

# Planning Committee

Application Address	National Trust, Ferry Way, Poole, BH13 7QN
Proposal	Removal and replacement of existing jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
Application Number	24/00744/F
Applicant	National Trust, Brownsea Island
Agent	WSP UK
Ward and Ward Member(s)	Canford Cliffs  Cllr Gavin Wright Cllr John Challinor
Report Status	Public
Meeting Date	19/06/2025
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	Originally called-in by Cllr Wright due to concerns regarding industrial nature and additional noise.  It is now being brought back to Committee for the reasons identified in the report.
Case Officer	Mrs Shelley Edwards
Is the proposal EIA Development?	No

## Background

1. At the Planning Committee of 5 December 2024, Members considered APP/24/00744/F; National Trust Jetty, Ferry Way, Sandbanks, Poole for the removal and replacement of a Jetty and associated facilities.
2. Planning Committee resolved that planning permission be approved subject to the inclusion of a condition to limit the times of use of the proposed telehandler within the site from 7am to 8pm due to concerns by the neighbour regarding potential noise nuisance. The committee report is appended to this report along with the Agenda addendum and Minutes to enable Members to be able to note and have regard to the content of the previous report and the decision of Members.
3. Prior to a decision notice being issued, a letter was received from a neighbour's solicitor raising concerns regarding the decision. Matters identified included the factual accuracy of certain information provided to members and ultimately, as a consequence, whether concerns of noise disturbance on the amenity of adjoining neighbour at no 130 Panorama Road had been adequately addressed having regard to relevant Local Plan policy, in particular policy

PP27. Specifically, it was suggested that a noise report should be secured and assessed to enable the matter to be fully considered.

4. Having had opportunity to review the factual situation relevant to this application and following discussion with the applicant, it was agreed that a Noise Impact Assessment would be carried out. The Noise Impact Assessment (NIA) Ref: AC01B by WSP was received on 07/02/2025. The neighbour at 130 Panorama Road has since provided a separate Acoustician review of the NIA and WSP has provided a further rebuttal. The Council's Environment Health Officer has had the opportunity to consider all these additional submissions and their conclusions are identified in this report. To the extent that specific issues relating to information in the original report and presented to members were highlighted in the letter of 6<sup>th</sup> December 2024, these have also been taken on board in preparing the assessment below.
5. This application is therefore being brought back before the Planning Committee following the submission of the Noise Impact Assessment and to respond to the findings of the report which is set out and assessed below. Bringing the application back to Planning Committee in full also enables the application to be reassessed by Planning Committee Members who may or may not have been present at the 5<sup>th</sup> December Committee Meeting.
6. In November 2024, a significant portion of the jetty collapsed due to the erosion of the sandy seabed. This has led to the suspension of the large visitor ferries from this location to Brownsea Island. As a result, the old jetty has now been closed to the public and sections of the wooden structure has been dismantled and removed and all that remains is the navigation marker and pile. Therefore, demolition has taken place and this application is now a hybrid application to include part retrospective and part proposed development. The conditions have therefore, been worded accordingly.
7. For clarity, the lawful use of the site has not ceased and whilst the Jetty itself has been demolished; the site is still able to be used as a storage compound and for car parking and boats can still be moored along the quayside.
8. In addition to this, on Sunday 23<sup>rd</sup> March 2025 a sink hole opened up on the southern section of the site in the area proposed for the visitor centre. The applicant has confirmed that a temporary repair to the sink hole is taking place this month and that the proposed development will address this as the backfilling and sheet piling method planned for the quay extension will include this area also.

### **Description of Proposal**

9. Removal and replacement of existing timber jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
10. The proposals would extend the quayside and provide replacement of a section of existing sheet piling. The proposal would replace and provide a new extended fixed jetty landing structure and introduce a new vehicle access ramp, a fixed walkway and new berthing provisions. The existing bike store and NT Store unit will be replaced and repositioned along the rear boundary in addition to a new bin enclosure. A new visitor shelter is proposed adjacent to the entrance of the site and security gates and barriers will be introduced to enclose the site. The proposal would reconfigure the car parking layout and provide electric vehicle charging provision. With regards to accessibility the proposed visitor shelter would be DDA compliant and the jetty itself would have a compliant gradient for wheelchair use.

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

11. The site is on the southern tip of the Sandbanks Peninsular and at the entrance to Poole Harbour; an SPA and Ramsar Site and SSSI. The area is mixed in character as the site is adjacent to Poole

Harbour, the Sandbanks Chain Ferry Slipway and Terminal and the residential premises at 130 Panorama Road. The wider character of the Sandbanks Peninsular is predominantly residential with varying commercial premises. In the immediate vicinity there is The Haven Hotel and a row of commercial premises including a shop, café and other business uses.

### **Relevant Planning History:**

12. **September 2023** – Pre-application advice was provided for the Removal and replacement of existing jetty with new berthing provisions and vehicle ramp, including land reclamation and enhanced shoreside facilities and improved security. The advice concluded that it is likely that the proposals would be acceptable in principle, however further information would be required to fully assess the proposals in regard to the impact on trees, the impact on Poole Harbour SSSI, SPA and Ramsar Site, flood risk, and sustainability issues. Additionally, any formal planning application would need to address the concerns raised by the Transportation Officer. Ref: PREA/23/00065.
13. **2019** – Planning permission for the Demolition and removal of existing ticket office (on land leased from the National Trust) and replacement with a new office/first aid post on the site of existing building/store was **Granted**. Ref: APP/19/01557/F.
14. **January 2005** – Planning permission to alter and repair hammerhead to departure quay was **Granted**. Ref: APP/04/18023/009/F.
15. **February 1998** – Planning permission to replace the existing jetty with new jetty constructed from second hand timber was **Granted**. Ref: 98/09248.

