



# 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	05/12/2024
<b>Summary of Recommendation</b>	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	Called in unconditionally by Cllr Wright for the reasons below: <ul style="list-style-type: none"> <li>• Industrial nature of proposal in residential and tourist area</li> <li>• Increase in noise</li> </ul>
Case Officer	Mrs Shelley Edwards
Is the proposal EIA Development?	No

## Description of Proposal

1. Removal and replacement of existing timber jetty with ramp and new berthing provisions, including land reclamation and enhanced shoreside facilities and improved security.
2. 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 Storage unit will be replaced and repositioned along the rear boundary in addition to a new bin store. 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**

3. 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 businesses.

### **Relevant Planning History:**

4. **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.
5. **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.
6. **January 2005** – Planning permission to alter and repair hammerhead to departure quay was **Granted**. Ref: APP/04/18023/009/F.
7. **February 1998** – Planning permission to replace the existing jetty with new jetty constructed from second hand timber was **Granted**. Ref: 98/09248.

### **Constraints**

8. 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 Right of Way

### **Public Sector Equalities Duty**

9. 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**

10. 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.
11. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
12. 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**

13. BCP Highways Authority – No objection subject to conditions regarding electric vehicle charging and ensuring no obstructions are located within the annotated 'Loading and Turning Area'.
14. BCP Environment Officer – No objection subject to condition regarding a Demolition and Construction Environmental Management Plan.
15. BCP Arboricultural Officer – No objection. TPO tree group to the north east are outside of the development site and protected by the site boundary.
16. BCP Urban Design – No objection. However, concerns are raised with regards to the scale, design and siting of the proposed buildings.
17. BCP Biodiversity Officer – No objection subject to S106 to secure Biodiversity Net Gain.
18. BCP Flooding Officer – No comment
19. BCP Emergency Planning Officer – No response received
20. BCP Waste Collection Authority – No response received
21. Natural England – 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.

22. Environment Agency – No objection subject to conditions and informative regarding confirmation of the materials to be used to infill behind the sheet piling and a Construction Environment Management Plan.
23. Poole Harbour Commissioners – No objection. They are already aware of the proposal and have no comment to make. *“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”.*
24. Poole Harbour Association – No response received
25. The Crown Estate Commissioners – No response received
26. Dorset Wildlife Trust – No response received
27. Amphibian and Reptile Conservation – No response received
28. Sandbanks Neighbourhood Forum – No objection. *“We believe the public benefits of its provision are welcome and much appreciated”.*

## **Representations**

29. A site notice was posted outside the site on 17 July 2024 with an expiry date for consultation of 10 August 2024.
30. Four representations have been received, one supporting the proposal and three raising objections.
31. 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.
32. The objections comprise the following:
  - Noise disturbances from the proposed crane, intensified use, 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 piling installation on the Chain Link Ferrys slipway requested
33. 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”.*
34. 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**

35. 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*

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

### **Policy context**

#### **Local documents:**

37. 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).

#### **38. 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

#### **39. Supplementary Planning Documents**

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

#### **40. Sandbanks Peninsula Neighbourhood Plan**

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

- SAND8 Gateways

41. The Council is currently undergoing a Local Plan review which aims to deliver a new Local Plan for the BCP wide area to replace the three existing legacy plans. The draft local plan has been submitted to the Planning Inspectorate for examination. The emerging local plan has limited weight for the purpose of decision-making and will carry more weight as the new Local Plan progresses.

42. **National Planning Policy Framework (“NPPF” / “Framework”) (December 2023)**

43. 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 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 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

## **Planning Assessment**

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

44. 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.”*

45. As the proposed works include the replacement of an existing jetty, there is no in-principle objection to the proposed development provided other material considerations do not indicate otherwise. The replacement jetty would extend the existing jetty. The application also includes 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 quay side on the southern corner (front) of the site.

46. 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.”*
47. 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”*.
48. 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...”*
49. 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 SAND5, SAND6 and PP27.
50. 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.
51. 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 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.
52. 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.
53. 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.

