

Notice of Planning Committee

Date: Thursday, 11 July 2019 at 1.00 pm

Venue: HMS Phoebe, Town Hall, Bournemouth BH2 6DY



Membership:

Chairman:

Cllr S Bull

Vice Chairman:

Cllr S McCormack

Cllr S Bartlett

Cllr S Baron

Cllr M Davies

Cllr L Fear

Cllr P R A Hall

Cllr P Hilliard

Cllr T Johnson

Cllr D Kelsey

Cllr M Le Poidevin

Cllr D Mellor

Cllr T O'Neill

Cllr A M Stribley

Cllr T Trent

All Members of the Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Chris Harrod - 01202 633036 or email chris.harrod@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpcouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

3 July 2019



Available online and
on the Mod.gov app



AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests. Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meetings held on 13 June 2019 (copy attached) and 27 June 2019 (copy to follow).

5 - 8

5. Public Issues

To receive any requests to speak on planning applications which the Planning Committee is considering at this meeting.

The deadline for the submission of requests to speak is 12 noon on Wednesday 10 July 2019. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

Further information is contained in the Protocol for Public Speaking at Planning Committee which is available on the Council's website at the following address:

<https://democracy.bcpccouncil.gov.uk/documents/s2380/Protocol%20for%20Public%20Speaking%20at%20Planning%20Committee.pdf>

6. Schedule of Planning Applications

To consider the planning applications as listed below, and any updates from relevant planning officers to be circulated 24 hours prior to the meeting.

See planning application reports circulated at 6a-6d.

The running order in which planning applications will be considered will be finalised and published online by Democratic Services as soon as possible after 12 noon on the day before the meeting.

Members will appreciate that the copy drawing attached to planning application reports are reduced from the applicants' original and detail, in some cases, may be difficult to read. The submitted drawings can be viewed on the application file at the relevant local planning office or by using the relevant planning register for this meeting, online at:

<https://planning.christchurchandeastdorset.gov.uk/search.aspx?auth=1&AspxAutoDetectCookieSupport=1>

Development Plans for the BCP Council area are available to view online at:

<https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/Local-Plan-Documents/Local-Plan-Documents.aspx>

<https://www.poole.gov.uk/planning-and-building-control/planning-policy-and-guidance/>

<https://www.christchurch.gov.uk/planning-buildings-land/planning-policy/christchurch/christchurch-borough-council-local-plan.aspx>

- | | | |
|----|--|---------|
| a) | <p>The Oaks Garden Centre and Nursery, Queen Anne Drive, Wimborne
(Merley and Bearwood Ward – Pre-April 2019)</p> <p>APP/18/00520/F</p> <p>Temporary car washing & drying facility (for 3 years)</p> <p>Recommendation: Grant in accordance with the recommendation detailed within the report</p> | 9 - 22 |
| b) | <p>20 Upton Way, Poole
(Broadstone Ward)</p> <p>APP/19/00572/P</p> <p>Erect a block of 6no self-contained flats with associated car parking and vehicular access</p> <p>Recommendation: Grant in accordance with the recommendations within the report.</p> | 23 - 38 |
| c) | <p>58 Charminster Avenue, Bournemouth
(Moordown Ward – Pre-May 2019)</p> <p>7-2018-11441-E</p> <p>Alterations, extensions and conversion of premises to 5 flats with bin and</p> | 39 - 62 |

cycle stores, formation of vehicular access and parking spaces.

Recommendation: GRANT in accordance with the recommendation details within the report.

d) **Quay House and Quay Corner, Quay Road, Christchurch**

(Town Centre Ward)

8/19/0684/CONDR

Variation of Condition of application 8/16/0007 to alter wording of Condition 2 (originally Cond 6 of consent Ref; 8/15/0203), in order that both properties may be jointly let to one group.

Recommendation: Grant in accordance with the recommendation details within the report.

63 - 74

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
PLANNING COMMITTEE

Minutes of the Meeting held on 13 June 2019 at 1.00 pm

Present:-

Cllr S Bull – Chairman

Cllr S McCormack – Vice-Chairman

Present: Cllr S Baron, Cllr S Bartlett, Cllr M Davies, Cllr P R A Hall,
Cllr P Hilliard, Cllr T Johnson, Cllr D Kelsey, Cllr M Le Poidevin,
Cllr D Mellor, Cllr A M Stribley, Cllr M F Brooke and Cllr B Dion

Also in attendance: Cllr M Cox

10. Apologies

Apologies for absence were received from Cllrs L Fear, T O'Neill and T Trent.

11. Substitute Members

Cllr M F Brooke substituted for Cllr T Trent.
Cllr B Dion substituted for Cllr T O'Neill.

12. Declarations of Interest

Cllr P R A Hall made a declaration of pecuniary interest in relation to item 5b, planning application: 8/19/0209/CONDR – 24 St. Margaret's Avenue. Cllr P R A Hall declared that he was the applicant and therefore would exclude himself from taking part in the item. He requested to speak in support of the application in his capacity as applicant.

13. Public Issues

There were several requests to speak from members of the public and from a Ward Councillor. These were heard as and when the relevant item was being discussed.

14. Schedule of Planning Applications

The Committee received planning application reports, copies of which had been circulated and copies of which appear as Appendices A and B to these Minutes in the Minute Book.

The Committee considered the planning applications as set out in Minutes 15 and 16 below.

15. 20 Grove Road, Christchurch

(Christchurch Town Ward)

Application No. 8/18/3551/FUL

Development considered: Sever land and erect 1 no. 2 bedroom dwelling to the rear of the garden with associated access and parking.

Representations at meeting:

In Objection: Carol Cronshaw – local resident.
Cllr M Cox – Ward Councillor.

In Support: Martin White – Court End Developments.

RESOLVED that Application No. 3/18/3551/FUL be REFUSED contrary to the officer recommendation as it was considered contrary to the following policies for the reasons stated:

HE2 of the Christchurch and East Dorset Local Plan Core Strategy (2014).

H12 of the Christchurch Borough Local Plan (2001).

KS12 of the Christchurch and East Dorset Local Plan Core Strategy (2014).

Bournemouth, Poole & Dorset Residential Car Parking Study (2011).

Reasons:

- **Overlooking the property at 20 Grove Road East.**
- **Overbearing to the occupiers of 41 Portfield Close.**
- **Incongruous with the local street scene.**
- **Harmful to the surrounding visual character.**
- **Loss of parking provision.**

Voting: For: 10; Against: 4

Cllr A Stribley requested that her vote against the motion be recorded in the Minutes.

16. 24 St Margaret's Avenue, Christchurch

(Christchurch Town Ward)

Application No. 8/19/0209/CONDR

Development considered: Amendment to Application No. 8/18/0254/HOU to enlarge the approved dormer window to the west elevation and an additional dormer window to the east elevation. Removal of condition 4 of

planning consent 8/18/0951/HOU regarding
obscure glazing in the first floor south and east
elevations.

Representations at meeting:

In Support: Peter Hall – Applicant
David Jones – Local Resident

In Objection: None

**RESOLVED that application no. 8/19/0209/CONDR be GRANTED
contrary to the officer recommendation for the following reason:**

- The proposal was reasonable.
- The removal of the condition would not result in any additional over looking.

Voting: For: 7; Against: 6

(Cllr P R A Hall, having declared a pecuniary interest in relation to this item, removed himself from the discussion and voting. Following his public statement, in favour of the application, he left the room.)

The meeting ended at 2.32 pm

CHAIRMAN

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Application Address	The Oaks Garden Centre and Nursery, Queen Anne Drive, Wimborne, BH21 3BA
Proposal	Temporary car washing & drying facility (for 3 years)
Application Number	APP/18/00520/F
Applicant	Mrs Hoof
Agent	Dorset Property Surveys
Date Application Valid	25 April, 2018
Extension of Time date (if applicable)	
Recommendation	Grant in accordance with the recommendation detailed within the report
Reasons for Referral to Planning Committee	This application is called-in by (former) Cllr Pope as 'this is a developed site in the Green Belt. The proposal is contrary to the emerging Local Plan for this site. A Change of use is involved. It is inappropriate development in the Green Belt. The development will have an adverse effect on A341 traffic and gravel hill junction.

1 Description of Development

2 Planning consent is sought for Temporary car washing & drying facility (for 3 years)

3 The applicant has provided the following information.

	Existing	Proposed
Site Area: (ha)	1.73	1.73
Use	Garden centre	Car washing and drying facility

4 Key Issues

5 The main considerations involved with this application are:

- Impact upon the openness of the Green Belt
- Impact upon the character and appearance of the area
- Highways
- Impact upon amenities of neighbouring properties

6 These points will be discussed as well as other material considerations in paragraphs below.

7 Planning Policies

Poole Local Plan (Adopted 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and broad location of development
PP22	Retail and main town centre uses
PP27	Design

Supplementary Planning Document

SPD1 Parking & Highway Layout in Development

National Planning Policy Framework (February 2019)

8 Relevant Planning Applications and Appeals

2018: Temporary change of use of part of the site for the purposes of car sales. **Currently being assessed** (APP/18/00928/F).

2017: Replacement commercial building for A1: Retail use (retrospective). **Currently being assessed** (APP/17/00006/F).

2016: Certificate of Lawfulness for the positioning of temporary log cabins that are being displayed for sale, together with the use of those cabins for retail purposes. **Approved** (APP/16/00132/K).

2015: Use of yard for the storage of scaffolding equipment. **Approved** (APP/15/01367/F)

2015: Application to demolish fire damaged building and erect replacement single storey building. **Approved** (APP/15/00071/F)

2014: Certificate of Lawfulness of Existing Use of a mobile home (caravan) in the position shown on the attached plan for residential purposes. **Approved** (APP/14/01126/J) since it had been used for more than 10 years prior to submission of the application.

2014: Re-use of building at The Glade for commercial B1: Business use with some ancillary sales of products **Approved** (APP/14/00359/C)

2013: Use of yard for storage of scaffolding equipment for a period of 5 years (Retrospective). **Approved** (APP/13/01258/F).

1993: Use part of site for the sale of sheds and glasshouses. **Approved** (93/26837/002/C).

1992: Certificate of Lawfulness of an Existing Use of the land as a nursery and garden centre. **Approved** (92/26837/001).

9 Representations

10 In addition to letters to neighbouring properties a site notice was posted outside

the site.

11 Representations and a petition has been received, one offering support, the rest raising objection. The issues raised comprise the following:

- Contrary to green belt policy and loss of countryside
- Noise and disturbance
- Congestion at the entrance
- Lack of biodiversity information
- Lack of detail associated with waste disposal and surface water runoff
- Site becoming an industrial estate - servicing and repairs to vehicles being undertaken on the site
- Setting a precedent for further industrial activity

12 Consultations

13 BCP Highway Authority – offers support

14 Constraints

15 The application site is designated as Green Belt. Given the lawful use of the site as retail sales, and the amount of permanent structures on site, the site is considered to be ‘previously developed land’, being land where exceptions to Green Belt policy apply, providing such development would not have a greater impact upon the openness of the Green Belt than the existing development.

16 Adjoining land is covered by a Tree Preservation Order.

17 Site and Surroundings

18 The application site is located on the southern side of Queen Anne Drive and forms part of the larger Oaks Garden Centre and Nursery. The proposal is positioned in the south of this larger site and is substantial distance from Queen Anne Drive. The wider site is accessed by an entrance to the west and has buildings to the north and west. A scaffolding business is located to the east.

19 The southern boundary is covered by mature trees which are protected by a tree preservation order. Detached residential properties on large plots lie to the south of the site.

20 Planning assessment

21 The application seeks to temporarily use part of the Oaks Garden Centre for a car washing and drying facility.

22 The use of a site for a car wash is defined as ‘sui generis’ within the Town and Country Planning Use Classes Order, being a use of its own.

23 The proposal would utilise an area within the customer car park. A concrete slab would be laid and would accommodate the washing area and drying area. These would be covered by canopies.

Established Uses at Oaks Garden Centre and Nursery

24 The application site has a long planning history in which the use of the site as nurseries and garden centre was established in 1992 through a Lawful Development Certificate (LDC). The decision notice specified that 'retail sales of general horticultural and ancillary items' be restricted to those areas shown edged in pink. These areas and buildings were located in the north west of the application site. The whole site was outlined in green on the plan attached to the LDC and the current application is positioned within this boundary.

25 Legal advice that was subsequently received accepted that the purpose of a LDC is to establish the uses that are immune from enforcement and are therefore lawful. It cannot be used to impose restrictions or conditions. As such, retail sales outside the pink areas were not automatically breaches of planning, as long as the use was not intensified to such an extent since the issue of the LDC as to amount to a 'material' change of use.

26 The legal advice at the time also stated that 'garden centre' is defined as premises used for the sale of retail goods. There were no controls over the specific goods sold on the site and it was accepted in 2000 that change of use of a building or other land so used for the retail sales of other goods or to a variety of related uses shall not be taken to involve development of the land and therefore does not require planning permission.

27 In 2013, a retrospective permission was granted to use part of the site for storage of scaffolding equipment on a temporary basis. It was argued that the use of that part of the site for a scaffolding yard would not have a greater impact on the openness of the Green Belt than the existing retail use. It was also justified that the scaffolding yard would be substantially hidden from public view and would not prejudice the openness of the Green Belt. This was then further supported through a non-temporary permission in 2015. This commercial business is now a material consideration for the current application.

Previously Developed Land

28 Previously developed land is defined in the National Planning Policy Framework (NPPF) as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

29 The current application is located within the area of land outlined in green on the original Lawful Development Certificate. The current application is therefore within the curtilage of the original LDC. The proposal would utilise an area of the existing customer parking and is within the curtilage of previously developed land on the site.

Impact upon the openness of the Green Belt

30 The application site is located within the Green Belt which also surrounds the site to the east, south and west. The frontage along Queen Anne Drive, which is the most visible part of the site, fronts the residential area of Merley to the north.

31 The NPPF at paragraph 133 states that ‘the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.’

32 Paragraph 143 of the NPPF states that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’ Construction of new buildings should be regarded as inappropriate in the Green Belt. However there are exceptions. The most relevant exception to the application site is in paragraph 145. g) which states that:

‘g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluded temporary buildings) which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

33 The proposed development would result in two canopy structures to the south of the garden centre. Whilst temporary permission is sought, these structures would have a degree of permanence. As such, when Green Belt is considered in isolation from the history of the site, the proposal would materially impact upon the openness of the Green Belt.

34 However, the acceptance of the scaffold business and the lawful use of the wider site are a material consideration for the current proposal. The proposed car washing and drying facility would have similar characteristics to the scaffolding business, such as its location near to the rear southern boundary and its relatively small scale. When compared to other structures which have been erected over time on this previously developed land, it is difficult to argue that the proposal would lead to additional harm to the openness of the Green Belt.

Character and Appearance of the Area

35 The proposal would be positioned in the rear of the site and would be amongst other activities that have evolved over time at the garden centre. The proposal would not be visually apparent from the streetscene and would maintain the appearance of the site.

Impact upon amenities of neighbouring properties

36 The closest neighbour to the proposal is at Forest Gate, 6 Blackwater Drive. There is approximately 15 metres between the canopy area and the northern fence associated with the curtilage of no. 6. Taking into consideration this separation and

other activities associated with the garden centre, including the customer car park which the proposal would be erected upon, the proposal would not cause material harm to neighbouring amenity in terms of noise and disturbance.