### **Constraints**

16. Following planning constraints apply to the application site:
  - TPO trees in adjacent site
  - The application site falls within flood Zones 2 and 3
  - Within a Site of Specific Interest (SSSI) of Poole Harbour
  - Poole Harbour (SPA) which is a Special Protection Area (SPA) and a Ramsar Site
  - The site is within the Tourism Zone

### **Public Sector Equalities Duty**

17. 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**

18. 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) 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.
19. 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.

20. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps 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.

## Consultations

Consultee	Date of Response and Comments
BCP Highways Authority	26/07/2024 - No objection subject to conditions regarding electric vehicle charging and ensuring no obstructions are located within the annotated 'Loading and Turning Area'.
BCP Environmental Health Officer (EHO)	<p>04/06/2025 in response to the Objector's Agent – <i>"As stated in my submission, while the ACL review of the WSP assessment raises valid arguments, I have considered the points outlined in the original assessment, the review, and the rebuttal. However, I remain of the opinion that noise from activities related to the proposal will not result in any material change to the living conditions of nearby residents. In my view, the WSP report considered the situation using the appropriate guidance including BS4142, in the context of timing, duration, and frequency of events and specific to this location on the Sandbanks Peninsula."</i></p> <p>20/05/2025 – Following further comments and rebuttals; <i>"I remain of the opinion that the noise from activities connected to the proposal will not result in any material change to the living conditions of nearby residents"</i>.</p> <p>15/04/2025 – Following the review of Acoustic Consultants Limited review of the WSP NIA (14/03/25) and WSP's rebuttal (01/04/25); No objection subject to conditions regarding an Operational Noise Management Plan for Telehandler use, and a condition to limit the hours of use of the proposed Telehandler.</p> <p>10/02/2025 – Agree with conclusions of WSP NIA. Support Planning Committee's inclusion of condition restricting the hours of operation for the Telehandler. Suggest the addition of a condition regarding the provision of an Operational Noise Management Plan.</p> <p>30/09/2024 – Following the removal of the crane from the proposal; No objection to the development subject to a condition requiring a Demolition and Construction Environmental Management Plan.</p>
BCP Arboricultural Officer	22/07/2024 – No objection. TPO tree group to the north east are outside of the development site and protected by the site boundary.
BCP Urban Design Officer	02/08/2024 – No objection. However, concerns are raised with regards to the scale, design and siting of the proposed buildings.
BCP Biodiversity Officer	06/11/2024 – No objection subject to S106 to secure 'significant' Biodiversity Net Gain (vertipools).
BCP Flooding Officer	29/07/2024 - No comment
BCP Emergency Planning Officer	No response received
BCP Waste Authority	No response received
Natural England	01/08/2024 - No objection subject to condition requiring the implementation of the vertipools as proposed. Natural England advised that whilst the application is within Poole Harbour SSSI, SPA and Ramsar, the particular location is not of great sensitivity and there will not be a likely significant effect on the habitats sites and an Appropriate Assessment is not required.
Environment Agency	29/08/2024 – Withdraw objection as visitor shelter is non-habitable. No objection subject to flood resistant and resilient construction techniques and finishes to

	visitor shelter and conditions and informative regarding confirmation of the materials to be used to infill behind the sheet piling and a Construction Environment Management Plan. 07/08/2024 – Objection as current FRA is inadequate
Poole Harbour Commissioners	05/07/2024 - No objection. They are already aware of the proposal and have no comment to make. <i>“Harbour Works Licences (HWL) are progressed after consultation with Natural England and confirmation of MMO approval. Construction cannot begin until the HWL is in place”.</i>
Poole Harbour Association	No response received
The Crown Estate Commissioners	No response received
Dorset Wildlife Trust	No response received
Amphibian and Reptile Conservation	No response received
Sandbanks Neighbourhood Forum	27/09/2024 - No objection. <i>“We believe the public benefits of its provision are welcome and much appreciated”.</i>

## **Representations**

21. A site notice was posted outside the site on 17 July 2024 with an expiry date for consultation of 10 August 2024.
22. Four representations have been received, one supporting the proposal and three raising objections.
23. The supporting comments stated that the proposals include benefits such as updated facilities including a safer transfer to and from vessels and better protection in the shelter when waiting in bad weather. The opportunity for contractors to take a vehicle or plant over to Brownsea Island is considered a necessity to ensure that the business prospers. The majority of volunteers who support the National Trust and Dorset Wildlife Trust on the Island access the Island via the Sandbanks Jetty and whilst it is unavailable it is more challenging for the volunteers to access due to the longer passage from Poole Quay and increased costs associated with parking.
24. The objections comprise the following:
  - Noise disturbances from the proposed telehandler use (initial concern was noise disturbance from crane – which has been omitted), noise associated with the intensification of site use, roller metal cycle store door, bin location, EV charging.
  - Overbearing new buildings
  - Over development of the site by the introduction of the visitor shelter
  - Insufficient bike storage
  - Assessment of potential impact on the sea bed and from the pilling installation on the Chain Link Ferrys slipway requested
25. The Society for Poole – Objections. *“Fails to respect the significant locality by proposing the construction of superstructures that architecturally dominate the relatively acceptable surroundings at the entrance to a valued and special harbour entrance”.*
26. Cllr Gavin Wright – Concerned regarding the industrial nature of the proposal in a residential and tourist area. The increase in noise and potential for residents to be overlooked by static plant. Impact on residential amenity.

## **Key Issues**

27. The key issues involved with this proposal are:
- Impact on the character and the appearance of the area
  - Impact on Tourism Offer and Economy
  - Impact on Poole Harbour SSSI, SPA and Ramsar Site
  - Residential privacy and amenity
  - Highway Safety
  - Trees and Landscaping
  - Biodiversity
  - Flood Risk
  - Sustainability
  - Section 106
28. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

29. Local documents:

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) and the National Planning Policy Framework (December 2013).

