribution to the character or significant improvement to the visual appearance of the area. Matters relating to the specific design of the new building are, therefore, neutral in the planning balance. As I have found that there would be harm from the loss of the locally listed building, harm would arise in respect of the character and appearance of the area, considered overall.'*

Refusal Reason 3

- para 24. *'I do not find a conflict with that part of PP27 that seeks to ensure adequate provision is made for waste and recycling arrangements.'*

Overall Conclusion

- para 29. *'I have found no harm to the economic prosperity of Poole Port, and no harm in respect of the proposed refuse provision arrangements. These matters are neutral in the planning balance. However, there would be harm to the character and appearance of the area and conflict with Policy PP30 as a consequence of the loss of the locally listed building.'*
- para 30. *'The (National Planning Policy) Framework sets out at para 197 that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. Being only locally listed, this asset is not so significant as statutorily listed buildings and its significance is further undermined by the absence of its former use. However, without any evidence of a clear attempt to retain the building in any form of viable ongoing use, find little justification for its loss.'*

15. APP/20/00318/P- Outline application for Demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no bed. self contained flats with associated vehicular access and parking and footpath widening (revised scheme)- **APPROVED**

16. APP/21/01362/F- Reserved matters application following approval of Outline application APP/20/00318/P for demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no bed. self contained flats with associated vehicular access and parking and footpath widening (revised scheme)- **APPROVED**
17. APP/21/01138/P- Demolish the existing dwelling and outbuilding; erect a 4-storey building comprising port-related office accommodation and 9 self-contained flats with associated car parking, cycle store and bin provision- **WITHDRAWN**
18. APP/21/01358/F- Demolish the existing dwelling and erect a 4 storey building comprising port-related office accommodation on the ground floor and 9 self contained flats with associated car parking, cycle store and bin provision- **APPROVED**

Constraints

19. The site is within an area designated and safeguarded for employment uses, under PP17 of the Poole Local Plan 2018.
20. The site is located within Flood Zone 2 and 3, and the Future Flood Zone. It is however noted that the site also falls within the Poole Town Centre Sequential Test Exemption Area, under PP38 of the Poole Local Plan 2018.
21. The site is within an area noted as an unscheduled historic monument. The site is within an area of archaeological interest.
22. **Public Sector Equalities Duty**
23. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

24. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”), for the purposes of this application, appropriate 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.
25. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
26. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council’s area for their own self-build and custom housebuilding.
27. 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.

28. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

29. **Consultations**

30. BCP Highways Authority- the Highway Authority cannot support the proposal. There is a shortfall in car parking in the application to the Council's Parking Standards SPD and there are no highway improvement gains indicated which could be considered to provide safety gains to outweigh any shortfall in car parking.

31. Senior Archaeologist, Dorset Council- No further archaeological mitigation is necessary in relation to the present proposal.

32. The Victorian Society- Objection- as the proposal result in the complete loss of the building and the complete loss of its significance a balanced judgement should refuse the application. NB- it is noted that the building on site (The Ferryman) has already been demolished, as previously approved.

33. Wessex Water- No objection to the scheme, advice provided.

34. Dorset Police- No objection to the scheme, advice provided.

35. Flooding & Coastal Erosion Management Team- Initial response- until a satisfactory emergency escape plan is provided, recommends refusal. Following receipt of further information, advised the only other alternative to providing safe access/egress during a flood is to evacuate prior to flooding. Accepted drainage details provided.

36. Waste Collection Authority- Plans show a bin store that is within a suitable distance of the public highway to facilitate collections. It is also of an appropriate size.

37. Environmental Health Officer- Request for attachment of condition relating to contaminated land.

38. Historic England- Not offering advice.

39. BCP Sustainability- No comments received.

40. Greenspaces, Environmental Services-- No comments received.

41. Dorset Clinical Commissioning Group- No comments received.

42. Environment Agency- No comments received.

43. Dorset & Wiltshire Fire Services- No comments received.

44. Poole Harbour Commissioners- No comments received.

45. The Heath and Safety Executive- No comments received.

46. The Council for British Archaeology- No comments received.

47. The Georgian Group- No comments received.

48. Society for the Protection of Ancient Buildings- No comments received.

49. Twentieth Century Society- No comments received.

50. Historic Buildings & Places- No comments received.

51. Poole Quays Forum- No comments received.

52. **Representations**

53. Site notices were erected outside the site on 6th April 2023, with an expiry date of 30th April 2023. Two representation has been received commenting on the following:

- Application appears to be retrospective. This is unacceptable and should be censured.
- PQF objected to previous scheme APP/20/00318/P.
- The proposal seeks to introduce the occupants of ten flats to living with the hazards of an increasingly busy commercial port, unless suitable measures are taken to the satisfaction of all concerns. The total loss of another old building is not welcomed.