37 There would be sufficient distance from the nearest neighbour to alleviate potential issues associated with spray. The submitted plans show there would be a silt trap constructed under to washing area to collect residue and manage runoff. The opening hours and potential exterior lighting for the proposal could be secured by condition (3-5).

Highways

38 The proposal would utilise the existing main entrance onto Queen Anne Drive, the driveway and customer car park. A site plan has been submitted which shows the proposed circulation of vehicles, a holding area and parking. The details show that there would be capacity within the site for the car wash to function without vehicles queuing back as far as the highway, or interfering with the lawful use of the site.

Trees

39 The proposal would be near to trees on adjoining land which are protected by a Tree Preservation Order. These are shown on the submitted site plan. There appears to be sufficient separation to address tree issues through mitigation. This could be secured by condition (7).

40 Summary

- Taking the established uses on The Oaks Garden Centre into account the site is 'previously developed land'
- The proposal would not lead to additional harm to the openness of the Green Belt and is not therefore considered to result in 'inappropriate' development in the Green Belt..
- The proposal would not be visually apparent from the streetscene, or harmful to the character of the area.
- There is sufficient distance between the proposal and neighbours to preserve amenity. Conditions could be secured to control opening hours and external lighting.
- Management of vehicles associated with the proposal would be contained within the site and would preserve highway safety.
- Mitigation for protected trees could be secured by condition.

41 Planning balance

42 The structures associated with the car washing and drying facility would materially impact upon the openness of the Green Belt. However, when established uses on this previously developed land are taken into account, the proposal would not lead to material harm to the openness of the Green Belt.

Background Documents

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

RECOMMENDATION

Delegate authority to the Head of Planning & Regulation to **GRANT** permission with the following conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.

Conditions

1. AA01 (Non-standard Condition)

The use hereby permitted shall be discontinued on or before 11th July 2022 and any works for the removal of structures and reinstatement of the land to its condition prior to the commencement of its use as a car washing and drying facility, as hereby permitted, shall be carried out within one month of the date of the expiry in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason -

The permitted use would not be compatible with the longer term redevelopment goals of the site and in accordance with PP2 of the Poole Local Plan adopted 2018.

2. PL01 (Plans Listing)

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

18/0315 A South and East Elevations received 13 April 2018

18/0315 B North and West Elevations received 13 April 2018

18/0315 C Site Plan and Block Plan received 13 April 2018

Site of car wash facility received 8 June 2018

Reason -

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

3. DR010 (Provision of Sewage/Drainage Works)

The development, hereby approved, shall not be operated until the drainage works, including the silt trap, have been installed and made available in accordance with the submitted plans, and thereafter retained during the period of use.

Reason -

To ensure there is adequate provision of drainage facilities and in accordance with Policy PP39 of the Poole Local Plan (November 2018).

4. RC070 (Restriction on Hours of Use/Deliveries)

The use hereby permitted shall not operate and no deliveries taken at or

despatched from the site otherwise than between 9:00 and 17:00 on Mondays to Sundays, Bank and other national Public Holidays.

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).

5. AA01 (Non standard Condition)

Details of a lighting scheme, including full details of the position; height and design of all exterior lighting and light fittings, including details of the zone and intensity of illumination of those lights and of any screens or baffles required to ensure that light is not spilled outside of the proposed zone of illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any lighting, if needed. The lighting scheme shall in any case be designed so as to prevent the spillage of light towards adjacent homes. The development shall be carried out wholly in accordance with the approved details, installed prior to first operation and maintained and retained for so long as the site is being used as a car washing and drying facility.

Reason -

In the interests of amenity of the neighbouring properties and in accordance with Policy PP27 of the Poole Local Plan adopted 2018

6. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space and vehicle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times for so long as the site is being used as a car washing and drying facility.

Reason -

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

7. TR010 (Arb Method Statement-Submission Required)

An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- a) protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- b) details of the scaffolding and ground protection within tree protection zones in accordance with BS5837;
- c) details of an area for storage of materials, concrete mixing and use of fires is provided;
- d) the plans and particulars, showing the siting of the service and piping infrastructure;

- e) the specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway, including details of the no-dig specification and extent of the areas of the driveway that are to be constructed using a no-dig specification;
- f) details of the works requiring arboricultural supervision which are to be carried out by the developer's arboricultural consultant, and details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- g) details of all other activities which have implications for trees on or adjacent to the site are notified to the Local Planning Authority.

Reason -

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

Informative Notes

1. IN72 (Working with applicants: Approval)

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

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

Also:

- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified

Case officer: Eleanor Godesar

The Oaks, Queen Anne Drive, Merley BH21 3BA

18 / 00520

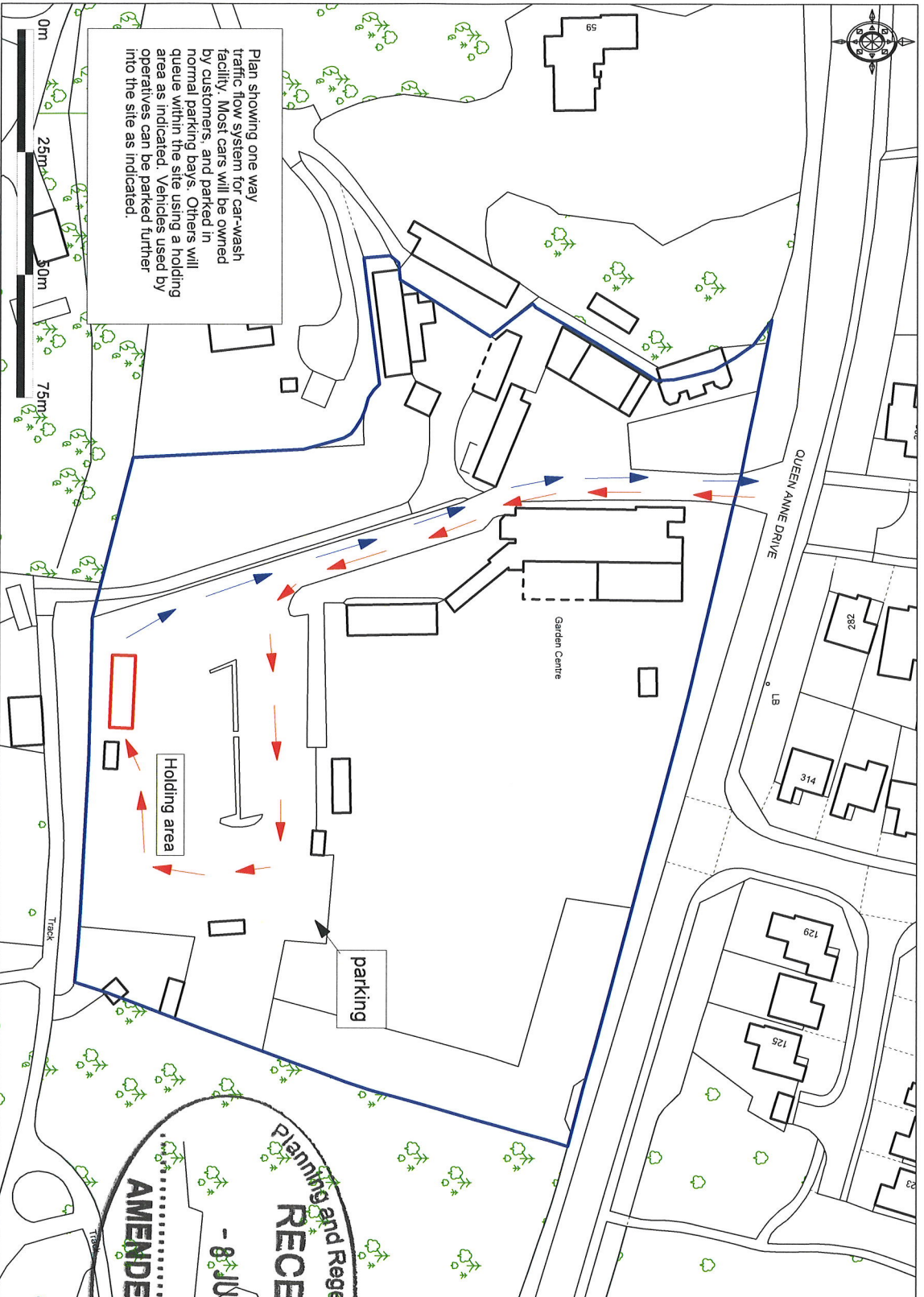


Promap
LANDMARK INFORMATION GROUP

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Site of car wash facility - 12.04.2018

P & R SERVICES
13 APR 2018
INC BUILDING CONSULTANCY

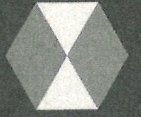


Promap

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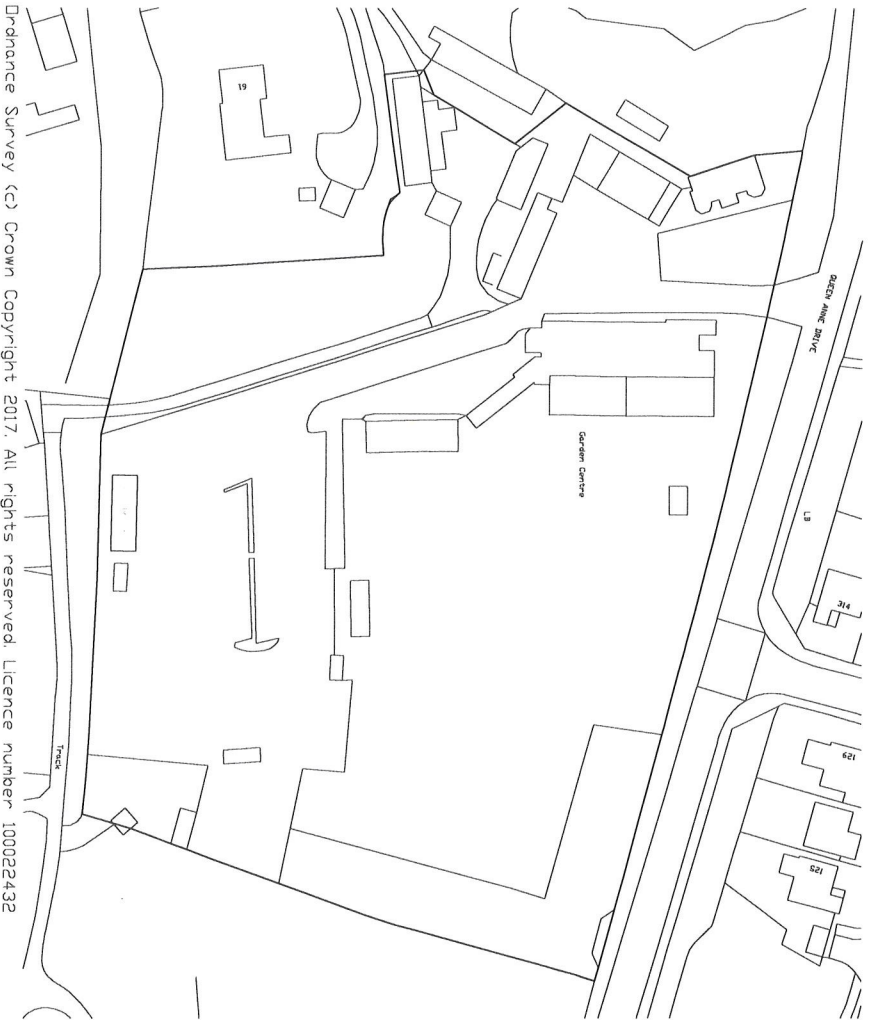
Site of car wash facility - 12.04.2018



**DORSET
PROPERTY
SURVEYS**

Dorset Property Surveys
Rumbles
Bere Regis
Dorset
BH20 7HT
Tel 01929 472609
info@dorsetsurveys.co.uk

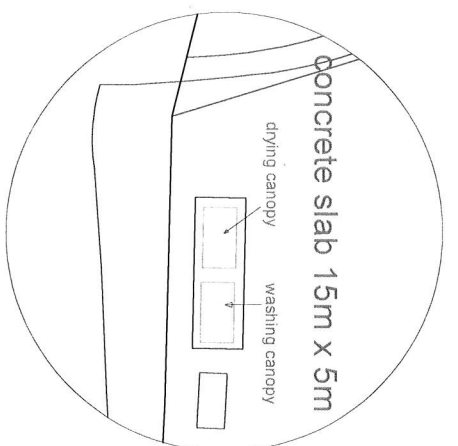
Client: Mrs C Hoof
Address: The Oaks, Queen Anne Drive, Merley BH21 3BA
Drawing Title: Site plan & Block plan of proposed car wash
Dwg. No. 18/0315 C
Scale: 1:000 & 1:500 printed on A3
Date: 11th April 2018
Revision:



SITE PLAN

Drainage Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

BLOCK PLAN



Scale 1:500 @ A3
0m 5m 10m 15m 20m 25m

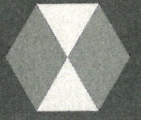
Proposed temporary car washing and drying facility shown edged in red. Remainder of land owned by the applicant shown edged in blue.

The site comprises a concrete base measuring 15m x 5m with one clear plastic canopy for car washing and a second canopy for drying of vehicles.

This will be of sufficient size for parking two vehicles with operatives working around all sides. One vehicle can be washed while the second is being dried.

The block plan included above is at a scale of 1:500 and shows how the washing and drying facilities will be positioned on the concrete slab.

Scale 1:1,000 @ A3
0m 10m 20m 30m 40m 50m



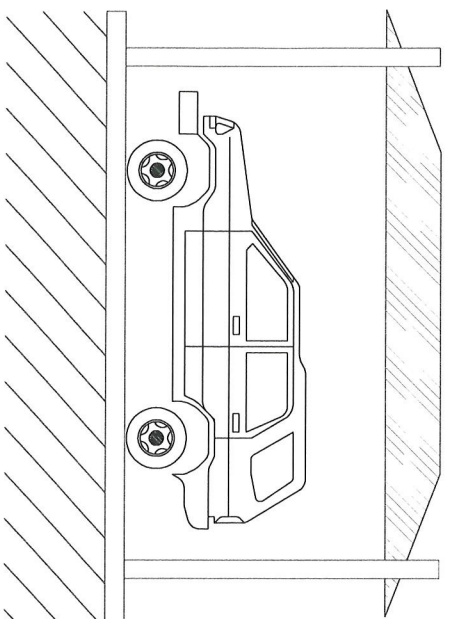
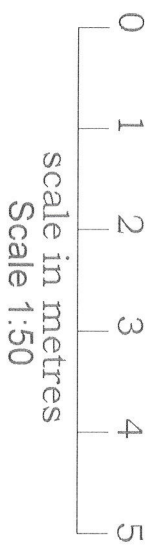
**DORSET
PROPERTY
SURVEYS**

Dorset Property Surveys
Rumbles
Bere Regis
Dorset
BH20 7HT
Tel 01929 472609
info@dorsetsurveys.co.uk

Client: Mrs C Hoof
Address: The Oaks, Queen Anne Drive, Merley BH21 3BA
Drawing Title: Proposed car wash facility
Dwg. No. 18/0315 A
Scale: 1/50 printed on A3
Date: 13th April 2018
Revision:

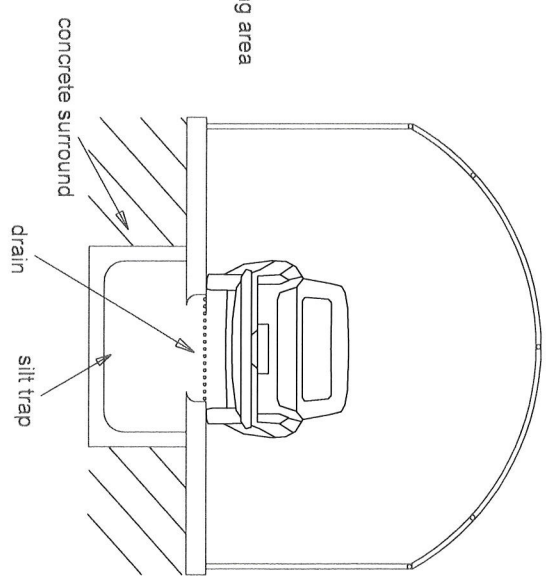
The site comprises a concrete base measuring 15m x 5m with one clear plastic canopy for car washing and a second canopy for the drying of vehicles.