### Poole Local Plan (2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP23 Tourism and the evening / night-time economy
- PP27 Design
- PP31 Poole's coast and countryside
- PP32 Poole's important sites
- PP33 Biodiversity and geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk

### Supplementary Planning Documents

- Parking Standards SPD (adopted January 2021)
- Shoreline Character Areas SPG (Adopted June 2004)

### Sandbanks Peninsula Neighbourhood Plan

- SAND1 Landscape Character
- SAND2 Views
- SAND4 Biodiversity
- SAND5 Design
- SAND6 Beaches Open Spaces & Harbour
- SAND7 Public Realm
- SAND8 Gateways

### Emerging Local Plan

The Council submitted its Draft BCP Local Plan to the Secretary of State in 2024 which sought to replace the existing Local Plans from the predecessor authorities. However, in March 2025, following stage 1 of the examination hearings into the Plan, the Council was advised by the appointed Inspectors that they were unlikely to consider that the Council had complied with various requirements regarding its Duty to Cooperate. The Council is currently considering its next steps and whether to withdraw the draft plan from examination. Having regard to the current position, at this time, the weight to be afforded to the policies in the draft BCP Local Plan is therefore negligible, although the background papers created in support of the Draft Local Plan provides latest information on various topics and can be afforded some weight.

30. National Planning Policy Framework (“NPPF” / “Framework”) (as amended)  
The National Planning Policy Framework (NPPF) was updated in December 2024.

The introduction of Paragraph 109 (f) within Section 9 Promoting Sustainable transport states;  
*‘identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains’.*

The National Planning Policy Framework has an underlying presumption in favour of sustainable development. Paragraph 11 states that,

*“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 strong reason for refusing the development proposed; or*
  - (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting health and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

The Noise Policy Statement for England (NPSE) March 2010

## Planning Assessment

### Principle of development

31. Poole Local Plan Policy PP27 (c) requires that development; *“is 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”.*

With regards to PP27; the compatibility of the proposal to the surrounding uses would be similar to the existing relationship whereby the residential property abuts the variety of tourism uses within Ferry Way; to include the National Trust Jetty to Brownsea Island and the Sandbanks Chain Ferry and their associated noises. As such, the proposal would not conflict with local plan policy in that respect. The impact of noise, is addressed in the noise section below.

#### Impact on the character and appearance of the area

32. Poole Local Plan policy PP31 (3) Boating, mooring and jetties states *“The loss of any existing boat yards and boat storage will not be permitted. Any proposals for additional marina, jetty, slipway, boatyard or other boating or mooring facilities will be permitted provided that it does not: (a) fall within one of the Harbour edge protection zones as shown on the Policies Map; (b) visually detract from the shoreline character; and (c) cause harm to European and internationally important sites unless this can be satisfactory mitigated.”*
33. The replacement jetty would be larger than existing and would include an additional access vehicle ramp with associated entrance gates, handrails and barriers. The building structures proposed include a bike store, storage unit housing the freezers and storage of other products required to be transported to Brownsea Island and a bin compound all positioned along the rear boundary of the site and a new visitor shelter is proposed along the extended quay side on the southern corner (front) of the site.
34. PP27 (1) requires; *“Development will be permitted provided that, where relevant, it: (a) 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.”*
35. Policy SAND1 of Sandbanks Peninsula Neighbourhood Plan requires that development does not have an adverse impact on the highly valued and important landscape characteristics of the area; *“a) strong horizontal emphasis largely unaffected by development, accentuated by the expansive views out to sea, low-lying landform, wide-open skies and distant views in all directions”*. This is further supported by Policy SAND2; which requires development to enhance where possible, locally valued public viewpoints. Policy SAND5 of Sandbanks Peninsula Neighbourhood Plan requires that development demonstrates a high standard of design. The development should; *“a) respond to the height, scale and character of buildings in the surrounding area generally and of adjacent properties in particular”*.
36. SAND6 requires that development affecting recreation assets and open amenity spaces must demonstrate; *“a) improves the area as a high-quality visitor destination... b) enhances the character and appearance of beaches, open spaces and slipways with well-designed amenities suitable for all visitors; c) is sensitively designed for an exposed coastal environment...”*
37. The proposed buildings would replace an existing store, visitor shelter and bike store currently along the rear boundary. The proposed buildings are larger in scale; the store building being approx. 0.6m higher than the existing store and the bike store having the same ridge height; resulting in a continuous roof line along the rear boundary. The proposed bin compound would not have a roof and the elevations would have a height of 1.8m which allows the built form to step down towards the northern boundary. The resultant buildings would provide sufficient capacity to support the requirements of the business and the increase in scale would not detract from the visual amenity of the site and would retain their subservient position along the rear boundary in accordance with policies SAND1, 2, 5 and 6, PP27 and PP31.
38. The proposed visitor shelter would replace an existing open shelter which is currently situated at the rear of the site. The new shelter would be sited adjacent to the quayside to the front of the site and would be an enclosed unit to protect users from bad weather and would enable passengers to move directly through the shelter onto the vessels.