54. **Key Issue(s)**

55. The key issue(s) involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development
- Flood risk
- Impact on character and appearance of area
- Impact on amenities of future occupiers and neighbouring residents
- Impact on highways and parking
- Sustainability
- Biodiversity
- Other Matters
- SAMM/CIL Compliance

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

Policy context

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (2018).

Local documents:

58. Poole Local Plan (Adopted 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP03 Poole town centre strategy
- PP17 Employment site allocations
- PP27 Design
- PP28 Flats and plot severance

- PP30 Heritage Assets
- PP32 Poole's nationally, European and internationally important site
- 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

59. Poole Quays Forum Neighbourhood Plan:

- PQF01 Public Realm
- PQF03 High Quality Design
- PQF04 Transport network investment and sustainable travel choices
- PQF05 Walking, cycling and public transport improvements

60. Supplementary Planning Documents

- Parking & Highway Layout in Development (2021)
- Dorset Heathlands Planning Framework (2020-2025)
- Poole Harbour Recreation SPD (2019-2024)
- Nitrogen Reduction in Poole Harbour (Adopted Feb 2017)
- Poole Strategic Flood Risk Assessment (2017)
- Poole and Wareham Flood and Coastal Risk Management Strategy Options Assessment Final Report (December 2013)

61. National Planning Policy Framework 2023 ("NPPF" / "Framework")

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole."

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 – Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Planning Assessment

Presumption in favour of sustainable development

62. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Poole Local Plan Policy PP01.
63. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should 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.
64. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are 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% of the housing requirement over the previous three years.
65. 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% buffer (a shortfall of 423 homes) and a 2021 HDT result of 78%. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
66. In this instance, the scheme would provide ten additional flats that would contribute towards the Council's housing delivery target but also lies within 5 km of a European Habitat site and in an area of high flood risk. The sections below will assess the proposal including in the context of footnote 7 of the Framework and the impacts on relevant habitats sites and flood risk and thereby whether the tilted balance applies to this particular scheme.
67. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

Principle of development

68. The principle of development has already been considered acceptable under APP/20/00318/P and APP/21/01358/F. It is evident that what has been constructed on site is not the scheme approved under APP/21/01358/F. The building is materially different – its top floor is of a different design and the materials, fenestration and layout is different as noted above. Also 10 dwellings have been created instead of the approved 9 units. It would not be possible to amend the 2021 permission to regularise the building as currently built as a minor amendment/section 73 application cannot alter the description of development and therefore could not deal with the additional unit created. However, APP/21/01358/F remains extant as a permission until December 2024. Were the two dwellings to the 3rd (top) floor be rationalised into a single flat as originally approved for example, it is plausible that the currently unauthorised building could be regularised through a minor amendment to the 2021 permission, provided the number of units was reduced back to nine in total. Due to the nature

of the works required to go back to the 2021 consent and bearing in mind the extent to which the development is complete and partially occupied; and that the applicant has sought to retain the 10 units built, APP/21/01358/F is treated as a “plausible” rather than “likely” fallback position for the applicant for the purposes of this assessment.