This concrete slab will be of sufficient size for parking two vehicles with operatives working around all sides. One vehicle can be washed while the second is being dried.



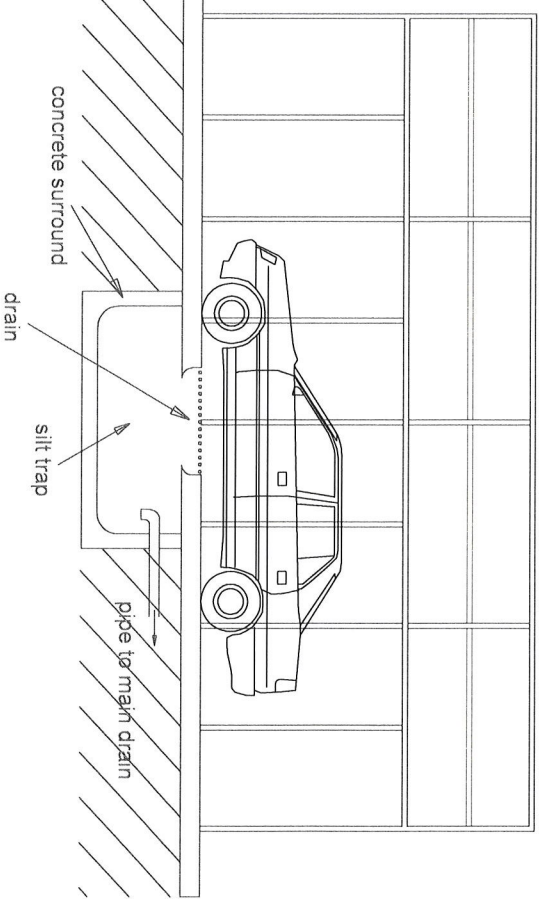
drying area

concrete slab - washing area



View from East

washing area



View from South

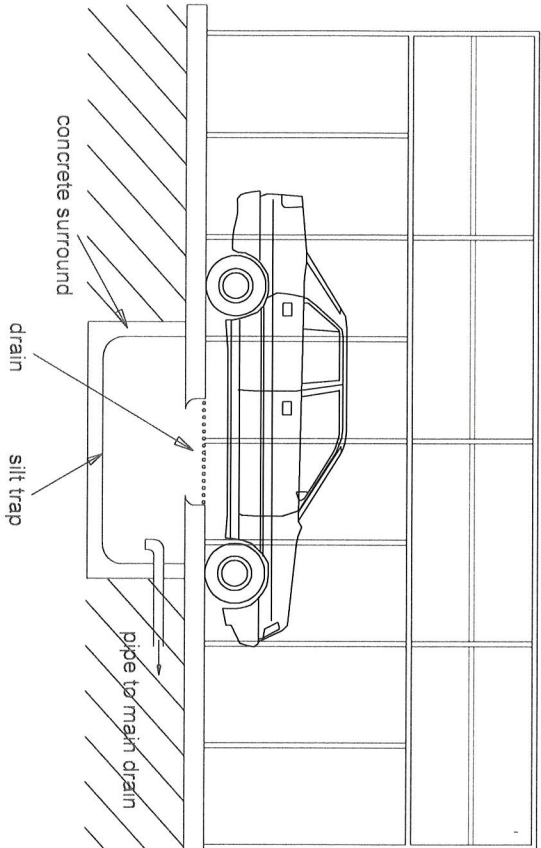


**DORSET
PROPERTY
SURVEYS**

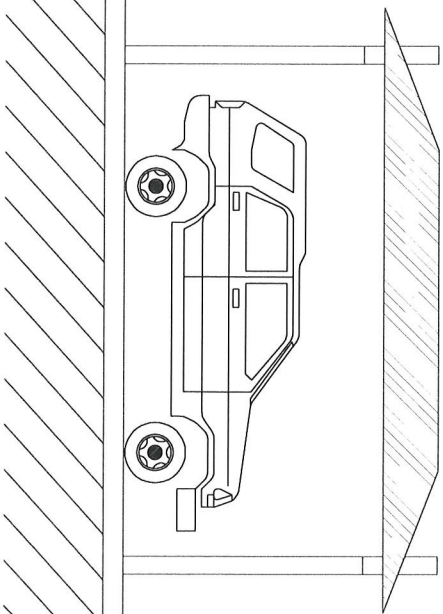
Dorset Property Surveys
Rumbles
Bere Regis
Dorset
BH20 7HT
Tel 01929 472609
info@dorsetsurveys.co.uk

Client: Mrs C Hoof
Address: The Oaks, Queen Anne Drive, Merley BH21 3BA
Drawing Title: Proposed car wash facility
Dwg. No. 18/0315 B
Scale: 1/50 printed on A3
Date: 13th April 2018
Revision:

washing area



drying area



View from North

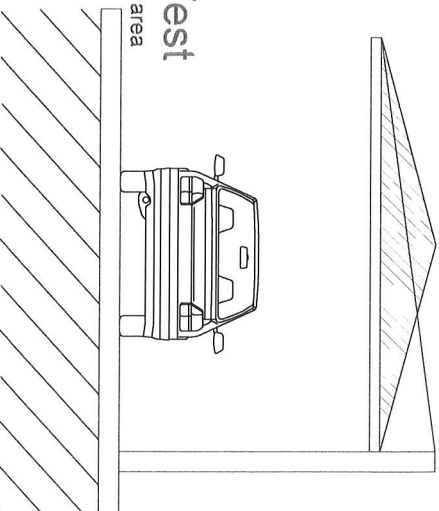
The site comprises a concrete base measuring 15m x 5m with one clear plastic canopy for car washing and a second canopy for the drying of vehicles.

This will be of sufficient size for parking two vehicles with operatives working around all sides. One vehicle can be washed while the second is being dried.



View from West

concrete slab - drying area



Application Address	20 Upton Way, Broadstone, BH18 9LY
Proposal	Erect a block of 6no self-contained flats with associated car parking and vehicular access
Application Number	APP/19/00572/P
Applicant	P E Barton (Holdings) Limited
Agent	Pure Town Planning
Date Application Valid	8 May, 2019
Decision Due Time	3 July, 2019
Extension of Time date (if applicable)	
Ward	Broadstone
Recommendation	Grant in accordance with the recommendations within the report
Reason for Referral to Planning Committee	This application is brought before committee at the request of Councillor Brooke who considers that the proposal fails to address the housing balance in the most appropriate way and would therefore contribute to social unsustainability both in terms of demographics and community facilities, most particularly the impact on local schools.
Case Officer	Kate Robson

Description of Development

1. Outline planning permission is sought for the erection of a block of 6 no. self-contained flats with associated car parking and vehicular access. Matters of access, layout and scale are to be considered at this time, with appearance and landscaping being preserved.
2. The applicant has provided the following information:

	Existing	Extant planning permission APP/17/00961/F	Proposed
Site Area: (ha)	0.16	0.16	0.16
Use	Residential	Residential	Residential
Density	6dph	19dph	44dph
Parking Spaces	2	7	11
No. of Residential Units	1	3	7
No. of affordable housing units	0	0	0

3. Amended plans have been submitted during the course of the application to provide further detail of the proposed internal layout, to revise the parking layout

and to amend the street scene drawing.

4. The application proposes broadly the same building approved under planning permission APP/17/00961/F as a pair of semi-detached houses. An additional terrace is shown at upper ground floor level to the rear. The scheme differs from that previously approved in terms of the number of units proposed within the building (six 2-bed flats instead of two 3-bed houses). It also has an access way running between the proposed building and the existing house leading to a parking area and a bike store at the rear.

Key Issues

5. The main considerations involved with this application are:
 - Principle of development
 - Impact on the character and appearance of the area
 - Impact on residential amenity
 - Parking provision and highway safety
 - Sustainability
 - Biodiversity

Planning Policies

6. Poole Local Plan (Adopted 2018)

- PP1 Presumption in favour of sustainable development
- PP2 Amount and broad location of development
- PP7 Facilitating a step change in housing delivery
- PP8 Type and mix of housing
- PP27 Design
- PP28 Flats and plot severance
- PP32 Poole's Nationally, European and Intern important sites
- PP33 Biodiversity and geodiversity
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses
- PP39 Delivering Poole's infrastructure

7. Broadstone Neighbourhood Plan

- BP3 Enhancing Biodiversity
- BP4 Securing High Quality Sustainable Design
- BP5 Balancing the Housing Stock

8. Supplementary Planning Document

- SPD1 Parking & Highway Layout in Development
- SPD3 Dorset Heathlands Planning Framework (2015-2020)

9. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals

10. **2017:** Division of the existing plot and erection of two semi-detached houses with associated access, parking and amenity space. **Approved** (APP/17/00961/F). This consent has been commenced by the applicants having undertaken the required alterations to the existing house.
11. **2018:** Demolish the side extension and make good; divide garden and erect a pair of semi-detached houses and 2 no. detached bungalows with associated vehicular access. **Refused & appeal dismissed** (APP/18/00300/F; PINS ref. Q1255/W18/3208615).
12. **2018:** Variation of Condition 2 of PP 17/00961/F to relocate front doors on both dwellings. **Approved** (APP/18/00869/F).
13. **2018:** Demolition of an existing side extension and make good, divide garden and erect a pair of semi-detached houses and a detached bungalow with associated vehicular access and parking. **Currently at appeal against non-determination** (APP/18/01068/F; PINS ref. APP/Q1255/W/19/3217369).

Representations

14. Letters of objection have been received in which the following concerns have been raised:
 - The road is characterised by detached dwellings with garages on well landscaped plots with limited parking on the frontage. The proposal is an uncharacteristic form of development; not reflecting prevailing pattern of development; and detrimental to the appearance of the street
 - Vehicle access would dominate frontage and rear parking is alien to the area
 - Overdevelopment of the site with a building that will dominate neighbouring properties.
 - Family homes are required. Too many flats are being built. Upton Way is not suitable for flats.
 - The road and surroundings cannot cope with more housing.
 - Insufficient car parking and manoeuvring space is proposed. This will contribute to parking congestion and vehicles will reverse onto Upton Way, causing danger. The junction of West Way with Upton Way will be made more dangerous.
 - Disturbance due to noise; air quality; and headlights from the rear parking area (particularly to Clarendon Road residents) and overlooking to neighbouring properties would be detrimental to the amenities of neighbours. Windows should be obscure glazed to prevent overlooking.
 - Proposal will devalue the area.
 - Impact on land stability.
 - Surface water drainage problems.
 - Impact on utilities (particularly sewerage) and services (particularly GP surgeries), most particularly if the flats are occupied by elderly persons
 - Plans are inaccurate and insufficiently detailed, also lacking details of boundary screening.

- Trees should have been retained and proposals will impact on wildlife; ecology; and biodiversity, due to the car parking at rear
- Loss of family housing when local schools are unable to fill places due to lack of family housing
- Precedent for development in Sustainable Transport Corridors
- Gardens to flats are too small and previous landscaped scheme should be adhered to

Consultations

15. Transport Policy Manager: Supports the scheme as amended, subject to conditions.
16. Environmental Services: Proposed bin store and location is sufficient for refuse collection.

Constraints

17. None.

Planning assessment

Site and Surroundings

18. The appeal site is on the north side of Upton Way and is occupied by a large; detached; two-storey house positioned towards the eastern side of the plot. The plot is rectangular in shape, approximately 54m deep and 30m wide. Ground levels fall from front to rear across the application site.
19. There were a number of trees and shrubs in the garden; however, much of the site has been cleared of vegetation. None of the trees removed were subject to any preservation order.
20. Upton Way is characterised by large, detached houses on large plots. Most have brick or rendered elevations but there are significant variations in the height and design of properties along the road. The street is characterised by the setback of buildings from the road behind mature front gardens, which give the street a spacious and verdant character. Large rear gardens are also a feature of the street.

Key issues

Principle of development

21. Policy BP5 of the Broadstone Neighbourhood Plan sets out that new residential development will be supported, subject to the following criteria:
- 1 and 2 bed dwellings in the Inner Zone as shown on Fig 3.4
 - 3 bed dwellings and above in the Outer Zone
 - Where proposals depart from the above criteria they should demonstrate how they would contribute to balancing the housing

stock and meet site specific requirements.

22. The site is located within the Broadstone Inner Zone where two-bed dwellings are supported.
23. Policy PP2 of the Poole Local Plan sets out the broad locations considered suitable for residential development. The majority of development will be directed to the most accessible locations, which includes locations within sustainable transport corridors. The application site is located within such a corridor.
24. Therefore, the principle of additional residential development in the form of two-bed units on the application site is acceptable subject to the proposals being tested against other relevant Local Plan policies.

Impact on the character and appearance of the area

25. Matters of access, layout and scale are to be assessed at this time. The proposed vehicular access is located centrally within the plot frontage. The site plan shows the location of the proposed building, whilst indicative floor plans and a street scene drawing show the scale.
26. Policies PP27 and PP28 set out the criteria against which all new development and specifically flatted development should be assessed to ensure that the established pattern of development and residential character of the area is preserved or enhanced. Some of these criteria cannot be fully assessed at this time, taking into account the nature of the application and matters for consideration.
27. The proposed building is almost identical to the size and scale of the building approved under planning permission APP/17/00961/F for a pair of semi-detached houses. The additional floor to provide unit 6 would be accommodated within the roof space. A roof terrace to serve the upper ground floor flats is an addition in terms of footprint. The previous scheme has been implemented and the building could therefore be constructed at any time. As such, the proposed building would preserve the residential character and appearance of the area. Appearance, including materials, is a reserved matter and would be subject to a reserved matters application.
28. It therefore remains for the differences between this scheme for six flats and the previously approved scheme for two dwelling houses to be assessed. The main differences result in the provision of vehicular access, parking spaces, bin storage and cycle storage.
29. In terms of the parking to the front, there is a wide variation of frontage hardstanding along Upton Way. Indicative landscaping is shown to provide adequate softening of the development. The proposed frontage would not lead to the creation of a stark environment. The proposed bin store is small and landscaping will assist in screening it from the street.
30. The cycle store is located to the rear of the site. Given that ground levels slope down significantly towards the rear of the site, the cycle store would not be visible

in the streetscene. The central driveway will indicate that there is parking to the rear, but the parking itself would not be visible in the streetscene. In terms of the central driveway, in the determination of the appeal of APP/18/00300/F, the Inspector noted that the central driveway occupied the full width of the space between the side elevations of the frontage properties and introducing a new pattern of development into the area. However, such a driveway could be constructed under permitted development rights and this scheme does not introduce the same harmful disruption to the grain of development that the appeal scheme would have done. Overall, the on-site infrastructure required to allow the building to accommodate six flats instead of two houses would preserve the existing domestic character of the area. There is ample space on the site for landscaping, which is a reserved matter and will be dealt with by a subsequent application.