39. The proposed visitor shelter would be in a prominent position in this gateway location, however, structures supporting local tourism are common place in tourist locations and due to the single storey scale of the proposed visitor shelter it is considered acceptable in this location and its visual impact would not detract from the surroundings and its shoreline character in accordance with policies PP27 and PP31 and SAND5 and SAND6.
40. The proposed buildings would be finished in Siberian larch timber boarding to their elevations and either profiled metal decking or zinc covering to their roof. The existing store and bike store buildings within the site are finished in a wooden cladding material and they sit subserviently into the landscape. The proposed materials would therefore continue this subservient appearance and would respect the mixed character of the site and its natural surroundings.
41. The proposed jetty would be of timber and concrete construction and would be sited in a similar position to the existing jetty. The lighting proposed would be non-intrusive and low level, low energy bulkhead lights on the building walls similar to existing. As such, no additional impact on the visual amenity of the area is anticipated.
42. Policy SAND8 of Sandbanks Peninsula Neighbourhood Plan requires that development within these focal points on Sandbanks; should "*Improve their physical appearance and access for those on foot and bicycle, and strengthen their identity and sense of place*". The proposals would provide much needed improvements and enhancements to the facilities at the National Trust Jetty; and the scale, design and contemporary finishing materials would respect the landscape in which it sits. The proposed shelter and its location would provide better protection for those on foot when utilising the site and the proposed bike store will provide enhanced capacity for cyclists in accordance with SAND8.
43. The proposed replacement jetty would project approximately an additional 5m into Poole Harbour in a south westerly direction. The ramp proposed is a vehicle ramp slipway to enable the occasional use to transfer a vehicle to Brownsea Island. The proposed Jetty with fixed walkway and adjacent vehicular ramp would respect the marine character of the site when viewed from Poole Harbour and the proposed buildings would respect the mixed character of the Ferry terminal location in accordance with PP27, PP31 and SAND1, 2, 5 and 6.
44. The site is located within the identified coastal zone and shoreline character area where, in accordance with Policy PP31(c) of the Poole Local Plan (November 2018), development will be required to "*protect the undeveloped nature of the Sandbanks beachline, with only minor, ancillary structures permitted within 25 metres of the landward edge of the beachline.*"
45. The Shoreline Character Areas SPG (Adopted June 2004) describes this location; "*Houses of a low-density layout characterise the stretch of shoreline north-west of the Sandbanks Ferry and the modest scale of the buildings, the gaps between them, the substantial cover of trees, and the generally unobtrusive nature of jetties and sea walls are all important aspects of this part of the coast.*"
46. The preamble to PP31 (para. 9.36) comments; "*that the policy seeks to protect the beach from over-development by only permitting minor ancillary structures such as single storey boathouses, shelters, slipways, groins and beach nourishment works, within 25m of the landward edge of the beach*". In this instance, the proposed buildings would clearly be located within 25 metres of the landward edge of the Sandbanks Beachline; and are introducing an increase in footprint and height, however the buildings are replacing existing structures and are single storey and ancillary to the use of the site; offering storage units and a shelter which is considered to be in accordance with PP31 and would not detract from the landscape features defined in the Shoreline Character SPG.
47. The proposals would be visible along the shoreline, with long distance views from areas of Studland and Brownsea Island, though only in any detail from the water, the proposed works whilst larger in scale than other jetties along this part of the coast the impact on the shoreline would be similar in appearance to the existing jetty, and its adjacent location to the Chain Ferry terminal; this would not appear at odds with its surroundings, and would sit well with the sea wall, proposed ramp and associated works and therefore the proposed design and choice of materials is considered to fit

comfortably with the established character and appearance of this stretch of the shoreline which is a mix of residential and commercial uses.

48. Overall, the proposed development would maintain and enhance the visual quality and mixed character of the area, satisfying policies PP27, PP31 of the Poole Local Plan and Policies SAND5, SAND6 and SAND 8 of the Sandbanks Peninsula Neighbourhood Plan.

#### Impact on Tourism Offer and Economy

49. PP23 (1) Tourism zones and attractions states that; *“The tourism zones and attractions identified on the Policies Map will be the focus for tourism activities in Poole... Proposals within Poole’s tourist attractions will be permitted provided that they support high quality, well-designed new or improved facilities that complement the primary use, and avoid significant harm to environmental and amenity objectives, unless such harm can be mitigated...”*
50. The proposed improvements to the facilities on the Jetty would be supporting the growth and enhancement of the established Brownsea Island tourist attraction within the Tourism Zone at Sandbanks, in accordance with the requirements of PP23 (1).

#### Impact on Poole Harbour SSSI, SPA and Ramsar Site

51. The proposed new jetty, berths and ramp would be located within Poole Harbour which is a designated Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) and as such any formal application will need to address this and provide information to demonstrate that the proposals will not harm any birds, flora or fauna relating to these designations.
52. The works proposed will require a licence from the Marine Management Organisation (MMO) under the Marine and Coastal Access Act 2009. Natural England, The Environment Agency and the BCP Biodiversity Officer do not object to the proposals and biodiversity enhancements (vertipools) are proposed and conditions (Construction and Environmental Management Plan) are attached for the construction of the development to ensure that the proposal does not result in any harm.

#### Impact on Residential Privacy and Amenity

##### Noise

53. PP27 (c) requires that development *“is 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.”* SAND5 b) requires that development should; *“not significantly negatively impact on the reasonable use and enjoyment of neighbouring residential properties in terms of daylight, sunlight or overlooking...”*

The Noise Policy Statement for England (NPSE) March 2010 sets out descriptors of noise in terms of their level of harm.

NOEL – No Observed Effect Level – is the level below which no effect can be detected, and therefore there is no detectable effect on health and quality of life due to noise.

LOEL – Lowest Observed Adverse Effect Level – this is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level – is the level above which significant adverse effects on health and quality of life occur.

In paragraph 2.24 the NPSE states that where noise impacts lie between LOAEL and SOAEL, it requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