69. The site is located within an area allocated under Policy PP17 of the Local Plan for employment use. Specifically, in relation to the port area in which this site is located, Local Plan policy PP19 sets out the Council will support the growth of Poole Port as a regionally significant feeder port by permitting proposal for port related activities. The commercial office units on the ground floor were accepted under APP/21/01358/F.
70. The proposal also includes residential development, which exceeds the commercial element, and is more than previously approved. While Policy PP19 does not specifically prohibit residential use, residential use does not contribute to the economic prosperity of the port as envisaged by the aims of the policy. It is noted that the site has existing planning permission for ground floor office accommodation and 9 flats. This application seeks one additional residential unit. In a previous refusal, the Inspector concluded that residential floor space in this location, at the very periphery of the Port site and immediately adjacent to other houses and flats, would not have a detrimental impact on the port's activities. At paragraph 13 of the decision letter (APP/Q1255/W19/3236677) they stated, *'I find no compelling evidence that the development would prejudice the future economic prosperity of Poole Port. Nor, given the existing use of the site (residential) would it present any meaningful conflict within the aims of Local Plan policies PP17 and PP19'*.
71. Therefore, it is considered that this small increase in the number of residential units in this particular location at the periphery of the allocated area is not contrary to PP17 or PP19 and does not prejudice or harm the potential to fulfil the objectives of those policies.
72. In coming to this view, it should be noted that this is an unusual site within the Port area and the planning history and the circumstances of this case are noted. Consequently the current proposal is not considered to undermine PP17 or PP19 to the extent that similar applications including residential use within the Poole Port designated area could not then be resisted. Any such future applications would need to be judged on their own planning merits.
73. It is noted a condition to restrict the ground floor units to solely office accommodation has been used. This is to ensure any changes of use, which may be allowed under permitted development, would not result in an inappropriate use within the port area. On this basis the scheme is considered to comply with Policies PP17 & PP19.

Drainage and Flooding

74. The site lies within Flood Zones 2 and 3 and the future flood zone. By 2133 (the lifetime of the development), the site is identified as at Very Significant Risk of flooding. As previously mentioned, it is the site also falls within the Poole Town Centre Sequential Test Exemption Area, under PP38 of the Poole Local Plan 2018. As such, no Sequential Test is required to be submitted under this application. The Council's Strategic Flood Risk Assessment & Policy PP38 are reliant on the delivery of strategic flood defences on key regeneration sites along the harbour front. In addition, the Council's Flood & Coastal Risk Management Strategy (FCERM) sets out the proposed provision of a new quay wall and a new setback flood wall along Station Road and Bridge Approach as short-term measures for defending the area from flooding. However, as the site lies to the south-east of these proposed works, it would not benefit from these defences. No additional defences are indicated in the FCERM for the Poole Port area. Notwithstanding the Sequential Test area established under Policy PP38, residential development on the application site introduces additional assets at risk into an area at high risk of flooding with currently no long-term plan for mitigating this risk.
75. Looking at the planning history going back to the initial proposal for the redevelopment of the former Ferryman back in 2018 and the subsequent proposals, there is a lack of detail in the officer reports with regards to the flood risk issues. Consequently, it is not possible to

definitively conclude that the level of flood risk associated with the site outlined above was understood in making previous recommendations to approve the earlier schemes or why this was not a reason for refusal on the 2018 appeal. Nonetheless, it is accepted that a number of residential schemes have been granted and APP/21/01358/F allows for 9 flats in total, eight 1-bed flats and one 2-bed flat. This scheme remains extant and can still be implemented – with the caveats noted in para. 67 above.

76. The current scheme seeks permission for ten 1-bed flats. The applicant (BCP Council) have indicated that due to the nature of their operation of the site, these units can only be occupied by a single person. Therefore, whilst the overall no. of units has increased, the number of occupiers in the building (10 persons) will not have increased. It has been argued by the agent that therefore the current scheme does not increase the overall assets at risk in the flood risk area. This would be subject to being able to control the number of occupiers. Generally it is not appropriate to control the occupation of a residential unit under a planning permission unless there are exceptional circumstances. The typical exceptions are for gypsy & traveller sites or agricultural worker's dwellings where an exception may be made to policy to accommodate particular needs in an area which may otherwise be contrary to policy and it is reasonable to protect against that provision being lost in the long-term.
77. This is an unusual scenario and it is considered unlikely that this would be repeated across the areas at flood risk within BCP. Consequently, due to the particular circumstances of this application and the nature of its operation by the Local Authority, it is considered reasonable to control the occupation of the units to a single person in order not to increase the assets at risk in the flood zone. For this reason, the proposed condition is considered to pass the six tests. Elsewhere in the report it is noted that the two flats created on the 3rd floor do not meet the space standard for a 1-bed 2-person unit. However, if only occupied as a 1-bed 1-person unit, they would comply with the Nationally Described Space Standards. Therefore the condition would serve a dual purpose to ensure that occupiers had acceptable living conditions.
78. As such, with this safeguard, this scheme would not result in any additional number of people put at risk from flooding in comparison to APP/21/01358/F.
79. The agent has submitted a Flood Risk Management & Evacuation Plan. This has been reviewed by the Flooding Team who have advised that they accept it is not possible to provide safe access / egress during a flood, therefore the only other alternative is to evacuate prior to flooding. The details as outlined in this plan can be conditioned to any approval to ensure there is an acceptable evacuation plan in the event of flooding. Sustainable Urban Drainage details have also been submitted alongside the application. The Flooding Team have again advised that the details of such are acceptable. Again, adherence to these plans can be ensured via a condition.
80. It is therefore considered that with the use of acceptable conditions, the Exception Test is passed and the scheme is acceptable bearing in mind the planning history.