Impact on residential amenity

31. The proposed building is broadly the same as that previously approved in terms of size, scale and siting. Its siting is such that it would not adversely affect the outlook from any neighbouring property and any shading of neighbouring properties would be the same as has already been approved. Any overlooking from the rear elevation would be to the far ends of neighbouring properties' gardens and would be commensurate with that of the extant planning permission and that normally experienced in residential areas. Overlooking of the prime rear amenity spaces of neighbouring properties would be potentially possible from the side elevations and detailed floor plans have therefore been provided. The lower ground floor would not pose overlooking issues due to its height. The side facing windows in the upper ground floor and first floor all serve bathrooms and can reasonably be obscure glazed by condition (#4) to prevent overlooking. In the north-eastern (side) elevation of the second floor the roof lights are to a lounge, which is also served by a main rear window, and to a bathroom. This can reasonably be obscure glazed to prevent overlooking of the garden of the existing property (no. 20). The bedroom window is set sufficiently far forward in the elevation such that any overlooking of the rear garden would not be materially harmful. The same applies to the front-most bedroom window in the south-western (side) elevation. This roof light is set sufficiently far forward in the elevation that any overlooking of no. 24's garden would not be materially harmful. The rear-most bedroom roof light and the kitchen roof light could reasonably be obscure glazed. The terraces serving the upper ground floor flats are shown with 1.8 metre high privacy screens, which can reasonably be secured by condition (#5). The vehicle access runs centrally within the plot with the parking area located over 7m from the nearest neighbouring boundary. This is sufficient to ensure that any noise and disturbance from the parking area will not affect neighbouring properties to a demonstrable degree. Overall, subject to appropriate conditions, the scheme would not materially harm the reasonable residential amenities of any neighbouring residents.
32. The internal layout of the flats is appropriate, providing ample space and an outlook from all habitable rooms. The rear amenity space is ample to serve the six flats. The amenity provisions for the future occupants is therefore acceptable.

Parking provision and highway safety

33. A new access is proposed for the flats, which will require the kerbs and footway being lowered. These works would involve the repositioning of street furniture (lamp column and telegraph pole). The existing vehicle access would be closed and, therefore, there would be a requirement of the kerbs and footway to be reinstated. All works associated with the footway work would be at the owners' / applicants' expense.
34. Pedestrian visibility splays are shown on the amended plans either side of the proposed access for the flats and this access would be wide enough at the entrance for two cars to pass, preventing the need for cars to wait on the highway. A scheme of lighting (possibly bollard lighting) can be secured by condition (#9) for the access.
35. Nine parking spaces are proposed for the flats, which meets the requirement for allocated parking. The amended site plan shows that the parking space closest to the front of the proposed building is sufficiently wide to be disabled appropriate. It also shows the six spaces to the rear of the building repositioned to allow for better manoeuvring space. A cycle store is shown to the rear of the parking area, which is large enough to provide secure cycle parking for six bikes, provision of which can be secured by condition (#7). Sufficient parking is proposed for the existing house.
36. As such, the proposal is acceptable from a highway safety and parking perspective.

Sustainability

37. The applicant has submitted an Energy and Resources Statement, which indicates that the proposal meets the requirements of Policy PP37 and can provide a minimum of 10% of energy demand through renewable sources. This can be secured by condition (#13).

Biodiversity

38. Details of two swift box/brick (or a suitable alternative) can be secured by condition (#14) for the proposed building to ensure there would be a biodiversity enhancement in accordance with Broadstone Neighbourhood Plan Policy BP3 and Local Plan Policy PP33.

Other matters

39. The proposed refuse store meets bin requirements and is located within 10 metres of the highway. A condition can be imposed securing the provision of the bin store (#15).

Section 106 Agreement/CIL compliance

40. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and

strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.

41. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations

42. In addition, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon the Poole Harbour SPA and Ramsar site. A contribution is required from all qualifying residential development in Poole to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Poole Harbour. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.

Contributions Required			Dorset Heathland and SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@ £264	@ £95
	Proposed	6		
	Net increase	6	£1584	£570
Houses	Existing	1	@ £387	@ £139
	Proposed	1		
	Net increase	0	£0	£0
Total Contributions			£1584 (plus admin fee)	£570 (plus admin fee)
CIL	Zone C	@ £115 sq m		

43. The applicant has submitted a form under Section 111 of the Local Government Act 1972 and paid the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM.

Summary

44. The proposal would:

- provide six additional dwellings in a sustainable location;
- provide six two-bed units in the Broadstone Inner Zone;
- provide an acceptable standard of residential amenity for future occupants and neighbouring residents;
- provide adequate parking and preserve highway safety;
- secure renewable energy generation and biodiversity enhancements through condition;
- mitigate the impact on heathland and harbour recreation through SAMM contributions; and
- be CIL liable.

Planning balance

45. The proposal would provide the social and economic benefits of six additional two-bed residential units without any identified environmental harm.

Background Documents

46. Case File ref APP/19/00572/F: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

RECOMMENDATION

It is therefore recommended that this application be Granted subject to the following conditions:

1. **Submission of Reserved Matters** (3 Years) (OL080)
2. **Submission of Reserved Matters** (OL010) (details of appearance and landscaping)
3. **Plans Listing** (PL02)

1134fb.101 Existing Block & Location Plans received 8 May 2019

1134fb.112 Proposed Floor Plans received 24 June 2019

1134fb.113 Proposed Floor Plans received 24 June 2019

1134fb.114a Proposed Street Scene received 27 June 2019

1134fb.115a Proposed Site Plan received 27 June 2019

4. **Obscure Glazing of Windows** (GN090)

Both in the first instance and upon all subsequent occasions, the following windows and roof lights shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening:

- upper ground floor bathroom window of Unit 2 in the south-western

elevation

- first floor bathroom window of Unit 4 in the south-western elevation
- second floor kitchen roof light of Unit 6 in the south-western elevation
- second floor rear-most roof light of the bedroom of Unit 6 in the south-western elevation
- upper ground floor bathroom window of Unit 3 in the north-eastern elevation
- first floor bathroom window of Unit 5 in the north-eastern elevation
- second floor lounge roof light of Unit 6 in the north-eastern elevation
- second floor bathroom roof light of Unit 6 in the north-eastern elevation

Reason -

To protect the amenity and privacy of the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. Screening to Balcony (GN080)

The privacy screens to the upper ground floor flats as shown on the approved plans shall be constructed prior to the first use of the residential development hereby permitted, and shall thereafter be permanently retained as such.

Reason -

In the interests of privacy and amenity of the neighbouring properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. Parking/Turning Provision (HW100)

7. Cycle Provision (HW110)

8. Provision of Visibility Splays (HW200)

9. Lighting Scheme to Access (AA01)

10. Close existing redundant access and reinstate kerb (HW060)

11. Construct and Surface First 4.5 Metres of access (HW080)

12. Ground Hard surfaces to be Permeable or Porous (HW230)

13. 10% on-Site Renewable Energy Generation (GN162)

14. Provision of 2 Swift Nesting Bricks / Boxes (AA01)

15. Approved Bin Store to be provided (AA01)

Informative Notes

1. Working with applicants (IN72)
2. Chargeable Development for Community Infrastructure Levy (IN74)

3. SAMM contributions have been secured (IN81)

4. Appropriate Assessment (IN00)

This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.

6. Part of First 4.5m of Access Crossing falls within the Highway (IN11)

7. Redundant Kerb Crossing to be Raised (IN12)

8. New Kerb Crossing to be Lowered (IN13)

9. Street Light column relocation (IN00)

Formation of the approved access may require the street lighting column at the front of the site to be relocated at the applicant's own expense. The applicant is advised to contact the Council's Transportation Services for further details.

10 Telegraph Pole Relocation (IN00)

Provision of the new access will require a telegraph pole at the front of the site to be relocated. The applicant is therefore advised to contact the telecommunication services company responsible for the equipment for further advice.



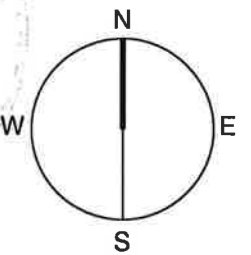
EXISTING BLOCK PLAN
SCALE 1:500@A3



EXISTING LOCATION PLAN
SCALE 1:1250@A3

19/00572

SCANNED



Barton Holdings LTD
20 Upton Way, Broadstone, BH18 9LY

Revision Notes Date

Drawn by DH
Checked by DH
Scale As shown

Existing Block & Location Plans

1134fb.101

dot
architecture

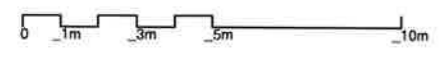
These drawings are for planning application purposes only and may require additional detail prior to a Building Regs application. All dimensions to be checked on site prior to commencement of work. Do not scale from drawings.

Planning and Regeneration Services
RECEIVED
 27 JUN 2019
 19/0058372
AMENDED PLAN



35

PROPOSED SITE PLAN
 SCALE 1:200 @ A3



Barton Holdings LTD
 20 Upton Way, Broadstone, BH18 9LY

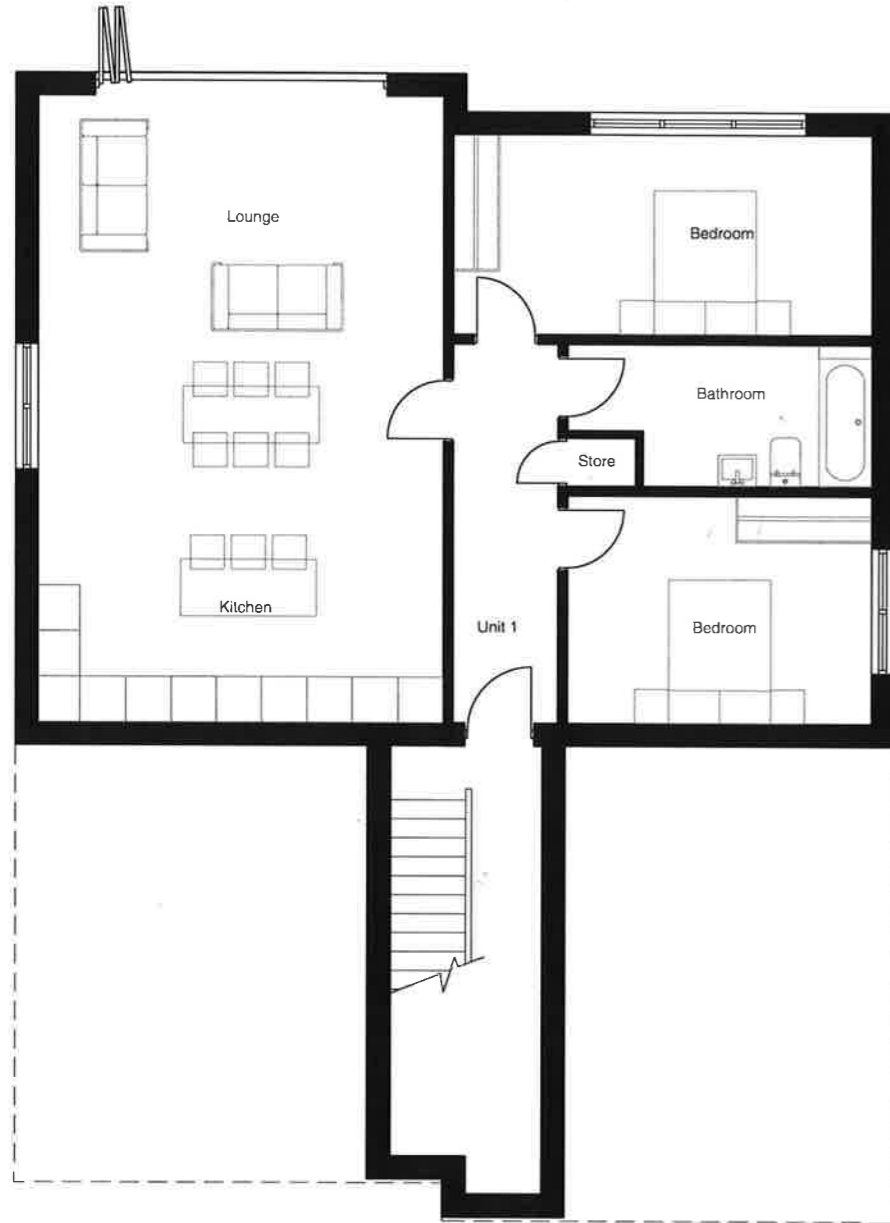
Revision	Notes	Date
a	amended to LPA highways comments	250619

Drawn by JM
 Checked by DH
 Scale As shown

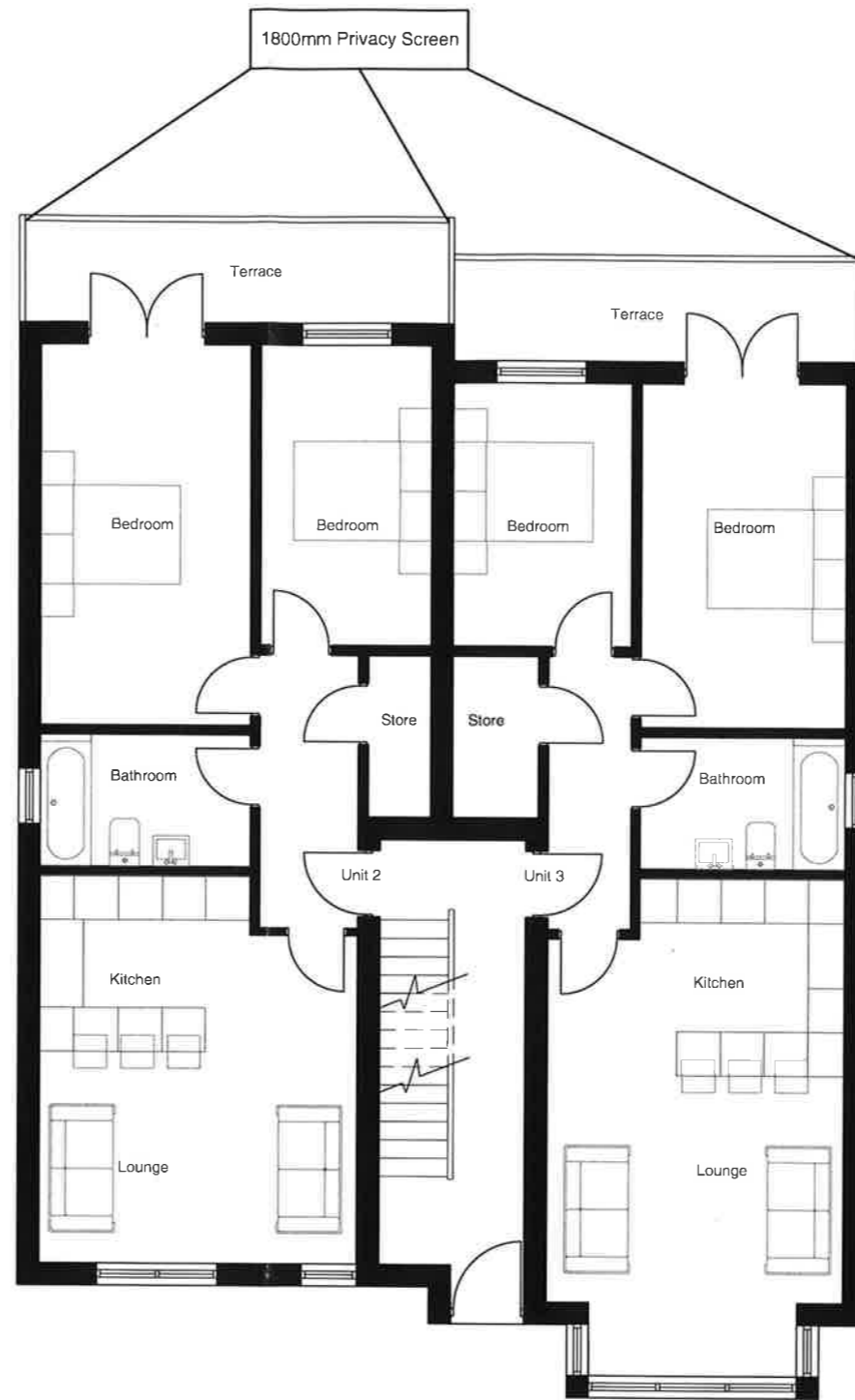
1074 Christchurch Road Bournemouth BH7 6DS 01202 280638