54. The proposed extensions and improvements to the Jetty would enable it to be used for a greater variety of uses, and in doing so would increase its frequency of use. It would;
- Continue the National Trust and John Lewis workboats to and from Brownsea Island, operated between 7am and 11pm
  - Continue the pickups and drop offs by the Brownsea Island passenger Ferries which generally operate between 10am – 5pm (daily).
  - The proposals would enable the accommodation of disabled passengers - who are currently picked up from the Sandbanks Yacht Company (as they have a ramp)
  - Enable it to be used to transport cargo. (expected once a day)
  - Enable it to transport skips and building materials which are currently transported from Poole Quay. (Approximately 12 skips and a few pallets of materials over a year).
55. The National Trust currently utilise the facilities at both Royal Motor Yacht Club and Sandbanks Yacht Company to transport cargo via their 'Sea-horse' mini-RoRo vessel to Brownsea Island. Instead, the new improved facilities at the Sandbanks Jetty will enable the National Trust to transfer directly from Sandbanks. The new Jetty would also enable Contractors' vans to be transported for building repairs when required to undertake repairs which would introduce an additional 2 or 3 journeys per day whilst work is being undertaken.
56. A small 4-wheel drive telehandler is proposed to assist in the loading at both Sandbanks and Brownsea Island and this would be stored on the vessel or on Brownsea Island but would not be stored at Sandbanks as there is not sufficient space. The proposed telehandler (a reach forklift) is required to reduce the manual handling within the site for the transport of cargo, and the transport of provisions for the properties and business uses on Brownsea Island. The use of the telehandler is proposed to likely occur between 10am – 5pm, approximately only 4 times per day and for a maximum duration of 20 mins in any hour period.
57. In addition to maintaining the current transhipments; skips and building materials which are currently transported from Poole Quay will be transported from Sandbanks; this is approximately 12 skips and a few pallets of materials from Brownsea Island over the period of a year. Larger construction equipment; for example excavators will continue to be transported from Poole Quay or other boat yards.
58. As such, the proposed jetty extension will be used in a similar manner to the existing, but in a more diverse and frequent manner.
59. Concerns have been raised from residents with regards to noise disturbances from the telehandler (reach forklift), and from the proposed bin compound, cycle store shutter and electric vehicle charging facilities.
60. Neighbours have raised during the consultation of this application existing noise disturbances experienced from the existing undertakings within the site; for example, vehicle movements and metal trolleys; however, no formal noise complaints have been evidenced.
61. It is proposed to move the bin store further northwards within the site than existing, resulting in the need for the bins to be pulled a longer distance of approximately 7m for collection, which occurs once per week in the winter months and three times per week in the summer. However, due to the frequency and that bin collection already exists at this site and is common in this locality; the additional distance of 7m is not considered to give rise to additional noise disturbance that would result in harm the amenity of the neighbouring occupiers.
62. The LPA does not consider that the proposed use of the bin compound, cycle store and electric vehicle charging, which are common features in a residential location, would result in harmful levels of noise.

63. However, the applicants have amended the scheme to address some of the concerns of the neighbour, including introducing timber doors to replace the metal shutters to the bike store and NT store.
64. Additionally, the use of the telehandler is likely to generate additional noise and this as well as other similar noise concerns to include the use of the mini-Ro-Ro vessel on average once a day and the sound of its metal ramp on the jetty have been included within the Noise Impact Assessment (NIA).
65. The submitted Noise Impact Assessment, received on the 07/02/2025 was prepared by the Senior Acoustic Consultant of WSP, who is a Member of the Institute of Acoustics (MIOA). This report measured the existing ambient and background sound levels experienced at the nearest noise sensitive receptor; in the garden located to the rear of the property at 130 Panorama Road. As the Sandbanks Jetty is no longer fit for purpose since the storm in November in 2024 it was not possible to measure the existing sound levels at this point and measurements have been taken from Poole Quay and Brownsea Island to provide a sample of anticipated sound levels for the likely activities and operations.
66. A resident employed Acoustics Consultants Ltd (AC) to conduct a review on the validity of the submitted NIA by WSP, notably the level of background noise applied, and the data used for the telehandler. WSP were commissioned to review the critique along with the Council's own Environmental Health Officer. WSP and the Council's Environmental Health Officer (EHO) consider that their findings regarding the background levels are representative, and demonstrate the worst-case scenario, and the telehandler modelling is also sound, conservative and reasonable, given that it was modelled on a telehandler twice the size of the one proposed to be used and the noise assessment was taken out of season when it was quieter. Therefore, the noise report relied upon in the assessment of the noise impacts of the proposal is considered sound and reasonable to rely upon.
67. As set out in section 5.3.7 of the WSP NIA, noise arising from the proposed development is predicted to be above the measured background sound level at the nearest property during hours when the telehandler is operating. During hours when the telehandler is not operating, all other noise from the proposed development is expected to fall below the background noise level. As such, it is the noise from the telehandler that would cause the greatest relative impact in terms of noise.
68. The table in Section 5.3.3 of the NIA calculates that the increase in noise disturbance from the proposed development when experienced from the interior of the neighbouring property at 130 Panorama Road (when the windows are partially open) is predicted to increase by circa 1 dB (decibel) which is an increase that would be imperceptible to human hearing. The initial impact estimation for the telehandler noise impact resulted in a rating of 51 dB, resulting in an increase of 10dB from the background level, resulting in a 'Significant Observed Adverse Effect'.
69. It is also important to understand the impact of 51dB on the amenity of gardens. The British Standard (BS 8233:2014) is a material consideration in the assessment of noise and sets out recommended noise levels for residential gardens. It states that "For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB..., with an upper guideline value of 55 dB... which would be acceptable in noisier environments. The proposed use of the telehandler would result in a noise level 1dB higher than the 'desirable' set by the BS, and below the ceiling also specified. As such, the noise impacts resulting from the development would not exceed these advised limits.
70. The NIA concluded that taking into account the contextual considerations on the site advised that; *"the proposed development would fall short of the Significant Observed Adverse Effect Level (SOAEL) and will comprise a relatively low impact at the assessment location"*. The NPPS defines the SOAEL as 'the level above which significant adverse effects on health and quality of life occur', and as such the proposal would fall within the 'LOAEL' – The Lowest Observed Adverse Effect Level – where adverse impacts on health and quality of life can be detected.