Impact on character and appearance of the area

81. It is noted that the loss of 'The Ferryman' public house, which was locally listed, formed a key part of previous assessments. It however has since been demolished, as approved under previous planning applications. As such the loss of this building will not be discussed in this report.
82. Policies PP27 and PP28 of the Poole Local Plan set out the criteria against which all new development and specifically flatted development should be assessed to ensure that the established pattern of development and residential character of the area is preserved or enhanced. Policy PP27 requires new development to achieve a good standard of design that

reflects or enhances local patterns of development, with reference to the layout, height, massing, materials, landscape treatment and visual impact of development.

83. It should also be noted that that the proposed scheme is very similar in terms of layout, height and form to the previously approved APP/21/01358/F. The main differences between this scheme and APP/21/01358/F are changes to the mono pitch roof design to a flat roof, the creation of an additional flat, through subdividing the top floor into two flats, as opposed to one, different materials, some changes to the fenestration, internal layout changes and changes to parking and cycle provision, bin storage and changes to landscaping.
84. In terms of layout, the footprint is positioned in the same location as the previous approval (APP/21/01538/F). The footprint similarly spans across the width of the site, with an undercroft access to a rear parking area. The proposed building is the same scale as the previous approval, extending over four storeys. Similarly to the previous approval, the fourth floor will be set back, reducing its visual impact and prominence when viewed from the street scene. As concluded through the previous scheme, the overall footprint, layout, height and massing is considered acceptable and in accordance with PP27 and PP28 of the Poole Local.
85. In terms of design, as per the previous approval the proposed building is contemporary in style with large areas of glazing. The windows are generally proposed in the same location as the previous approval, with some minor changes to the style. There are no Juliette balconies proposed under this scheme. Proposed materials include a palette of three different shades of architectural panels. Shades include white, dark grey and a light brown/sand shade. This would replace the white render, grey render and stone previously approved. It is considered that the overall design, and use of materials would have a similar impact upon the character and appearance of the area as the previously approved scheme. It is considered that viewed against the previous approvals, the design is acceptable. As such, in terms of design and appearance, the proposal is in accordance with PP27 and PP28 of the Poole Local Plan 2018.
86. In terms of landscaping, some small bushes are proposed to the rear of the site. Again, this is similar to that of the previous approval. No landscaping is proposed to the front. Although landscaping to the front would be welcomed, it is noted that there are limited opportunities for this. In addition- the existing approval does not include any landscaping to the front. As such, the proposed landscaping is considered acceptable and in accordance with PP27 of the Poole Local Plan 2018.
87. The subdivision of the top floor, to create a tenth flat, would not be evident from the street scene and as such this difference would not have any impact on the character and appearance of the area, in comparison to the existing approval.
88. It is therefore concluded that proposed scheme would have an acceptable impact on the character and appearance of the area, in accordance with PP27 and PP28 of the Poole Local Plan 2018, and the provisions of the NPPF.

Impact on amenities of future occupiers and neighbouring residents

89. Policy PP27 of the Poole Local Plan states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.
90. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users (para.130).