Proposed Site Plan
1134fb.115a
dot architecture
 www.dotarchitecture.co.uk Design On Toast LTD

36



PROPOSED LOWER GROUND FLOOR PLAN
SCALE 1:100@A3

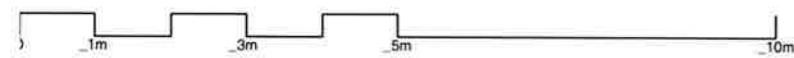


PROPOSED UPPER GROUND FLOOR PLAN
SCALE 1:100@A3



Schedule of Accomodation

Unit	No. Beds	No Bedspaces	Sq. m.	Sq. ft.	DCLG Requirement
1	2	4	88 sq.m.	947.2 sq. ft.	70 sq.m.
2	2	4	70 sq.m.	753.4 sq. ft.	70 sq.m.
3	2	4	70 sq.m.	753.4 sq. ft.	70 sq.m.
4	2	3	61 sq.m.	656.5 sq. ft.	61 sq.m.
5	2	3	61 sq.m.	656.5 sq. ft.	61 sq.m.
6	2	4	76 sq.m.	818 sq. ft.	70 sq.m.



Barton Holdings LTD
20 Upton Way Broadstone BH18 9LY

Revision Notes

Date

Drawn by JM
Checked by DH
Scale As shown

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1074 Christchurch Road Bournemouth BH7 6DS

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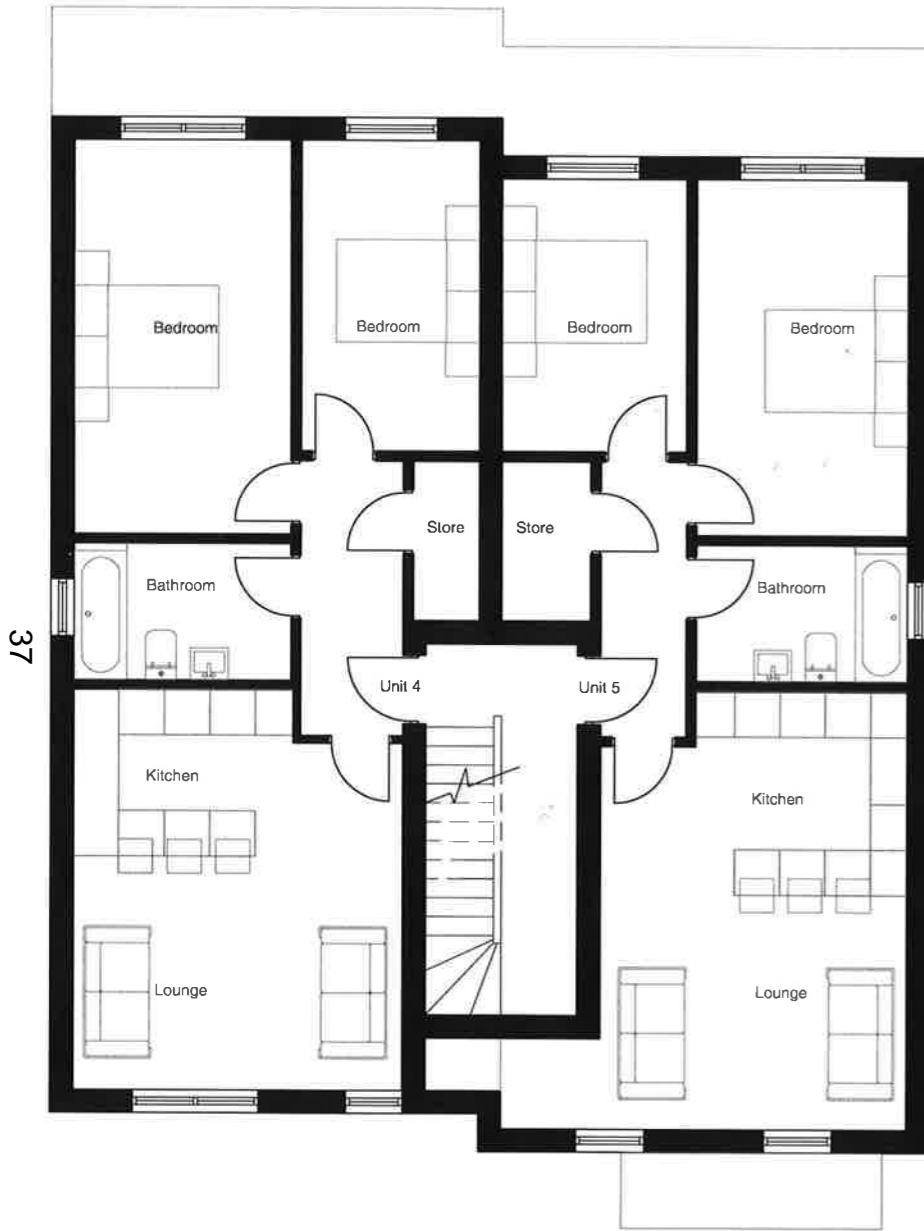
Proposed Floor Plans

1134fb.112

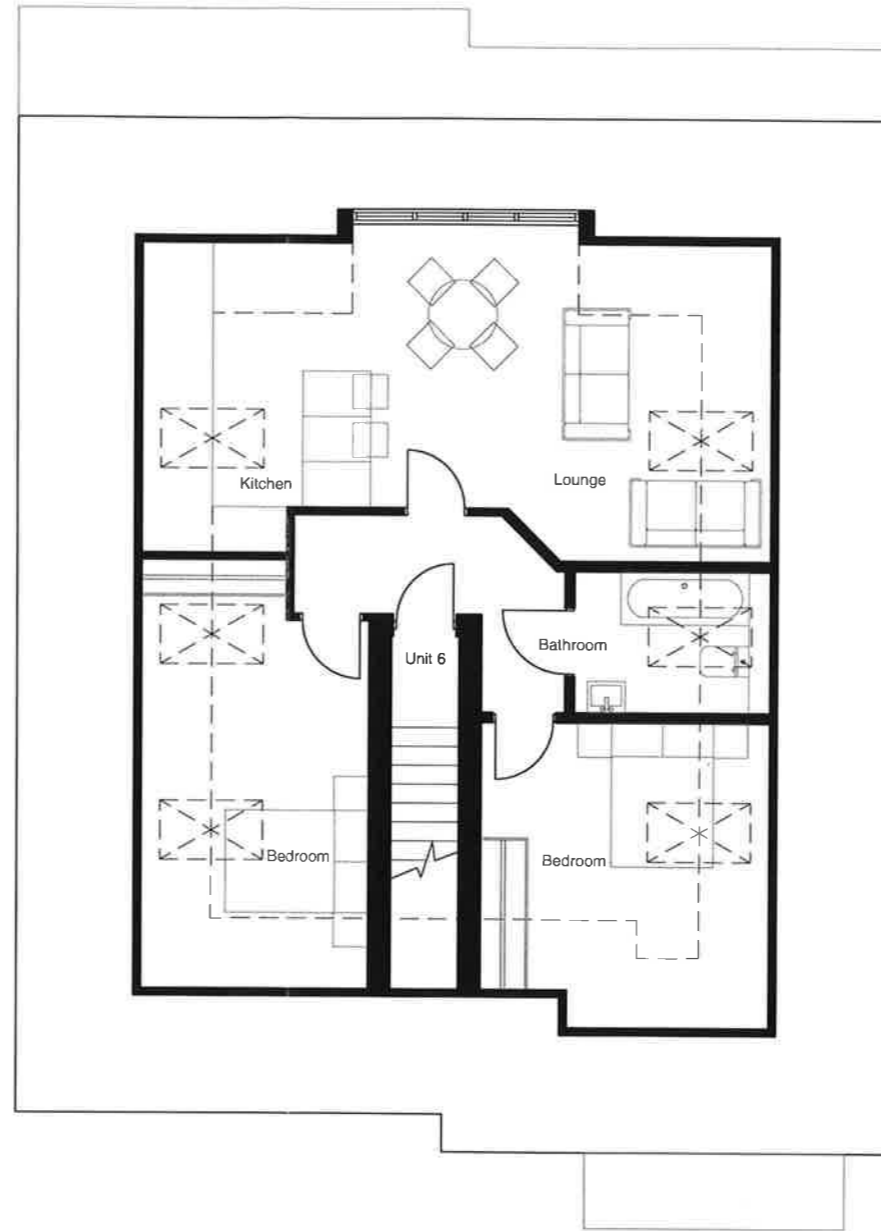
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PROPOSED FIRST FLOOR PLAN
SCALE 1:100@A3

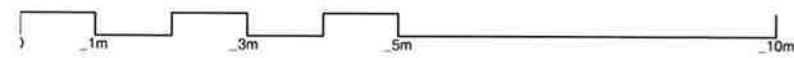


PROPOSED SECOND FLOOR PLAN
SCALE 1:100@A3



Schedule of Accomodation

Unit	No. Beds	No Bedspaces	Sq. m.	Sq. ft.	DCLG Requirement
1	2	4	88 sq. m.	947.2 sq. ft.	70 sq. m.
2	2	4	70 sq. m.	753.4 sq. ft.	70 sq. m.
3	2	4	70 sq. m.	753.4 sq. ft.	70 sq. m.
4	2	3	61 sq. m.	656.5 sq. ft.	61 sq. m.
5	2	3	61 sq. m.	656.5 sq. ft.	61 sq. m.
6	2	4	76 sq. m.	818 sq. ft.	70 sq. m.



Barton Holdings LTD
20 Upton Way Broadstone BH18 9LY

Revision Notes

Date

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Scale As shown

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1074 Christchurch Road Bournemouth BH7 6DS

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Proposed Floor Plans

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architecture

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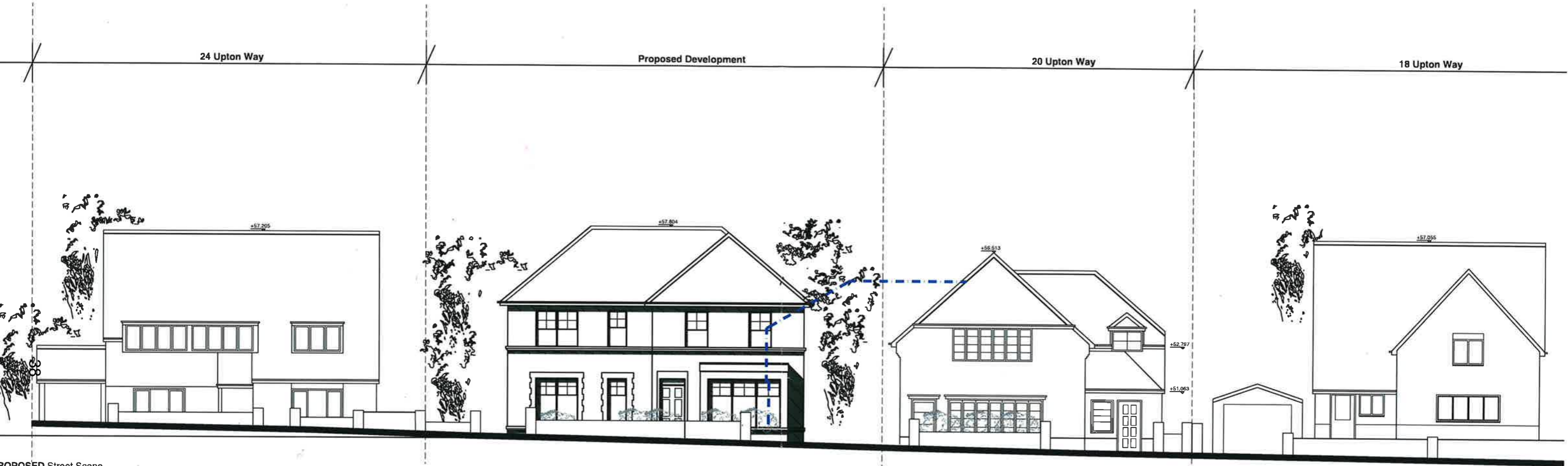
Design On Toast LTD

24 Upton Way

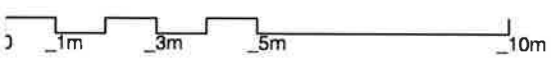
Proposed Development

20 Upton Way

18 Upton Way



PROPOSED Street Scene
SCALE 1:150 @ A3



Barton Holdings LTD
20 Upton Way, Broadstone, BH18 9LY

Revision	Notes	Date
a	amended to TOPO information	250619

Date
250619

Drawn by JM
 Checked by DH
 Scale As shown

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1074 Christchurch Road Bournemouth BH7 6DS 01202 280638

Proposed Street Scene

1134fb.114a

dot
architecture

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Planning Committee

Application Address	58 Charminster Avenue
Proposal	Alterations, extensions and conversion of premises to 5 flats with bin and cycle stores, formation of vehicular access and parking spaces
Application Number	7-2018-11441-E
Applicant	McMorton Developments Ltd
Agent	DOT Architecture
Date Application Valid	23 August 2018
Decision Due Date	17 October 2018
Ward	Moordown
Recommendation	GRANT in accordance with the recommendation details within the report
Reason for Referral to Planning Committee	This application is brought to the Planning Committee as more than 10 letters of representation from more than 10 separate addresses have been received objecting to the application under the former Bournemouth Borough Council's Scheme of Delegation, prior to the 1 st April 2019

Description of Development

- 1 Planning consent is sought for alterations, extensions and conversion of the existing building comprising commercial premises at ground floor and residential flats above to form a new block of 5 flats with associated parking and bin and cycle stores.
- 2 The applicant has provided the following information.