71. Paragraph 2.24 sets out that where noise impacts lie between the LOAEL and SOAEL, that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life, whilst also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.
72. Harm to health and quality of life is considered to be low, given the low frequency of such noise events – mitigating its impact. The proposed activities, notably the telehandler, causing the largest contribution to the overall noise level from the proposed development are understood to only occur 4 times a day, for 20 minutes, between 10am and 5pm. At all times, when the telehandler is not expected to occur, the rating level is predicted to be in the order of 9dB below residual sound level. As a result, the WSP NIA report, as supported by BCP's EH officer, advises a downward modification of that initial impact estimation.
73. The WSP NIA and BCP Environmental Health Officer recommended conditions to provide some control over noise levels, to ensure that they stay minimal. The WSP NIA recommended an Operational Noise Management plan to minimise noise impacts from the telehandler, providing information, training and measures to reduce noise within the site. The Council's Environmental Health Officer suggested an Operational Noise Management Plan, that considered the wider operations of the jetty and seeking to ensure noise remained within reasonable levels. This includes securing the hours of operation. Plans have been received to show alternative openings to the NT Store and Cycle Store; replacing the metal shutters with timber doors to further reduce noise inconvenience within the site. The amended plans have also swapped the locations of the NT Store and Cycle Store; positioning the NT Store closer to the access and Jetty ramp. Securing such management plans and alterations would minimise adverse effects of noise, in accordance with the second aim of the NPSE, whilst providing social, economic and environmental benefits as set out within this report.
74. Taking the above into account, the proposal is not considered to conflict with development plan policy PP27, the NPPF or the NPSE.
75. For clarity; the trees to the rear garden of 130 Panorama Road are to the southern corner along the rear boundary and the western section of the garden is open and therefore does not have the benefit of a sound barrier in the form of a tree screen to reduce the impact of noise from the proposed telehandler when it is in use within the western section of the application site. Questions were raised regarding this following the meeting and at the time may have caused a degree of confusion.
76. In terms of overshadowing, overlooking and overbearing impacts, the proposed bike store, National Trust store and bin enclosure would be situated along the boundary with no. 130 Panorama Road and would be less than 1m above the garden wall. This southern section of the neighbouring garden is well screened by the mature trees within the neighbouring site and therefore views of the proposed buildings would not be overly prominent from the neighbouring property. Due to their scale, siting and design the proposals would not result in overlooking, overshadowing or be overbearing to the neighbouring occupants at no. 130. The proposed jetty development would also not give rise to a significant increase in vibrations, emissions or light pollution that would be significantly greater than that already occurs due to its location within the Tourism zone and the existing use by National Trust of the site. The proposal would therefore be in accordance with the provisions of PP27 (c).

#### Highway Safety

77. The proposal retains eight car parking spaces and provides a more efficient car parking layout to the site than existing as it improves turning provision; allowing vehicles to turn onsite and exit the site in forward gear. The loading and turning area annotated on the Layout Drawing will be secured by condition to remain unobstructed and operational at all times.
78. The enclosed cycle store proposed would provide cycle parking for 20 bikes and would utilise a two tiered system which would be an improvement on the existing vertical storage mechanism provision that requires the lifting of bikes.

79. The BCP Highways Officer has reviewed the proposal and raises no objections. Electric vehicle charging points are annotated on the plans and these details will be secured by condition. It is considered that subject to conditions the proposal would comply with policies Policy PP34 and PP35 of the Poole Local Plan (2018) and the BCP Parking Standards SPD (2021).

#### Trees and landscaping

80. PP27 (b) requires that development; *“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.”*
81. The site is made up of hardstanding and there is no existing landscaping or trees within the application site. The site is located immediately adjacent to the residential curtilage of No.130 Panorama Road that contains several mature trees, one of which (T1 – Monterey Pine) is the subject of a Tree Preservation Order. Another group of trees closest to the site boundary consists of 1 Fig and 3 Holm Oaks, but these are not protected.
82. The submitted Arboricultural Impact Assessment concludes that the trees to the neighbouring site will be unaffected by the development due to the boundary walls and hard structures forming a barrier to the tree roots. No tree works are proposed as part of this application and due to the proposed scale and design it would not materially impact the trees within the neighbouring site. The BCP Arboricultural Officer has reviewed the scheme and no objection is raised. The proposal is considered to comply with the requirements of policy PP27 (b) of Poole Local Plan (2018).

#### Biodiversity

83. NPPF, Para 185, sub-paragraph (b) states that “To protect and enhance biodiversity and geodiversity, plans should: identify and pursue opportunities for securing measurable net gains for biodiversity.” The Local Plan Policy PP33 – Biodiversity and geodiversity sets out policy requirements for the protection and where possible, a net gain in biodiversity.
84. PP33 (1) requires that; Proposals for development that affects biodiversity... *“c) seek opportunities to enhance biodiversity through the restoration, improvement or creation of habitats and/or ecological networks.”*
85. In this location of Poole Harbour which is within the SSSI, SPA and Ramsar Site; Natural England have commented that the particular location of the application site is not of great sensitivity; due to the lack of protected bird species and the lack of mudflats around the ferry terminal which they use for feeding and foraging. The proposed vertipools mitigation to encourage marine life on the new sheet piled wall of the scheme would be a positive addition to the scheme and are supported in accordance with PP33. A vertipool is a vertical artificial rock pool that creates new wildlife habitats when fitted on marine infrastructure; i.e. sea walls, timber groynes, sheet piling.
86. Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. In England, Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains. BNG came into effect on the 14th of February 2024 for major applications and for smaller applications it came into effect on the 2nd of April 2024.
87. Under the statutory framework for biodiversity net gain (BNG), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). The biodiversity gain objective is a minimum of a 10% gain as measured against the pre-development

biodiversity value of the on-site habitat for the development. This increase can be achieved in strict accordance with the BNG Hierarchy.