54. 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.
55. 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 SAND6.
56. 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.”*
57. 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.”*
58. 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.
59. 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.
60. 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



61. 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...”*
62. 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

63. 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.
64. 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

65. 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.”*
66. Proposed Usage of the extended Jetty for Passengers – The proposed extensions and improvements to the Jetty would enable the National Trust and John Lewis to continue the passenger workboats to and from Brownsea Island and the pickups and drop offs by the Brownsea Island Ferries to continue daily and generally operating between 10am and 5pm. The proposals would enable the disabled passengers who currently get picked up from the Sandbanks Yacht Company (as they have a ramp) to be picked up from the new proposed accessible Jetty. These activities are not significantly dissimilar to the existing use of the jetty and therefore would not have additional neighbour impact in terms of noise disturbance.
67. Proposed Usage of the extended Jetty for Cargo – 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. On average this would be once a day and generally before the passenger ferry commences at 10am. 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. 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. 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.

68. The proposed jetty extension will be used in a similar manner to the existing, however it is acknowledged that the use is intensified with regards to the addition of extra journeys from Sandbanks for the transhipments and contractor vans transportation when work is being undertaken. Additionally, the telehandler and other vehicles accessing the site are likely to generate a degree of noise; however, due to the volume of additional trips proposed and the existing character of the site and the wider ferry terminal it would not result in significant noise disturbance to warrant refusal of the scheme. Furthermore, the operating times of the Jetty would match those of the adjacent chain ferry, i.e., 7am to 7pm as night time movements are not required, and it is considered reasonable to secure this by condition to preserve the amenity of neighbouring occupants.
69. Government Guidance (Noise Nuisances: how councils deal with complaints) defines 'night time' as being between 11pm and 7 am. It is considered that subject to a condition securing the operating hours outside of the 'night time', the proposed usage would not have significant additional noise impact.
70. Concerns have been raised with regards to noise disturbances from the proposed bin compound, cycle store shutter and electric vehicle charging facilities. The occupants of the neighbouring residential property have also highlighted the 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. The LPA does not anticipate any significant additional noise disturbance from the use of the proposed bin compound, cycle store and electric vehicle charging which are common features in a residential location. The use of the telehandler may introduce a degree of noise impact which is addressed by restricting the hours of operation to minimise the impact on neighbouring residential amenity.
71. 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 and would therefore be in accordance with the provisions of PP27 (c).

#### Highway Safety

72. 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.
73. 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.
74. 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

75. 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.”*
76. 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.
77. 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

78. 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.
79. 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.”*
80. 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.
81. 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.
82. 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.

83. 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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

89. 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.

90. 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.
91. 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

92. Para. 162 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.”*
93. 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.
94. 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. 162 supports this pragmatic approach.

#### Other Matters

95. 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**

96. 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.
97. The proposal will have some additional build development that will not have any 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.

98. 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.
99. The Council encourages sustainable development. Overall, it is considered that whilst the proposal may result in more prominent structures along the quayside; 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**

100. It is recommended that the Committee grants delegated 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 and conditions as suggested in the officer report.
101. 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:

***The wording will be confirmed in the Addendum Sheet prior to Committee***

102. 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. 2301.20.01 Rev G received 10/09/2024

Proposed Elevations - Drg No. 2301.20.02 Rev B received 10/09/2024

Visitor Shelter Elevations - Drg No. 2301.20.05 Rev C received 10/09/2024

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

Bike Store Elevations - Drg No. 2301.20.07 Rev B received 01/07/2024  
 NT Store Plan & Sections - Drg No. 2301.20.08 Rev B received 01/07/2024  
 NT Store Elevations - Drg No. 2301.20.09 Rev B received 01/07/2024  
 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 P09 received 10/09/2024  
 Proposed Elevation (Sheet Pile), Shelter Plan and Sections - 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  
 Proposed Elevations - Drg No. 2301.20.02 Rev B received 10/09/2024  
 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 9 – Biodiversity Net Gain condition

***The wording will be confirmed in the Addendum Sheet prior to Committee***



## 10. Condition 10 – 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 7pm 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).

### 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:14/11/2024

Agreed by:  
Date:  
Comment: