



Planning Committee

Application Address	The Quay Thistle Hotel, The Quay, Poole, BH15 1HD
Proposal	Demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units at ground floor with 179 residential units above and a hotel with ancillary bar/restaurant, plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.
Application Number	APP/23/00011/F
Applicant	MHA Burleigh Poole (Propco) Ltd
Agent	Mr James Huish
Ward and Ward Member(s)	Poole Town Cllr Sue Aitkenhead Cllr Andy Hadley Cllr Mark Howell
Report Status	Public
Meeting Date	4 December 2025
Summary of Recommendation	It is RECOMMENDED that: The Planning Committee overturn the previous resolution to approve this application subject to the completion of a Section 106 Agreement due to the failure of the applicant to enter into such a Section 106 Agreement and to refuse planning permission.
Reason for Referral to Planning Committee	To seek agreement to reconsider the resolution of Planning Committee to approve this application subject to the completion of a Section 106 Agreement and to refuse the application due to the failure of the applicant to enter into a Section 106 Agreement in accordance with the resolution of the Planning Committee.
Case Officer	Amy Dales
Is the proposal EIA Development?	No
For the purposes of the Conservation of Habitats and Species Regulations 2017 has the application been subject to an appropriate assessment	Yes A copy of the appropriate assessment can be viewed on the Council's website with other information relevant to this application.

Background

1. At the Planning Committee of 17th August 2023, members considered a planning application at The Quay Thistle Hotel, The Quay, Poole for the demolition of the existing hotel building and redevelopment to provide a mixed use scheme of five buildings providing flexible commercial units at ground floor with 179 residential units above and a hotel with ancillary bar/restaurant, plus basement level car parking, cycle parking, hard and soft landscaping, revised access and associated works.
2. Planning Committee resolved that planning permission be granted, subject to the completion of a Section 106 Agreement in accordance with the recommendation and conditions set out in the officer's report.
3. In accordance with the resolution of the Planning Committee, a deed pursuant to Section of the Town and Country Planning Act 1990 (as amended) was required to be entered into and completed to secure the following obligations:

Affordable Housing

- Early and late-stage review mechanisms.

Hotel Delivery

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

Transport

- Early and late-stage review mechanisms
- £180,000 contribution towards public transport service enhancements.
- Enhancement of the existing bus stop shelter on The Quay to have Real Time information.
- Implementation of a car club scheme consisting of two spaces.
- £10,000 contribution towards the Traffic Regulation Order relating to the off-site works.
- £10,000 parking review contribution.
- £10,470 contribution for the provision of Sustainable Travel Vouchers to occupiers of the development.
- Securing routes through the Site which are to be maintained for public use at all times.
- Requirement for 9 spaces in the basement parking to be available for up to 9 of the residential units with a blue badge holding occupier.
- A full Travel Plan to be provided, complied with and monitored.

Biodiversity

- £59,249 contribution towards Heathland Mitigation (SAMM)
- £21,122 contribution towards Poole Harbour Recreation mitigation
- Mitigation of potential phosphates impact through a planning obligation to be negotiated by officers.

Open Space

- £103,500 contribution towards offsite open space improvements Infrastructure and Services
- £247,287 contribution towards local education improvements.
- £14,320 contribution towards increased healthcare capacity.

Heritage Assets

- Re-location of the locally listed anchor.
4. Instructions were subsequently issued to the Council's Legal team and work was commenced on preparing the Section 106 Agreement. The Section 106 Agreement was subsequently issued in April 2025 for signing by the landowners.
 5. The return of the hard copy engrossments of the Section 106 Agreement signed by the landowners have been awaited since but have not been forthcoming within the multiple deadlines that have been set. The planning agent has not been able to provide any indication of the timescale for those matters to be concluded and for the signed engrossments of the Section 106 Agreement to be returned to the Council to enable it to be completed and a planning decision notice to be issued.
 6. Consequently, despite the already considerable delays in the signing of the Section 106 Agreement by the landowners that have already occurred to date, there remains continuing uncertainty regarding the timescale of when they will be signed and returned to the Council for the completion of the Section 106 Agreement. As a result, at this current time, a decision cannot be issued in accordance with the resolution of the Planning Committee at its' meeting on 17 August 2023.