	Existing	Proposed
Site Area: (ha)	0.0594	
Use	Commercial/residential	Residential
Approximate ridge Height (m)	7.8	7.8

Distance from site boundary (... Road)	N 1.2m E (Charminster Avenue) 9.0m S (Sutton Road) 2.5m W 21.0m	N 1.2m E (Charminster Avenue) 9.0m (8.4m to bay) S (Sutton Road) 2.1m W15.0m
No. of Storeys	2/3	2/3
Parking Spaces	4	5
No. of Residential Units	1	5

3 The original application sought consent for 6 flats. The scheme has been amended considerably to reduce the scale and bulk of the building. The following changes have been made:

- height reduced so that it is similar to the existing building and neighbouring houses
- parking and hard surfacing area reduced to enable usable amenity space to be provided at the rear
- reduction in scale and bulk of rear part of building, particularly adjacent to number 60 to reduce impact on amenities
- elevational changes to improve the design

Key Issues

4 The main considerations involved with this application are:

- Loss of commercial premises
- Impact on the character and appearance of the area
- Impact on residential amenity
- Parking provision
- Impact on trees
- Heathland mitigation

5 These points will be discussed as well as other material considerations at para 29 to 52 below.

Planning Policies

Development Plan:

Bournemouth Local Plan: Core Strategy (2012)

Policy CS4 – Surface Water Flooding

Policy CS6 – Delivering Sustainable Communities

Policy CS11 – Protecting Local Facilities and Services

Policy CS16 – Parking Standards
Policy CS18 – Increasing Opportunities for Cycling and Walking
Policy CS21 – Housing Distribution Across Bournemouth
Policy CS33 Heathland
Policy CS41 – Quality Design

Bournemouth District Wide Local Plan (2002)

Saved Policy 6.10 – Flats Development

Other

Affordable Housing - SPD
Dorset Heathlands Planning Framework – SPD
Residential Development: A Design Guide - PGN
Sustainable Urban Drainage Systems (SUDS) - PGN
Bournemouth Parking – SPD
Waste and Recycling Services Planning Guidance Note

National Planning Policy Framework

- 6 The National Planning Policy Framework (NPPF) sets out the government strategy to achieve sustainable development. The framework is relevant to the current application and issues relating to the economy, ensuring the vitality of town centres, sustainable transport, high quality communications, housing, flooding/climate change, good design, promoting healthy communities, protecting green belt land, and conserving the natural and historic environment will be dealt with in the report where relevant.

Other

Affordable Housing - SPD
Dorset Heathlands Planning Framework – SPD
Residential Development: A Design Guide - PGN
Sustainable Urban Drainage Systems (SUDS) - PGN
Bournemouth Parking - SPD
Waste and Recycling Services Planning Guidance Note

Relevant Planning Applications and Appeals:

- 7 A pre-application enquiry was submitted earlier in 2018 for redevelopment of the site to provide 8 flats. Concern was raised about the scale of development including projection forward of the front building lines to both road frontages and lack of amenity space, parking and soft landscaping.

Representations

- 8 Two yellow site notices were posted outside the site (on Charminster Avenue and Sutton Road) on 12th September 2018 with an expiry date for consultation of 5th October 2018.
- 9 Two blue site notices were posted on 21st February 2019 advising local

residents of amendments to the scheme and inviting further comments by 6th March 2019.

- 10 Finally two green site notices were posted on 13th May 2019 advising of further amendments and inviting comments by 24th May 2019.
- 11 24 representations have been received from 19 addresses raising objection. The issues raised comprise the following:-
 - Height much higher than existing and neighbouring properties
 - Significantly larger footprint than existing
 - Excessive size of development compared with plot
 - Three storey extension beyond existing building line would result in claustrophobic environment
 - Mass and height would dominate street scene
 - Out of keeping with 1920s family homes
- 12 The above comments were received prior to amendments to the application which are considered to overcome these issues due to a significant reduction in the height, scale and bulk of the building, and changes to the design so that it is more in keeping with neighbouring properties.
 - Impact on light to neighbouring property (60) and windows to side elevation
 - Overlooking to number 60
 - Concern about accuracy of plans in relation to neighbouring window
- 13 The impact on number 60 has been considered in detail. A further site visit confirmed there was an inaccuracy with the submitted plans. Revised plans have been submitted to rectify this and the closest part of the building reduced in length so that it would not extend in front of this window. The bulk of the building has been significantly reduced to ensure that the kitchen window retains a more open aspect and good level of natural light.
 - Not enough parking spaces
 - Impact on on-street parking and safety from additional cars especially at school times
 - Concern about safety due to vision being blocked by street tree
- 14 The Highway Officer has considered the proposals and is satisfied with both the level of parking provided and the safety of the proposed access arrangement
 - Concern about impact on neighbour's drains if hedge planted
- 15 The revised plan now shows the existing masonry wall to be retained to the shared boundary with number 60 Charminster Avenue

- Increased noise impact on neighbours
 - Concern that property will be used for holiday lets/’air b n b’ due to existing flat being used for this for large parties and experience of anti social behaviour
- 16 Town and Country Planning legislation currently allows any property to be let out as ‘air bnb’ for short time periods. The owner has indicated that the previous tenants were given notice during the planning application process and the flat has been let out as an ‘air bnb’ property on a short-term basis in the meantime to retain some income from the property. There is nothing in the application to suggest that the proposed units would be let out as ‘air bnb’ properties.
- A neighbouring resident commented that the applicant had agreed to some terms of future leases with her for future tenants but that the application plans are now in conflict with those details
- 17 Tenants leases are not something that form part of the planning application. A number of amendments have been sought to overcome concerns raised by the case officer. Any changes that this has resulted in to a private agreement between the applicant and a neighbouring resident are not relevant to the planning application and would need to be discussed separately by the parties involved.

Consultations

Highways Officer

- 18 The site is within Parking Zone 3 of the Bournemouth Parking SPD. The SPD requires the following parking spaces for the 5 flats proposed:

4 x 1 bed flats (2 habitable rooms) at 0.8 spaces	= 3.2
2 x 2 bed flats (3 habitable rooms) at 0.9 spaces	= 0.9
Total	= 5 (4.1 unrounded)

- 19 A cycle store for 6 cycles is proposed which complies with the Parking SPD
- 20 The Highways Officer raises no objections subject to conditions requiring the works to the footway and reinstating the footway shall be carried out prior to occupation; the parking spaces to be completed prior to occupation of the development and retained as unallocated; and the cycle store for 6 cycles to be erected prior to occupation.

Highway Tree Officer

- 21 The Highway Tree Officer visited the site with the Highway Officer and the Agent. It has been agreed the new access will be at least 2.4m from the centre of the street tree in front of the property to protect existing roots.
- 22 The Highway Tree Officer raises no objection subject to the works being

carried out in accordance with the plans and a condition requiring protection of the street trees during demolition and construction.

Waste and Recycling Officer

- 23 The proposed bin store meets the requirements of the Waste and Recycling Management Tam in terms of number and size of bins provided, access and provision of a dropped kerb to enable servicing.
- 24 No objections have been raised subject to condition that the refuse store and associated dropped kerb be provided prior to occupation of the development.

Planning assessment

Site and Surroundings

- Corner plot at the junction of Charminster Avenue and Sutton Road
 - Site currently has a large, open tarmac forecourt
 - Two storey traditional residential in character
 - Existing premises is part commercial use and part residential use at ground floor with residential above and has a garage and private garden to the rear of the site
- 25 The application site is located within an established residential area characterised by two storey, detached properties with hipped roof forms.
- 26 Properties are traditional style with a mix of red brick and render finishes. There are a number of street trees to Charminster Avenue and properties generally retain low boundary walls/hedges to the street scene, enclosing small front gardens. Properties addressing Sutton Road are of a similar scale and form and also have low boundary treatments to the road frontage.
- 27 The existing building on the site is double the width of neighbouring detached properties and currently has a large area of hardstanding across the forecourt area to the southern part of the Charminster Avenue frontage.
- 28 The premises on the opposite side of the entrance to Sutton Road has a considerably larger footprint than other properties and is currently in use as an elderly persons home and has been since the late 1980s/early 1990s.

Key issues

Loss of commercial premises

- 29 The commercial unit was last in use as an optician, but this use ceased some time ago. The unit is outside of any local or district centres and not designated within the local plan. As such Policy CS11 of the Bournemouth Local Plan Core Strategy is relevant which states that outside of town and district centres, proposals for residential development that would lead to the loss of an existing ground floor commercial premises will generally not be permitted.

- 30 In this case the site is located in a predominantly residential area which historically had a number of small units dotted along the street providing local shops and services. Over time a number of these premises have been converted to residential uses due to lack of demand for this type of premises. It should also be noted that the site is within close proximity and walking distance of both Charminster Road and the parade of shops at Charminster Avenue/Malvern Road junction.
- 31 Since the publication of the Core Strategy changes have also been made to the General Permitted Development Order, which allow for permitted changes from commercial to residential uses through the Prior Approval procedure.
- 32 In this case the applicant has provided marketing information and a letter from the Estate Agents confirming the premises were marketed from June 2017 until the time of submission of the application. The letter advises that virtually all interest received was from potential buyers looking to redevelop the site for residential use as flats. The only commercial interest was for an office with no public access (which turned out to be not financially viable), and as a car sales lot which was not pursued further.
- 33 It is not considered that the existing commercial unit is strategically important for the local community due to the proximity of the site to other shops. The fact that the premises has been marketed unsuccessfully also suggests there is little demand for commercial premises of this nature in this location.
- 34 Weighing up the issues and more recent changes to national legislation and the fact that the premises have been empty for some time, it is considered that the loss of the commercial element of the premises would not be materially harmful to the economic viability of the area or services offered to local community.

Impact on the character and appearance of the area

- 35 Revisions have been made to the proposed design of the building and the amended proposal would be of a similar height, scale and form to existing residential properties in the area. The proposed development would have a hipped roof form with projecting bays to match neighbouring properties.
- 36 The plans indicate that a low boundary wall shall be maintained/erected to the east and south boundaries which would be in keeping with the existing street scene.
- 37 The existing property has a large open frontage area of hard surfacing to the southern part of the frontage, with a smaller garden area to the north. The proposed development includes parking across the frontage, enclosed by the low boundary wall, with some soft landscaping the outer sides. It is considered that the reinstatement of a boundary frontage would be an improvement to the visual amenities of the street scene that would be in keeping with the existing character of the area.

Impact on residential amenity

60 Charminster Avenue

- 38 The existing property on the application site steps in at the rear at the point closest to number 60 Charminster Avenue. This neighbouring property has windows to the facing side elevation including a ground floor kitchen window and windows at first floor level serving the bathroom, toilet and landing. There is also a small lean-to conservatory structure adjacent to the side elevation.
- 39 Having visited the site it is clear that the kitchen window is now the main source of light into that room and currently has an outlook beyond the rear of the stepped in part of the existing building. The original plans included a large projection at two storey height beyond this window which was considered to result in an oppressive relationship and significant impact on the amount of light to the window.
- 40 The amended plans have reduced the scale and bulk of development so that the nearest part of the building would be single storey with a gap of 2.8m between the two buildings. The two-storey element would be stepped back approximately 200mm from a point in line with this window, retaining a gap of 5.2m, ensuring a reasonably open aspect and level of light. The changes are considered to overcome previous concerns in relation to this window.
- 41 The first floor windows serve a bathroom and toilet (obscure glazed) and landing and as such are not considered to be primary windows to habitable rooms. The proposed development would follow the same building line as the existing building with a gap of 2.8m ensuring no detrimental impact in terms of overshadowing or being overbearing.
- 42 There are windows at ground floor that serve bedrooms. These windows would have an outlook towards the existing boundary wall which is to be retained and would therefore not result in overlooking. The original plans showed windows at first floor but these have now been removed to prevent overlooking.

37 Sutton Road

- 43 The proposed development would be more than 15m from its shared boundary with number 37 Sutton Road, adjoining only the front section of its boundary adjacent to the driveway and front corner of the property. Concern has been raised by the resident regarding the close proximity of bins and potential odours to this property. However, the bins would be housed within a purpose built, covered store which would contain any odours. The plans also show the existing boundary hedge to this part of the site to be retained. Bins are often stored at the side of houses between properties and subject to regular collections, it is not considered that this relationship is likely to result in a harmful impact on this neighbouring property.

Future occupiers

- 44 The proposed development includes a large area of shared amenity space at the rear of the site as well as a smaller section of amenity space immediately at the rear of ground floor unit which would be enclosed by low level planter to provide a degree of privacy for the occupiers of that flat.
- 45 The 'Technical housing standards – nationally described space standard' document produced by Central Government sets out internal floor areas for different types of dwellings that are considered to be acceptable. Whilst the Local Planning Authority have not adopted the space standards, they provide guidance on the amount of floor space that we should be looking for with new dwellings, and where development falls far short of these amounts, it suggests that the living conditions for future occupiers would not be acceptable.
- 46 The Technical guidance suggests that 1 bedroom units with bathrooms should be minimum of 39 square metres and two bedroom units should be a minimum of 61 square metres.
- 47 The table below shows the floor space proposed compared with the technical standards.

	<u>Proposed floor space</u>	<u>Technical guidance</u>
Flat 1 (1 bed 1p)	37	37 (shower room) 39 (bathroom)
Flat 2 (1 bed 1p)	50	37 (shower room) 39 (bathroom)
Flat 3 (1 bed 1p)	40	37 (shower room) 39 (bathroom)
Flat 4 (1 bed 2p)	57	50
Flat 5 (2 bed 2p)	72	61

- 48 The proposed units would meet the floorspace requirements as outlined in the Technical Guidance and are therefore considered to provide satisfactory living conditions.

Parking provision

- 49 Concern has been raised by local residents in relation to the parking provision on the site. The proposal includes 5 unallocated parking spaces to serve 5 flats. The Highways Officer has confirmed that this is in accordance with the requirements of local planning policy and the Parking SPD and therefore would be acceptable. It is not considered that there are existing problems in terms of demand for on-street parking in the area.

Impact on trees

- 50 There are two street trees, one in front of the site and one slightly to the north. The proposal would retain these trees and the proposed access has been off-set sufficiently to ensure no harm to the tree at the front. The Highway Tree Officer has advised that he is satisfied with this and requested a condition for protection measures to be put in place during demolition and construction.

Heathland mitigation

- 51 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
- 52 Therefore as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required and in this instance is £968.00, plus a £75.00 administration fee. A signed legal agreement has been signed to secure this contribution.

Community Infrastructure Levy (CIL)

- 53 As the proposal would include an increase in floorspace, a contribution toward CIL is required.

Summary

- The proposal seeks development in an urban sustainable area reusing a previously developed brownfield site.
- The proposal replaces the existing commercial premises and flat with a block of 5 flats providing a net gain of 4 residential units
- The scheme has been amended so that no material harm is apparent to neighbouring properties
- The provision of 5 parking spaces is considered to be adequate and would meet the requirements of the Bournemouth Parking SPD
- The additional traffic created would not give grounds for refusal on highway safety.
- Adequate outside amenity space has been provided for the proposed dwellings.
- The amended access would enable retention of the existing street trees without causing harm.

Planning balance

- 54 The proposed development would provide residential accommodation in a sustainable location. Whilst the development would result in the loss of the existing commercial premises, given the proximity of other local shops on the site and lack of demand for the unit, and taking account of changes in legislation since the adoption of the Bournemouth Local Plan: Core Strategy it is not considered that the loss of the unit would be detrimental to the local community, and in this case the need for housing would outweigh such loss.
- 55 With the amendments to the design and reduction in bulk and scale it is considered that the development would be in keeping with the character of the area and would not result in a detrimental impact on neighbouring properties.
- 56 Therefore, subject to the conditions outlined below and the Section 106 Agreement in relation to Heathlands mitigation, the proposals are considered to be acceptable.