88. The BNG Hierarchy emphasises that on-site biodiversity gains should be considered first, followed by registered off-site biodiversity gains and as a last resort biodiversity credits. The BNG Hierarchy means the following actions in the following order of priority:
- avoiding adverse effects of the development on on-site habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than six.
  - where adverse impacts cannot be avoided, mitigation measures shall then be used to reduce the impacts.
  - where adverse impacts cannot be mitigated, habitat enhancement of on-site habitat shall then be implemented.
  - where suitable habitat enhancement cannot be implemented, new habitats shall then be created on-site.
  - so far as no habitats can be created on-site, then off-site habitat creation from a registered source.
  - where off-site habitat creation cannot be secured, purchasing of biodiversity credits will be allowed.
89. When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and/or section 106 planning obligations to secure the minimum 10% biodiversity gain via an ongoing management and monitoring mechanism over a 30-year period.
90. Once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by the local planning authority prior to development commencing. Following the approval of the Biodiversity Gain Plan and following the commencement of development; there will be an important role for local planning authorities to monitor the implementation of the BNG Plan and, where appropriate, take enforcement action if commitments relating to the Plan are not met.
91. A Habitat Condition Assessment and Statutory Biodiversity Metric has been submitted with the application. The Biodiversity Officer has reviewed the submitted information and agrees with the conclusion.
92. As the 10% biodiversity net gain has been demonstrated as being achievable, the proposal is compliant with the relevant legislation and Policies in the Local Plan.
93. As such, with a suitably worded condition in place the proposal will comply with Policy PP33 with regards to protecting species and the Statutory BNG requirements to achieve a minimum of 10% BNG on-site.

#### Flood Risk

94. The application site is partially within the existing flood zones (Flood Zones 2 and 3) and fully within the identified predicted future flood zones up to 2133. The application is for a replacement jetty and replacement store and bike store with the addition of a bin compound and new repositioned visitor shelter.
95. The proposed (replacement) buildings would therefore be at risk of flooding during the period of their lifetime. The buildings proposed are not habitable and are for storage purposes; the visitor shelter is an enclosed non-habitable area to wait in wet and windy weather; in the event of extreme adverse weather this will not be in use.
96. The Environment Agency have requested that the floor level of the visitor shelter is raised by 0.6m and/or the use of flood resistant and resilient construction techniques and finishes are implemented. Due to the prominent location of the visitor shelter raising the building a further 0.6m is not considered a desired outcome in this location and alternatively the use of flood resilient and resistance materials is more appropriate and has been conditioned.

## Sustainability

97. Para. 166 of the NPPF states that; *"In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*
98. PP37 requires; 'where appropriate' that new commercial development incorporates a 10% proportion of future energy use through renewable sources and that commercial buildings under 1,000 sq.m (net) floor space should meet the 'Very Good' BREEAM rating.
99. The proposal is for a replacement Jetty and the replacement ancillary buildings; which will not be heated. The energy use of the site is similar to that of the existing; to power the existing freezers. There will be no piped water to or on the site and the buildings will include only lighting sensors and construction enhancements to control condensation through material selection. Therefore, due to the relatively small scale and nature of the uses of these proposed ancillary structures there would be limited scope to achieve these standards, and it is not considered feasible or 'appropriate' to enforce an onerous condition requiring that they are met. PP37 states 'where appropriate' and Para. 166 supports this pragmatic approach.

## Other Matters

100. In response to the concerns raised by the adjacent Chain-link Ferry with regards to the impact on the sea bed from the development; these would be addressed through the marine licensing process by the Marine Management Organisation (MMO). These activities require a license under the Marine and Coastal Access Act 2009 and therefore it is not appropriate to condition.

## Planning Balance / Conclusion

101. Paragraph 8 of the NPPF defines the three dimensions of sustainable development as performing economic, social and environmental objectives. The proposed development, by enhancing and improving the facilities will contribute to the tourism and cultural facilities within the Borough, in accordance with policy PP23 (1) that will result in economic benefits. The development, by reason of its appropriate design and selection of materials would respect the mixed character of the site and the shoreline character in accordance with policies PP27 and PP31.
102. The proposal will have some additional build development and intensification of use which will result in additional noise to the site; however following the findings of the Noise Impact Assessment conditions are attached to ensure that it will not have a detrimental impact on neighbouring residential properties and the improved access to accommodate wheelchair accessibility and disabled parking bays will contribute to the social objectives of the proposal.
103. In term of environmental benefits, the proposal will result in over 18% of Biodiversity Net gain, which is greater than the compulsory 10%. The proposal will also provide biodiversity enhancements in accordance with PP33.
104. The Council encourages sustainable development. Overall, it is considered that whilst the proposal may result in more prominent structures along the quayside; and additional noise experienced by the neighbouring properties; any harm that may be attributed to this is not considered to significantly and demonstrably outweigh the benefits of the proposal as set out above. Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan taken as a whole. Consequently, the application is recommended for approval.



## **Recommendation**

105. It is recommended that the Committee provides power 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 **Grant planning permission** subject to completion of s106 agreement as suggested in the officer report.
106. A deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated 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:

### ***Heads of Terms;***

- To secure 'significant' Biodiversity Net Gain (vertipools).

107. The conditions as set out below (and any amendments to those conditions as deemed necessary).

## **Conditions**

### 1. Condition 1 – Time Expiry

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. Condition 2 – Plans List

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

Location Plan (1:1250) – P03 received 01/07/2024

Proposed Layout - Drg No. 2301.20.0 01 Rev B received 05/03/2025

Proposed Elevations - Drg No. 2301.20.0 02 Rev B received 05/03/2025

Visitor Shelter Elevations - Drg No. 2301.20 05 Rev C received 10/09/2024

Visitor Shelter Plan and Section – Drg No. 2301.20.04 Rev B received 01/07/2024

Bike Store Plan & Sections - Drg No. 2301.20.06 Rev B received 01/07/2024

Bike Store Elevations - Drg No. 2301.20.3 02 Rev B received 05/03/2025

NT Store Plan & Sections - Drg No. 2301.20.08 Rev B received 01/07/2024

NT Store Elevations - Drg No. 2301.20.2 02 Rev B received 05/03/2025

Wheelie Bin Screening – Drg No. 2301.20.4 01 Rev B received 28/11/2024

Proposed Elevation on Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0321 Rev P07 received 01/07/2024

Proposed Cross Section Through Jetty - Drg No. 4733-WSP-XX-XX-DR-S-0322 Rev P04 received 01/07/2024

Proposed General Arrangement - Drg No. 4733-WSP-XX-XX-DR-S-0301 Rev P10 received 01/05/2025

Proposed Elevation - Ferry Berth - Drg No. 4733-WSP-XX-XX-DR-S-0325 Rev P03 received 10/09/2024

Proposed Ramp Elevation - Drg No. 4733-WSP-XX-XX-DR-S-0333 Rev P05 received 01/07/2024

Arboricultural Impact Assessment - Ref: 70104733-ARB-001 received 01/07/2024

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

### 3. Condition 3 – Sheet piling

Before commencement of development, details of the materials to be used to in fill behind the new sheet piled wall shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the protection of marine water quality.