Conclusion and Recommendation

7. The Poole Local Plan area cannot currently demonstrate an adequate 5-year housing land supply and the development proposed by this planning application would provide high density residential development in a highly sustainable location that would contribute towards meeting housing need. Furthermore, it would also deliver an element of retail/commercial floor space and tourism use

from the hotel that would provide some economic benefits and, if occupied, would contribute to the vitality and viability of the town centre.

8. However, set against this is the fact that the planning application has been in the planning system since 1st February 2023 and the Section 106 Agreement has not been signed by the landowners since this time. Given the length of time that this planning application has been in the planning system and that the return of the signed engrossments of the Section 106 Agreement has been awaited, it is considered that there is a need to conclude this planning application and to provide certainty rather than it being held in abeyance for a further indefinite period.
9. In the event that the Section 106 Agreement is not entered into by the landowners, it is necessary to consider the consequences of the planning obligations, that are the subject of it, not being secured. Consideration of these consequences is set out in the paragraphs below.

Biodiversity

10. As stated above, the S106 Agreement seeks to secure a Heathland SAMM's Contribution of £59,249 including admin fee towards strategic access, management and monitoring (SAMMs) to avoid or mitigate any adverse effect of the development on the designated Dorset Heathlands/Dorset Heaths. Evidence shows that the Dorset Heaths are under significant pressure from urban development. Natural England advise that residential development should not be permitted within 400 metres of a designated heathland due to the potential adverse impact on heathland principally arising from human pressures and damage caused by domestic pets. In addition, it is also advised that as the majority of visitors to the heathland live within 5km of the site, all new residential development between 400 metres and 5km of a designated heathland, which includes all of the Poole Local Plan area, would have such a significant effect that mitigation is required.
11. In this instance, the application site is located within 5km (but not within 400m) of the designated Dorset Heathlands/Dorset Heaths and therefore the proposed net increase in residential dwellings would not be acceptable without appropriate mitigation of the adverse impact upon the Heathland arising from them. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution. However, in the absence of the Section 106 Agreement being entered into by the landowners, the requisite contribution has not been secured and the adverse impacts arising from the proposed development upon the designated heathland will not be mitigated contrary to the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018). Therefore, the proposed development would not satisfy the appropriate assessment required by the Conservation of Habitats and Species Regulations 2017 and cannot be approved.

12. Similarly, evidence demonstrates that there are also recreational pressures on Poole Harbour (SPA and Ramsar site) which can have a harmful effect on the interests features for which it has been designated. Therefore, all new residential development in Poole also has to provide mitigation to ensure the impact of additional visitors to Poole Harbour can be managed without causing harm to protected wildlife. In accordance with the Poole Harbour Recreation 2019-2024 SPD and Policies PP32 and PP39 of the Poole Local Plan (November 2018), development proposals for any net increase in homes are therefore required to provide a SAMM contribution for wardening, education and monitoring to mitigate the adverse effects of recreation related pressures within Poole Harbour.
13. The development proposed by this application would result in a net increase in residential dwellings and therefore such a contribution is required to mitigate the associated increased recreational impact upon the internationally important Poole Harbour SPA and Ramsar site. The Section 106 Agreement therefore seeks to secure a Harbour SAMM's contribution of £21,122 including admin fee to mitigate any adverse effect of the development on Poole Harbour. Again, in the absence of the Section 106 Agreement being entered into by the landowners, the requisite contribution has not been secured and the adverse recreational impacts arising from the proposed development upon Poole Harbour will not be mitigated contrary to the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018). Therefore, the proposed development would not satisfy the appropriate assessment required by the Conservation of Habitats and Species Regulations 2017 and cannot be approved.

Transport

14. The development site is adjacent to an existing public bus station on The Quay and the proposal would result in additional usage of the bus station. The s106 therefore seeks contributions of £180,000 in order to mitigate this additional impact on the service, which would go towards the enhancement of local bus services – allowing for operating more frequent buses or for extended hours of services. In addition, the bus station doesn't currently provide Real Time Information updates and it was considered that the installation of this feature should also be secured in the s106.
15. To further encourage sustainable public transport and discourage private car use, a contribution of £10,470 to put towards the provision of Sustainable Travel Vouchers for future occupiers, which can be used on bus, rail or bike hire schemes is included in the s106 Agreement.
16. The road fronting the Site currently has loading and unloading restrictions which would prevent service vehicle parking. However, the proposed commercial units also have no rear commercial servicing access and so the s106 sought to secure a £10,000 contribution towards the Traffic Regulation Order required to

carry out the off-site works to alter the existing parking restrictions to the front of the site to facilitate a loading/unloading bay. These works would be offsite and could not be secured by planning condition.