91. With regards to impact on future occupiers, each flat meets or exceeds the national minimum space standards for a one person, one bedroom flat. There is some concern that the top floor units could be occupied by more than one person as they have bedrooms meeting the standard for a double bedroom under the Nationally Described Space Standards but are below the Space Standards for a 1-bed 2-person unit (50m²). As in the flood risk section above, the applicant has confirmed that the nature of operation of the units means that they will only be occupied as single person units. As noted above, it is intended to restrict occupancy in light of the unusual circumstances surrounding the site and its operation by BCP. This would ensure all units met the space standard.
92. Each flat would provide a kitchen/living area, bedroom, bathroom and store. Each flat would also benefit from acceptable levels of light and outlook. Similarly to the previous scheme, future occupiers would not benefit from any external private amenity space. It is however noted that the site is located within a relatively dense, central location where single occupancy flats often do not benefit from amenity space. In addition to this, as outlined in the previous case officer report, the site is located a short walk from public open spaces such as Poole Quay and Hamworthy Park, providing occupiers with outdoor space to enjoy.
93. It is noted that the site is located within the port area, where some noise from various port activities is likely. The Environmental Health Team have however not raised any concerns associated with noise. Such concerns were similarly not raised in previous approvals at the site. As such, given the above it is considered that the scheme would provide future occupiers with acceptable levels of amenity, in accordance with PP27 of the Poole Local Plan.
94. In terms of amenity of neighbouring residents, the proposed building is a sufficient distance from all existing neighbouring properties such that it would not appear visually intrusive or overbearing when viewed from habitable rooms or amenity spaces. Whilst there will be some levels of overshadowing to the side windows towards the rear of No.2-4 New Quay Road (Bridge Corner House) this would be limited to morning time. In addition, it would not be any more than that previously approved and it is noted that the original Ferryman building would also have had a similar impact in terms of overshadowing. As such, any overshadowing would not result in material harm to this building. Given sufficient separation distances the proposed building would not result in any overshadowing to other neighbouring residents.
95. In terms of overlooking, larger windows at the rear of the building would have some views into parts of the rear gardens of properties on Station Road. However given the oblique angle of the properties and the separation involved, the degree of overlooking would be commensurate with that normally experienced in a dense urban area and would not result in unacceptable harm to those neighbouring residents. There may be some mutual overlooking between the side elevation windows of the proposed building and side elevation windows of No.2-4 New Quay Road, however such a relationship is not uncommon within such a dense urban area. Moreover, side elevation windows are typically small, serving bathrooms or kitchens, with larger windows to the front and rear elevations. Again, this relationship has already been approved through APP/21/01358/F.
96. The additional movements from the new flats and commercial space although noticeable to the neighbours, is not considered to be of a scale as to materially harm the living conditions of these neighbours. In addition, the noise and disturbance is likely to be less of that likely with a public house (previous use of the site).

97. The impact on the residential amenities of future occupiers and that of surrounding properties has been carefully considered. It is considered that the scheme is acceptable and compliant with Policy PP27 of the Poole Local Plan 2018.

Parking and Highway safety

98. Under the Council's Parking Standards SPD (Parking Zone C) the proposal requires 2 car parking spaces for the commercial unit (less than 100sqm) and 10 spaces for the flats (1 per unit), giving a total of 12 car parking spaces. With only 8 car parking spaces being proposed there is a shortfall of 4 car parking spaces. It is noted that this standard follows from the site's location in the commercial area and the adjoining property at Bridge Corner House falls within Zone B, where there is no minimum parking requirement for the proposed 1-bed flats.
99. The previous proposal on the site (APP/21/01358) had 8 parking spaces, but only 9 flats were proposed with a similar sized commercial unit. Therefore this current proposal has an even greater shortfall in car parking. The previous proposal shortfall was, on balance, accepted by the Highway Authority as there were highway improvement gains in the proposal with the widening of the current narrow frontage footway to be widened to be 2.5m wide. The plans accompanying this current proposal do not indicate widening of the footway to this previous approved 2.5m width.
100. Without such highways improvements under this scheme, on balance the Highway Authority cannot offer support to the scheme given the 4 parking space shortfall, which could result in vehicles taking short term parking risks, particularly when loading and unloading, and they could park half on/off the narrow footway blocking this route for pedestrian.
101. As part of the frontage forecourt layout, a fixed permanent boundary feature (eg. low wall no higher than 0.6m) should be erected along the back of the footway in order to prevent vehicles from driving directly on and off the forecourt as the site is close to junction and therefore reversing off would increase safety dangers. Such details can be conditioned to any approval.
102. The Highways Team have also raised concerns associated with the design of cycle parking, which should be secure to encourage its use. Submission of such details can also be conditioned to any approval.
103. It is noted that following amendments to the location of the bin store, the Highways Team have advised that its location is acceptable with regards to its impact on parking and highway safety.
104. In conclusion, the Highways Team cannot offer support to the scheme as a result of the shortfall in car parking spaces, and therefore the schemes lack of compliance with PP34 and PP35 of the Poole Local Plan 2018. This will be weighed in the planning balance.

Refuse/waste provision

105. Following amendments, bin storage has been shown along the undercroft access to the rear parking.
106. The Waste Officer has advised that the bin store is within a suitable distance of the highway to facilitate Council collection. They have also advised that it is also an adequate size to accommodate the number of containers necessary.