Recommendation

GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms (In the event that the Section 106 is not satisfactorily concluded within a reasonable timescale the Head of Planning Services may refuse the application):

Section 106 terms:

- Financial contribution of £968, plus a £75 administration fee for heathlands mitigation (SAMM)

1. Development to be carried out in accordance with plans as listed

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

- Dwg no. 1327-100 Rev v - Proposed Site Plan
- Dwg no. 1327-101 Rev a - Block and Location Plans
- Dwg no. 1327-102 Rev c - Existing Floor Plans
- Dwg no. 1327-103 Rev b - Existing Elevations
- Dwg no. 1327-104 Rev n - Proposed Ground and First Floor Plans
- Dwg no. 1327-105 Rev m - Proposed Second Floor and Roof Plans
- Dwg no. 1327-106 Rev p - Proposed Elevations
- Dwg no. 1327-107 Rev g - Street Scene (Sutton Road)
- Dwg no. 1327-108 Rev b - Street Scene (Charminster Avenue)
- Dwg no. 1327-109 Rev a - Existing Garage Plans
- Dwg no. 1327-110 Rev g - Proposed Cycle and Bin Stores
- Dwg no. 1327-111 – Proposed Site Plan showing first floor

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

2. Prior Approval of Materials

Details/samples of the materials and finish to be used on the external surfaces of the proposed flats development (including render, tile hanging, roof tiles, windows and doors); and the materials to be used for the external surfaces of the bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. Footway Crossing

Before the occupation of the development hereby approved, the vehicle crossover (dropped Kerb) to Charminster Avenue shall be constructed and the existing vehicular accesses to Sutton Road shall be closed with the redundant vehicle crossovers reinstated as footway with full height kerbs. All to the specification and satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Unallocated parking

Before the occupation of the development hereby approved, the car parking and turning area shall be constructed in a bound material and laid out in accordance with the approved plans and thereafter permanently retained. All five car parking spaces shall be made available for any residents and visitors of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. Cycle store to be erected prior to occupation

Before the occupation of any part of the development hereby approved, the cycle store shall be erected and laid out with 3 Sheffield stands as shown on the approved plans and thereafter retained, maintained and kept available for the occupiers of the development at all times.

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. Provision of Refuse Bin Store

The bin stores hereby approved shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

Reason: To preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7. Hard Landscaping residential infill

Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate:

Proposed finished levels; Layout of car parking space(s); Surfacing materials; External fixtures e.g. lighting; bollards; Vehicle and pedestrian access and circulation.

The approved hard landscape scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. Soft Landscaping - residential infill

Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate:

Planting plans; Schedule of plants; Implementation timetable.

The approved soft landscape scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed and suitably landscaped amenity area in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

9. Tree Protection

No site clearance or development work shall commence until there have been submitted to and approved in writing by the Local Planning Authority details of measures for protection of the stem of the two street trees adjacent to the site from mechanical damage. The approved measures shall be kept in place throughout demolition and construction.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

10. Boundary /Subdivision Treatment

Within 3 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, details of boundary treatment and/or subdivision shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials.

The approved boundary treatment scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

11. Provision of Refuse Bin Store

The bin store hereby approved and associated dropped kerb to Sutton Road shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

Reason: To preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

12. Informative Note: No storage of materials on footway/highway

The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

13. Informative Note: Highway and Surface Water/Loose Material

The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/car parking area to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

14. Informative Note: dropped kerb

The applicant is advised that notwithstanding this consent, Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Normally this work will be undertaken at the expense of the applicant by the Highway Authority although on occasions there might be instances where the applicant under supervision can undertake this work. A Section 171 (Highways Act 1980) licence application form is available on the council's website (www.bournemouth.gov.uk).

15. Informative Note: Relocation of Post Box

The applicant is advised that an agreement will need to be made with Royal Mail regarding the removal of the post box from their private land to an alternative location.

16. Informative Note: Protected Species

If a protected species is discovered during the course of development, then works should cease and advice be sought from an ecological consultant.

Background Documents:

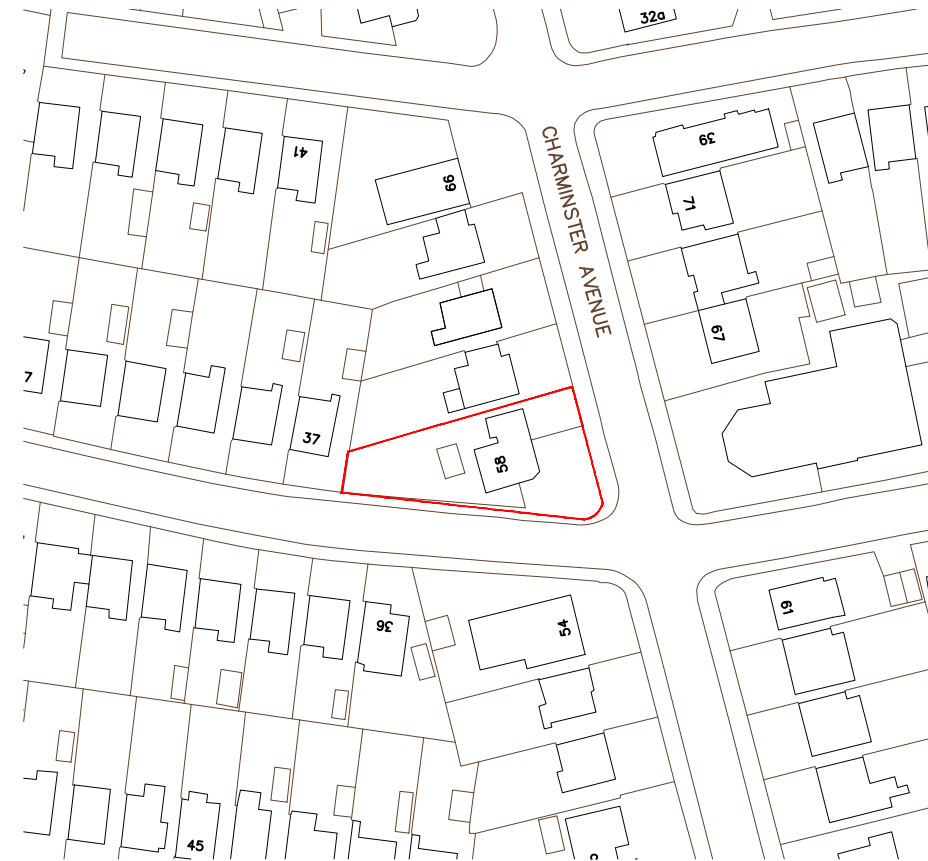
Case File – ref 7-2018-11441-E

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

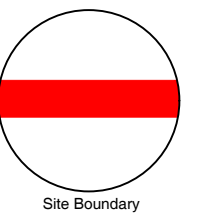
Case officer: Julie Allington



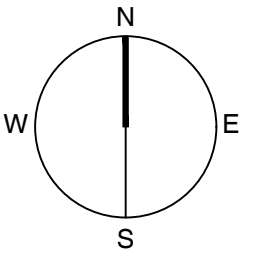
EXISTING BLOCK PLAN
SCALE 1:500@A3



EXISTING LOCATION PLAN
SCALE 1:1250@A3



Site Boundary



Drawing Status key:

- SK - Sketch
- D - Draft
- A - Approved
- C - Construction
- P - Preliminary
- S - Submitted
- T - Tender
- I - Information

Block and Location Plan

Drawing ref: Status:

1327P/101a IS

dot
architecture

McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Revision Notes
a amended as per PO comments

Date
020719

Drawn by ER
Checked by DH
Scale As shown

These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.

54 The Grove Christchurch BH23 1EP

01202 280638

www.dotarchitecture.co.uk

Design On Toast LTD



EXISTING FRONT (SOUTH EAST) ELEVATION
SCALE 1:100@A3

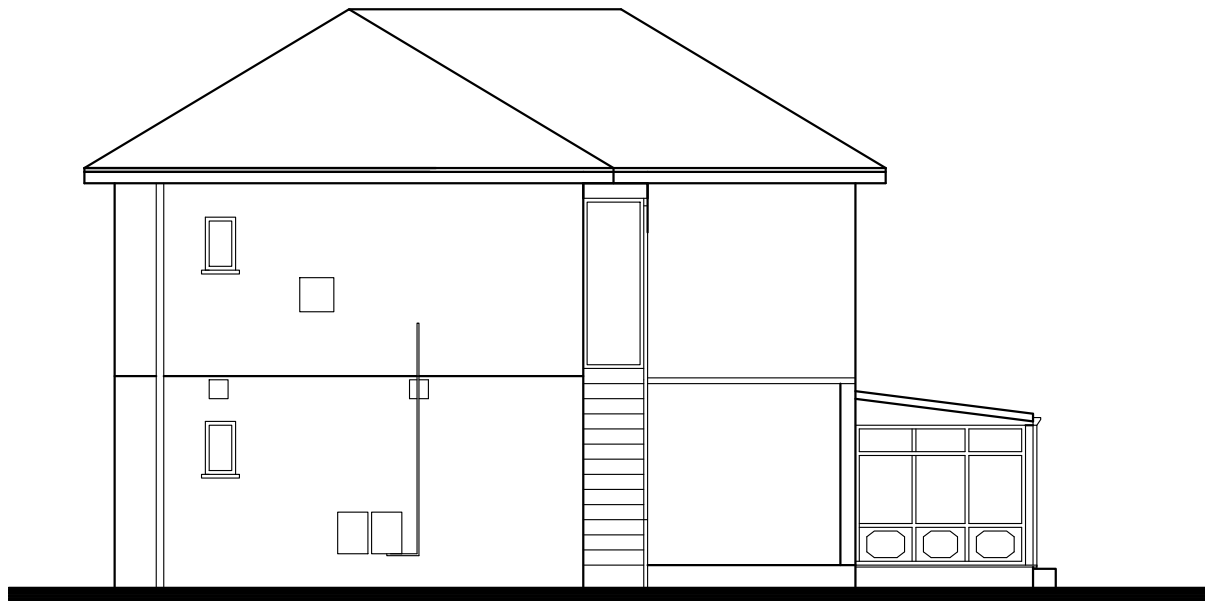


EXISTING SIDE (NORTH EAST) ELEVATION
SCALE 1:100@A3

55



EXISTING REAR (SOUTH WEST) ELEVATION
SCALE 1:100@A3



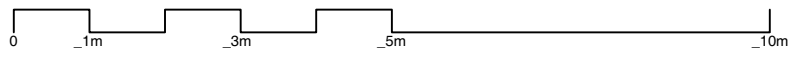
EXISTING SIDE (NORTH WEST) ELEVATION
SCALE 1:100@A3

Drawing Status key:
SK - Sketch P - Preliminary
D - Draft S - Submitted
A - Approved T - Tender
C - Construction I - Information

Existing Elevations

Drawing ref: 1327P/103b Status: IS

1327P/103b IS
dot
architecture



McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

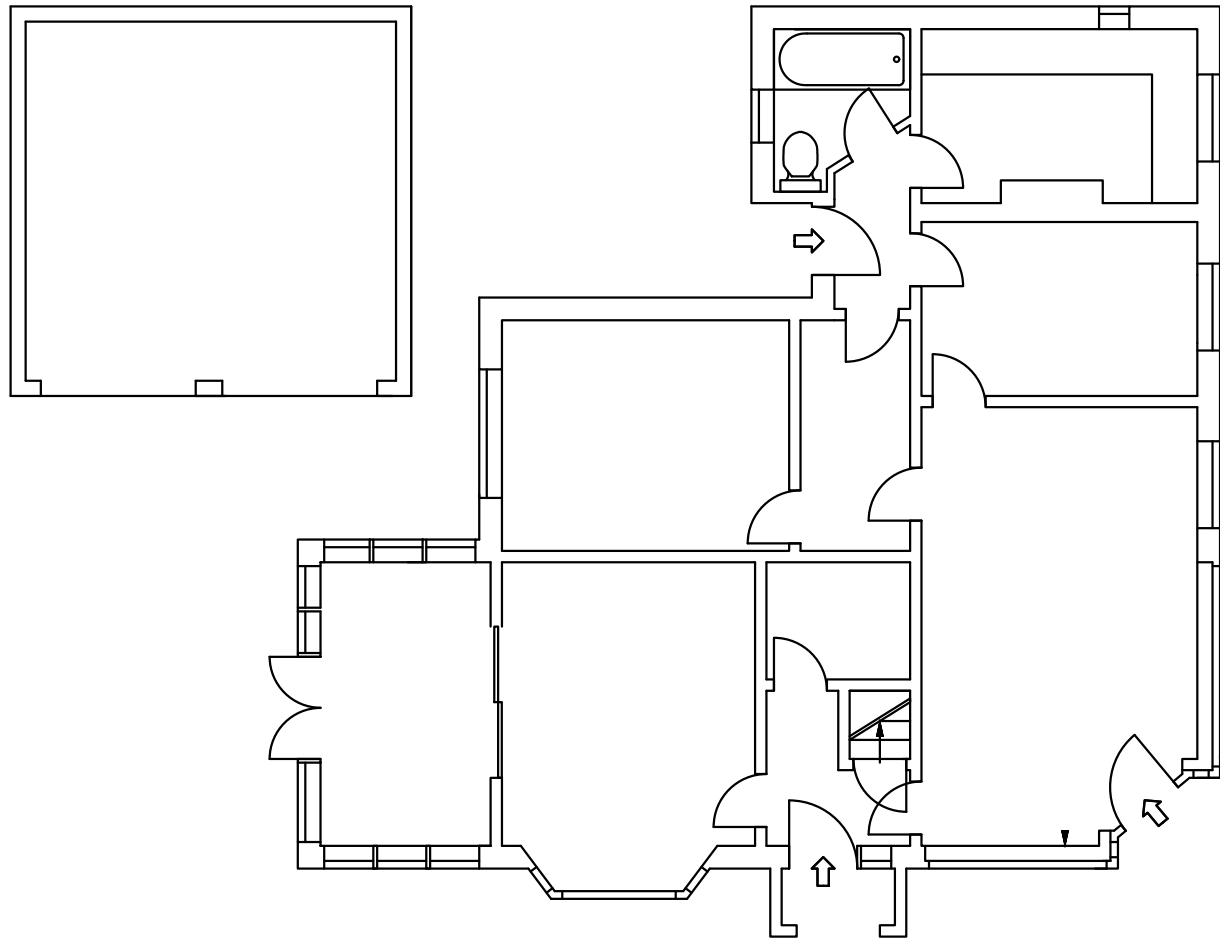
Revision	Notes	Date
a	amended to correct	180619
b	amended to correct	270619