#### 4. Condition 4 – Demolition and Construction Environmental Management Plan

Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP 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, demolition, and groundwork and construction phases of the development.

b. A Construction Environmental Management Plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions and potential ground and/or water pollution resulting from the site preparation, demolition, and groundwork and construction phases of the development. This must include safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

c. A Construction Logistics Plan that identifies the steps that will be taken to minimise the impacts of deliveries and waste transport vehicles.

The development shall only be carried out in accordance with the approved DCEMP.

Reason: To ensure the development does not create local environmental impacts and prevents pollution of the water environment in line with paragraph 180 of the National Planning Policy Framework.

#### 5. Condition 5 – Materials

All external facing and roofing materials to be used shall be in accordance with the details submitted on the application form and shown on the approved plans.

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

#### 6. Condition 6 – Visitor Shelter

Notwithstanding the approved plans, prior to the commencement of development of the visitor shelter hereby approved, details of the materials to be used for the construction of the visitor shelter including details of the flood resistant and resilience materials and features shall first be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the visitor shelter shall be built in accordance with the approved details.

Reason – To ensure that the development provides sufficient flood resistant and resilient measures in accordance with PP38 of the Poole Local Plan (November 2018).

#### 7. Condition 7 - Parking/Layout

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 'Loading and Turning Area' as annotated on the approved plan shall remain available for the use as a loading and vehicle turning area at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within this area.

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

8. Condition 8 - EV Charging

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

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

9. Condition 10 - Habitat Management and Monitoring Plan (HMMP)

- a. No part of the development hereby permitted shall be commenced, unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority.
- b. The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted.
- c. The HMMP shall in particular include:
  - A. a background section; including:
    - i. a high level summary of all relevant matters identified in the HMMP;
    - ii. details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
    - iii. the metric used for the purposes of the HMMP; and
  - B. a section setting out all planned habitat activities, including:
    - i. overarching aims and objectives;
    - ii. design principles informed by all relevant baseline information;
    - iii. full details of the Habitat Provision;
    - iv. a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
    - v. details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
    - vi. details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
  - C. a monitoring schedule section including:
    - i. a monitoring strategy;
    - ii. details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
    - iii. details of how Adaptive Management will be incorporated into meeting every Condition Target; and
  - D. plans and details reasonably necessary for each section.
- d. No part of the development shall be occupied or otherwise brought into use unless the local planning authority has approved in writing the Completion of Development Report.

- e. The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.
- f. Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:
  - i. a progress summary;
  - ii. details of the person(s) responsible for compiling the information in the monitoring report;
  - iii. details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
  - iv. progress toward every Condition Target including any identified barrier(s) to such progress;
  - v. any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
  - vi. a register of activity; and
  - vii. any identified need to vary the approved HMMP together with relevant explanation.

For the purposes of this condition:

“Adaptive Management” means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained.

“Condition Target” mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

“Completion of Development” means the date on which the local planning authority issue an approval of the Completion of Development Report;

“Completion of Development Report” means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

“Habitat Provision” means all habitat situated on the application site to which this permission relates to be retained, created and enhanced *including: the vertipools*

“Monitoring Report” means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason - To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Policies PP33 and PP27 respectively of the Poole Local Plan November 2018 and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

#### 10. Condition 11 – Hours of Use

The use hereby permitted shall not operate, to include the leaving and docking of vessels and no deliveries taken at or despatched from the site otherwise than between the hours of 7am and 11pm on Mondays to Sundays inclusive.

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

#### 11. Condition 12 – Telehandler Use

The use of the telehandler within the site shall be restricted to between the hours of 7am and 8pm on Mondays to Sundays inclusive.

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

12. Condition 13 – Operational Noise Management Plan

Prior to the commencement of the use of the telehandler at the proposed site, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared by a suitably qualified person and shall detail measures to minimise noise impacts on surrounding properties and ensure compliance with relevant noise standards. The approved plan shall be implemented in full and maintained thereafter.

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

**Informative Notes:**

1. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act to be secured as part of the Condition to secure Biodiversity Net Gain in relation to this development.
2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
  - i. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
3. 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.

In this case, the applicant was provided with pre-application advice, and this has reflected in the proposals. Additionally, the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.

*"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 related consultation responses, representations and documents submitted by the applicant in respect of the application."*

**Notes:**

*This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.*

*Reference to published works is not included."*

Case Officer Report Completed  
Officer: Shelley Edwards  
Date: 09/06/2025

Agreed by: Katie Herrington

Date:

Comment:

## **Appendices**

Appendix 1 – Committee Report for 5<sup>th</sup> December 2024 – Agenda Item 6b ([Public Pack](#))[Agenda Document for Western BCP Planning Committee, 05/12/2024 10:00](#)

Appendix 2 – Planning Committee Addendum for 5<sup>th</sup> December 2024; Agenda Item 6b ([Public Pack](#))[Planning Committee Addendum Agenda Supplement for Western BCP Planning Committee, 05/12/2024 10:00](#)

Appendix 3 – Planning Committee Minutes for 5<sup>th</sup> December 2024; [Minutes Template](#)