Sustainability

107. Being a new build development, it will be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. It is appropriate and reasonable to impose a condition to secure details of the measures that are to be implemented to achieve 10% of the energy needs of the proposed dwellings through renewable energy sources, in accordance with Policy PP37 of the Poole Local Plan.
108. In accordance with PP37, a condition to ensure the building achieves a minimum BREEAM very good rating will be attached to any permission, in accordance with PP37 of the Poole Local Plan.

Biodiversity

109. Biodiversity enhancements can be ensured via condition, to satisfy the provisions of Policy PP33 of the Poole Local Plan 2018.

Other Matters

110. It is noted that a full contaminated planning condition was attached to the previous permission (APP/21/01358/F). The Environmental Officer therefore similarly requested the attachment of such a condition to this permission should it be granted.
111. Since the time of the Environment Officer's comments, this condition has been complied with and discharged under APP/21/01358/FUL. As the condition has been complied with, development has since commenced. There is therefore no need for this condition, given it has been complied with under a previous application.
112. There are no protected trees on site. Some soft landscaping is shown to the rear of the site- this is considered acceptable and is a welcome addition.
113. As per the applications description of development, the scheme offers 100% affordable housing. This can be ensured via a legal agreement in the event of an approval.

SAMM/CIL Compliance

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@£331	@£118
	Proposed	10		
	Net increase	10	£3310	£1180
Houses	Existing	0	n/a	n/a
	Proposed	0		
	Net increase	0	n/a	n/a
Total Contributions			£3310	£1180
CIL	Zone C		@ £137.78 per sqm	

114. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.
115. In addition, the proposed net increase in residential units 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.
116. The applicant has demonstrated a willingness to pay the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM subject to a positive resolution. As such, the proposed scheme can be made to comply with Policies PP32 and PP39 of the Poole Local Plan. To address this, the recommendation seeks powers to be delegated to officers to grant permission only after the appropriate contributions have been secured.
117. The application falls into CIL Zone C which has CIL chargeable rate of £137.78 per square metre.

Planning Balance / Conclusion

118. The Council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the creation of much needed housing. The proposal would provide for 10 flats, a

net increase of 10 homes and commercial unit on the ground floor. It is considered that the principle of development is acceptable and has been accepted through previous schemes on the site.

119. The scheme has an acceptable impact on the character and appearance of the area, and also an acceptable impact on the amenity of future occupiers and that of neighbouring residents. Occupiers will be at significant risk of flooding now and in the future although the design has sought to provide design solutions to minimise this risk and thereby passes the Exception Test. It is also noted that there is a shortfall of four parking spaces, and as such the highways team are not in a position to offer support to the scheme.
120. It is however noted that the total shortfall in comparison to APP/21/01358/F, is one space (and lack of highway gain by way of footpath not being widened under this scheme). It is also noted that development of 1-bed flats on the directly adjacent land to the east would not attract a minimum parking requirement under the Parking SPD and the site is not inherently unsustainable for a lower parking provision.
121. It is noted that this scheme will provide 100% affordable housing, whereas the previous scheme did not provide any affordable housing. Under PP11, affordable housing provision is only required for schemes of 11 or more residential units. As such, this contribution carries significant weight as a benefit of the scheme.
122. Given the shortfall of the number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. It is considered that this contribution, and taking the existing permission into account, carries significant weight and in this instance outweighs the shortfall of parking.
123. Having recognised the collective benefits of the proposed scheme, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
124. The scheme is therefore recommended for approval, subject to the completion of a Section 106 agreement.
125. **Recommendation**
126. It is therefore recommended that this application be delegated to the Head of Planning to Grant permission subject to:
127. a) the completion of a Section 106 agreement to secure the required contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM and an affordable housing contribution; and
128. b) the conditions as set out below (and any amendments to those conditions as deemed necessary).
129. **Conditions**

1) Plans Listing

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

Location Plan, Drg No. TQRQM23010192639369, received 2nd March 2023
Proposed Site Plan with Bin Store, Drg No. 256.1.GA.03, received 5th December 2023
Proposed Floor Plans, Drg No. 256.1.BR.02.0e, received 29th March 2023
Proposed Floor Plans, Drg No. 256.1.BR.02.1f, received 29th March 2023
Proposed Roof Plan, Drg No. 256.1.BR.02.2c, received 29th March 2023
Proposed Elevations, Drg No. 256.1.B4.03b, received 29th March 2023
Proposed Sections, Drg No. 256/1/BR.04.3 received 29th March 2023

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

2) Matching Materials

The materials to be used shall match those as specified on the approved plans

Reason - To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

- 3) The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. The 6 parking spaces located to the rear of the building shall be available for parking associated with residents of the approved flats and their visitors only. No parking associated with the approved office use shall take place within those parking bays.