17. Due to the site's town centre location, no residential parking provision was required for the development. However a number of objections were received in relation to the lack of parking resulting in increased offsite parking stress and so to prevent future occupiers of the development from increasing parking pressure in the local area, the S106 sought a financial contribution of £10,000 to allow for the highways team to review the development's impact on parking and assess whether mitigation measures needs to be implemented, such as the removal of residents' parking permits.
18. In the absence of the Section 106 Agreement being entered into, all of the above contributions towards the necessary improvements are not secured and it is not considered that the public transport network has sufficient capacity to accommodate the proposed development, nor that there is appropriate access for service vehicles serving the commercial units and hotel, nor that potential offsite parking pressure is appropriately addressed, all of which would be contrary to the provisions of Policies PP34 and 35 of the Poole Local Plan (2018).

Open Space

19. The development would increase the amount of greenspace onsite, but given its scale it was considered that the uplift in residents would increase pressure on surrounding sites managed by the council and so a contribution of £103,500 was required to be secured in the S106 to be put towards increasing biodiversity of open spaces, providing additional key site infrastructure (benches, bins etc) and improving offsite play, youth and sports facilities in the local area. Again in the absence of the S106 being entered into, the contributions are not secured and the development would have an adverse impact on local open space and recreation provision, contrary to Policies PP24, PP25 and PP26 of the Poole Local Plan (2018).

Infrastructure and Services

20. The net increase in dwellings will result in an increased population in the local area who will need to utilise local education and healthcare facilities. A contribution of £247,287 for education and £14,320 for Health care was to be secured by S106 to allow appropriate provision of further infrastructure and services to be put in place. In the absence of the S106 being secured, the required additional provision of education and healthcare facilities cannot be supplied and the development would therefore have an adverse impact on existing facilities and services, contrary to Policy 39 of the Poole Local Plan (2018).

Heritage

21. There is a locally listed anchor located within the Site, near the frontage on The Quay. The location of the anchor restricts development on the site and it was considered that the nature of the asset as an historic anchor allowed a sympathetic relocation to a nearby location on the quay-fronting part of the Site, with an improved construction quality to better reveal its historic significance, which would be secured by the S106 Agreement. Again, without this agreement, this anchor cannot be appropriately moved so as not to cause heritage harm contrary to Policy PP30 of the Poole Local Plan.
22. Having regard to the background set out above and the current situation and uncertainty regarding the progression of the signing of the engrossments of the Section 106 Agreement by the landowners, it is therefore recommended that the Planning Committee agree to now refuse this planning application due to the failure of the applicant to enter into the Section 106 Agreement to secure the required planning obligations set out at paragraph 3) above.
23. In this regard, it is recommended that this planning application be refused in accordance with the justification set out at paragraphs 10-23 inclusive and for the following reasons:
 - 1) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policies PP32 and PP39 of the Poole Local Plan (2018).
 - 2) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI)

and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policies PP32 and PP39 of the Poole Local Plan (2018).

- 3) The proposal fails to make a contribution towards improvements to sustainable transport, access and parking requirements considered necessary to meet the increased demands created by the development, contrary to the provisions of Policies PP34 and PP35 of the Poole Local Plan (2018).
- 4) The proposal fails to make a contribution towards improvements to offsite open space improvements considered necessary to meet the increased need for this provision created by the development, contrary to Policies PP24, PP25 and PP26 of the Poole Local Plan (2018).
- 5) The proposal fails to make a contribution towards education and healthcare infrastructure and services in the local area. As such, it would put additional demand on existing local resources and facilities arising from the associated increase in population that would be contrary to the provisions of Policy PP39 of the Poole Local Plan (2018).
- 6) The locally listed anchor which lies on the area to be developed cannot be appropriately re-located so as not to cause harm to heritage assets, contrary to Policy PP30 of the Poole Local Plan (2018).

Background Papers

Appendices

Appendix 1 – Committee Reports for 17 August 2023 – Agenda Item 6a

Appendix 2 – Planning Committee Addendum for 17 August 2023

Appendix 3 – Planning Committee Minutes of Meeting for 17 August 2023

Appendix 4 – Appropriate Assessment