Notwithstanding the approved plans, prior to occupation of any residential or office units hereby approved, details of the cycle store/stands shall be submitted for the written approval of the Local Planning Authority and the approved details shall be implemented prior to occupation of any residential flat or commercial unit and maintained available for residential cycle parking at all times thereafter.

Reason - In the interests of ensuring appropriate parking provision is provided in accordance with Policy PP35 of the Poole Local Plan - November 2018.

- 4) Notwithstanding the approved plans within 3 months of the date of this decision, a scheme shall be submitted to the Local Planning Authority for approval in writing for a permanent low level vehicle proof barrier (low wall no higher than 0.6m in height) to be erected across the frontage of the site along the back edge of the footway to prevent direct vehicle access to the building forecourt from New Quay Road. The approved scheme shall be implemented within 3 months of the written agreement of the details by the Local Planning Authority and shall remain in place at all times thereafter.

Reason - In the interests of providing safe access to the highway in accordance with Policy PP35 of the Poole Local Plan – November 2018.

5) Renewable Energy - Residential

Within three months of this permission, hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented

within 3 months of the written agreement of the details by the Local Planning Authority and maintained thereafter.

Documents required by the Local Authority include: The 'as built' SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L, The corresponding EPC (Energy Performance Certificate), and A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10%/20% (delete as appropriate) of energy use is provided by the renewable technology.

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

6) BREEAM

The commercial building hereby permitted shall achieve a minimum BREEAM 'Very good ' rating (or equivalent standard). Within three months of this permission, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason - In the interests of delivering a sustainable and energy efficient scheme and in accordance with Policy PP37(3) of the Poole Local Plan (November 2018).

7) Drainage

All drainage works shall be implemented in accordance with the following approved plans/documents, and retained thereafter:

Drainage Plan, Drg No. P03, received 26th January 2024

Drainage Construction Details, Drg No, 9300 P01 received 26th January 2024

Surface Water Strategy, prepared for Beam Contracting, received 26th January 2024

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

8) Permeable surfacing condition

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

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

9) Flooding

The Flood Evacuation Plan, as illustrated in 'Flood Risk Management & Evacuation Plan,' by aegaea, Reference AEG02875_BH15_Poole_FREP, received 19th September, shall be displayed in a readily visible location at the development hereby approved at all times.

Reason- In order to prevent risk from flooding and in accordance with Policy PP38 of the Poole Local Plan (November 2018).

10) Biodiversity enhancement

Within three months of this permission, hereby approved, details of on-site biodiversity enhancements and net gain as part of the scheme in accordance with Policy PP33 of the Local Plan shall be submitted to and approved in writing by the LPA.

The agreed measures shall be implemented within 3 months of the written agreement of the details by the Local Planning Authority and thereafter retained.

Reason – In the interest of providing necessary biodiversity gain as set out in the National Planning Policy Framework (NPPF) 2023 (Section 15) and BSI 42020:2013 'Biodiversity - code of practice for planning and development' and in accordance with Policy PP33 of the Poole Local Plan (November 2018).

11) Remove permitted development

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the ground floor units hereby approved shall only be used as office accommodation, as defined under Use Class E (g)(i) of the Use Class Order. They shall not be used for any other use without formal planning permission first being obtained.

Reason: To protect the vitality of the port, in accordance with PP17 of the Poole Local Plan 2018.

12. Single occupancy only

Each unit hereby approved shall only be occupied by a single person and the maximum residential occupancy of the development shall not exceed 10 persons at any one time.

Reason: To ensure no greater assets are placed at risk in this highly vulnerable flood risk area.

Informatives

1) IN72 (Working with applicants: Approval)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also: - in this case the applicant was advised of issues after the initial site visit

- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.
- the application was considered and approved without delay.

2) IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations.

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website: <https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application.

Case Officer Report Completed
Officer: S.Burch
Date: 29/01/2024