Drawn by TI
Checked by
Scale As shown

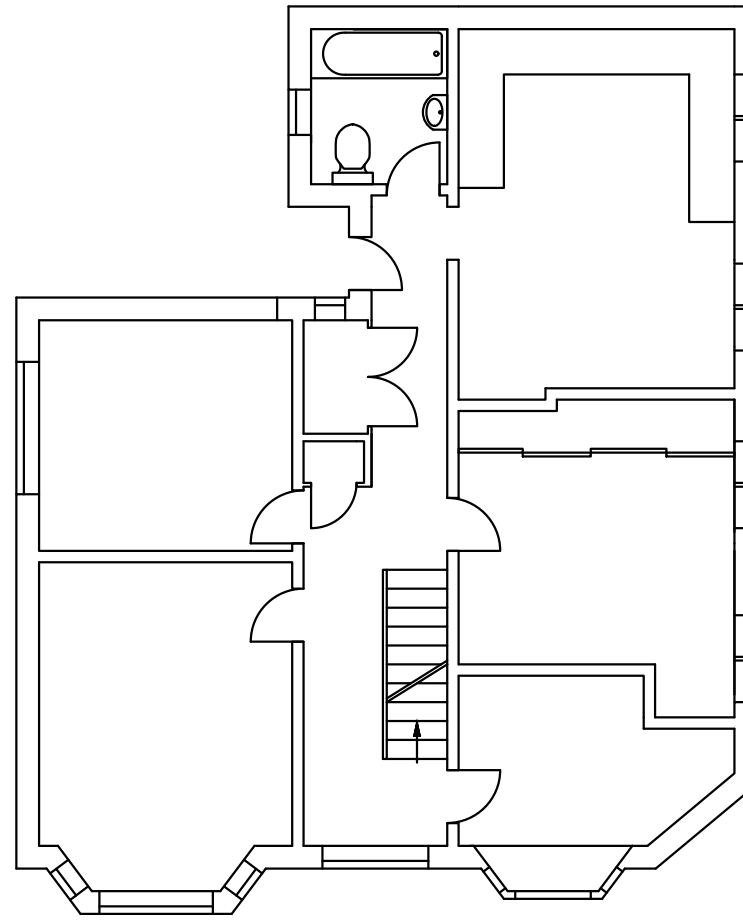
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54 The Grove Christchurch BH23 1EP 01202 280638

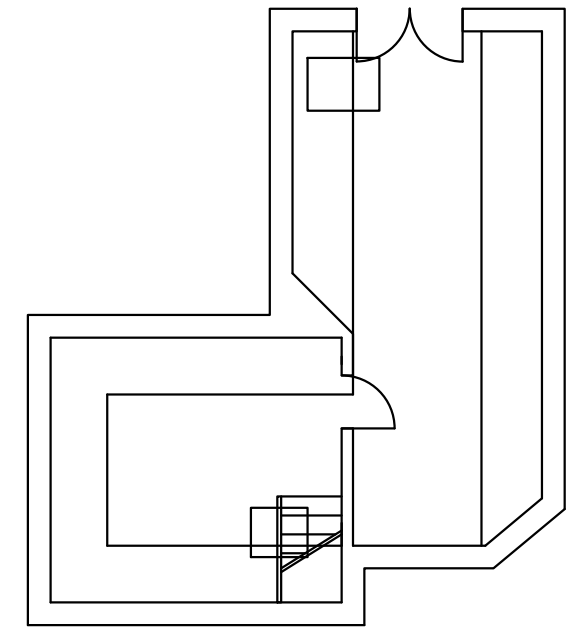
www.dotarchitecture.co.uk Design On Toast LTD



EXISTING GROUND FLOOR PLAN
SCALE 1:100@A3



EXISTING FIRST FLOOR PLAN
SCALE 1:100@A3



EXISTING SECOND FLOOR PLAN
SCALE 1:100@A3

Drawing Status key:

SK	-	Sketch	P	-	Preliminary
D	-	Draft	S	-	Submitted
A	-	Approved	T	-	Tender
C	-	Construction	I	-	Information

Existing Floor Plans

Drawing ref: Status:

1327P/102c IS

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McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Existing Floor Area **238m²**

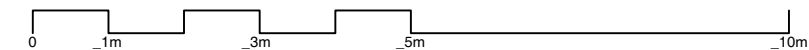
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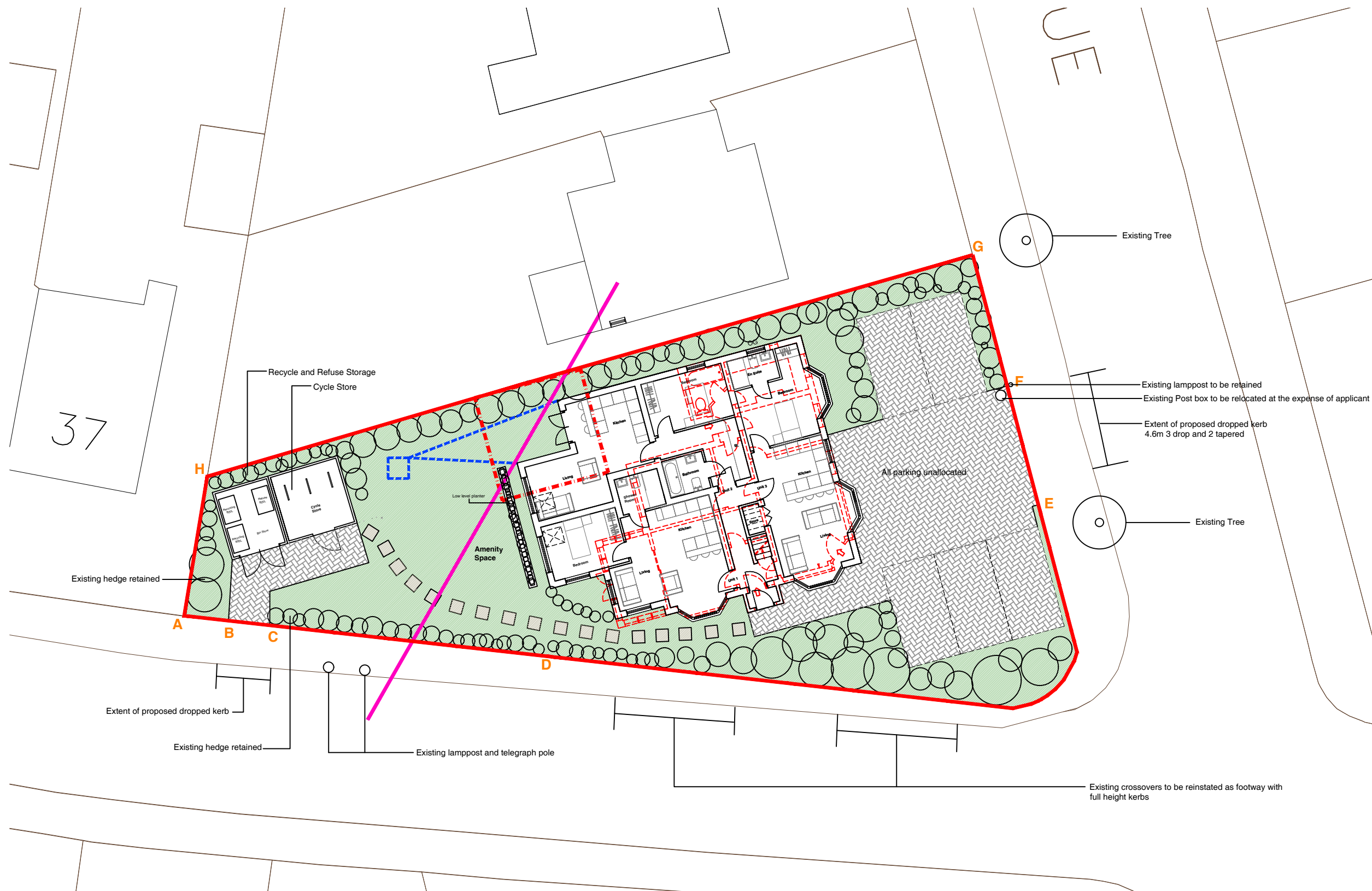
Checked by

Scale As shown

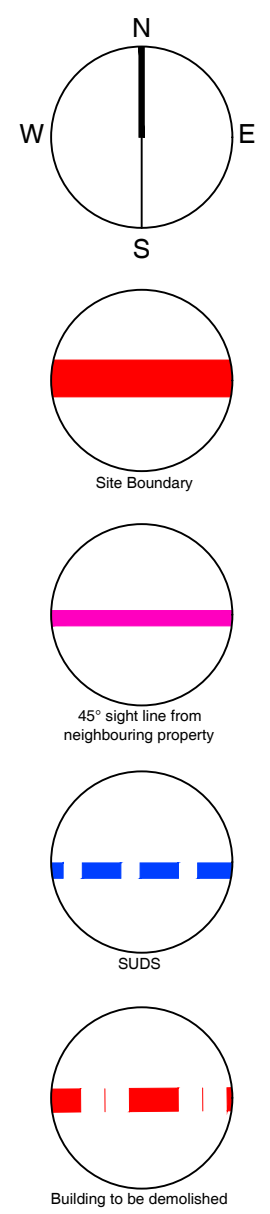
These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.

Revision	Notes	Date
a	amended to client's comments	030818
b	amended to client's comments	060818
c	surveyors schedule amended	031218





SUDS
 Soakaway to be proprietary soakaway cells wrapped in terram or similar geotextile membrane and to be constructed to comply with The Building Regulations 2010 ; Drainage and Waste Disposal (Part H)
 The total new roof area = 12m²
 Total new created area for surface water runoff =12m² (AREA)
 $V = \text{Area (Sq.m)} \times (\text{Rainfall rate at 50mm/hr in UK}) 3000$
 $12 \times (50/3000) = 0.2\text{m}$ Therefore the required soakaway is to be 0.2 cubic meters.
 Soakaways to be constructed using soakaway cells and in the locations shown on the drawing. Distance must be over 5m away from any structure and ALWAYS agreed with building control prior to construction.
 Surface water to be diverted through below ground surface water pipes serving the soakaway.

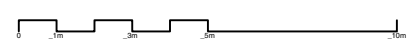


57

37

- BOUNDARY**
- A-B - Existing Boundary wall and hedge maintained
 - B-C - New opening created
 - C-D - Existing boundary wall and hedge maintained
 - D-E - 600mm boundary wall created with planting behind
- Wall to match existing wall between A-B and C-D
 - E-F - Opening Created
 - F-G - 600mm boundary wall created with planting behind
- Wall to match existing wall between A-B and C-D
 - G-H - Existing boundary wall maintained
 - H-A - Existing Boundary maintained

PROPOSED SITE PLAN
 SCALE 1:200@A3



McMorton Developments Ltd.
 58 Charminster Avenue, Bournemouth, BH9 1SB

Site Area 594m²
Drawn by CB
Checked by DH
Scale As shown

These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.

Revision	Notes	Date
q	amended to highways comments	210519
r	amended to highways comments	280519
s	amended to PO comments	130619
t	amended to PO comments	180619
u	amended to PO comments	020719
v	GF shown on site plan	030719

54 The Grove Christchurch BH23 1EP 01202 280638

Drawing Status key:

SK - Sketch	P - Preliminary
D - Draft	S - Submitted
A - Approved	T - Tender
C - Construction	I - Information

Proposed Site Plan

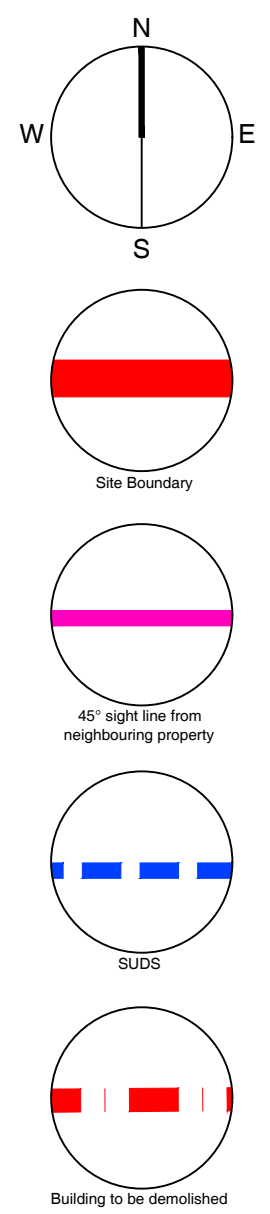
Drawing ref:	Status:
1327P/100v	S

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SUDS
 Soakaway to be proprietary soakaway cells wrapped in terram or similar geotextile membrane and to be constructed to comply with The Building Regulations 2010 ; Drainage and Waste Disposal (Part H)
 The total new roof area = 12m²
 Total new created area for surface water runoff =12m² (AREA)
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 Surface water to be diverted through below ground surface water pipes serving the soakaway.



58

37

- BOUNDARY**
- A-B - Existing Boundary wall and hedge maintained
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 - C-D - Existing boundary wall and hedge maintained
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 - E-F - Opening Created
 - F-G - 600mm boundary wall created with planting behind - Wall to match existing wall between A-B and C-D
 - G-H - Existing boundary wall maintained
 - H-A - Existing Boundary maintained

PROPOSED SITE PLAN
 SCALE 1:200@A3



McMorton Developments Ltd.
 58 Charminster Avenue, Bournemouth, BH9 1SB

Site Area **594m²**
 Drawn by **CB**
 Checked by **DH**
 Scale **As shown**

Revision	Notes	Date

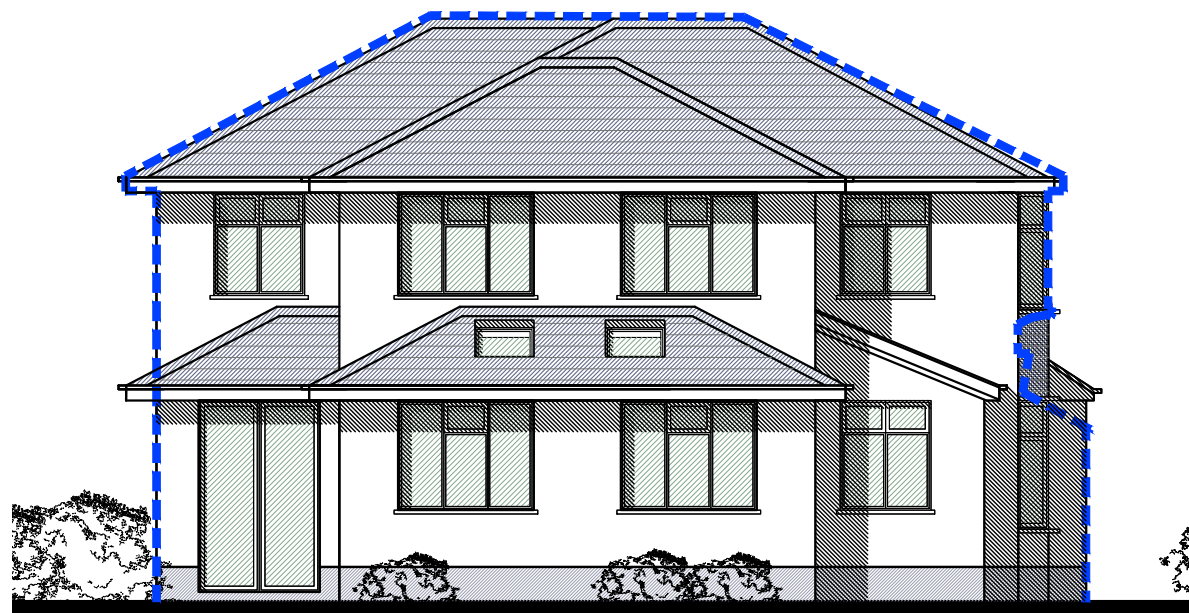
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D - Draft	S - Submitted
A - Approved	T - Tender
C - Construction	I - Information

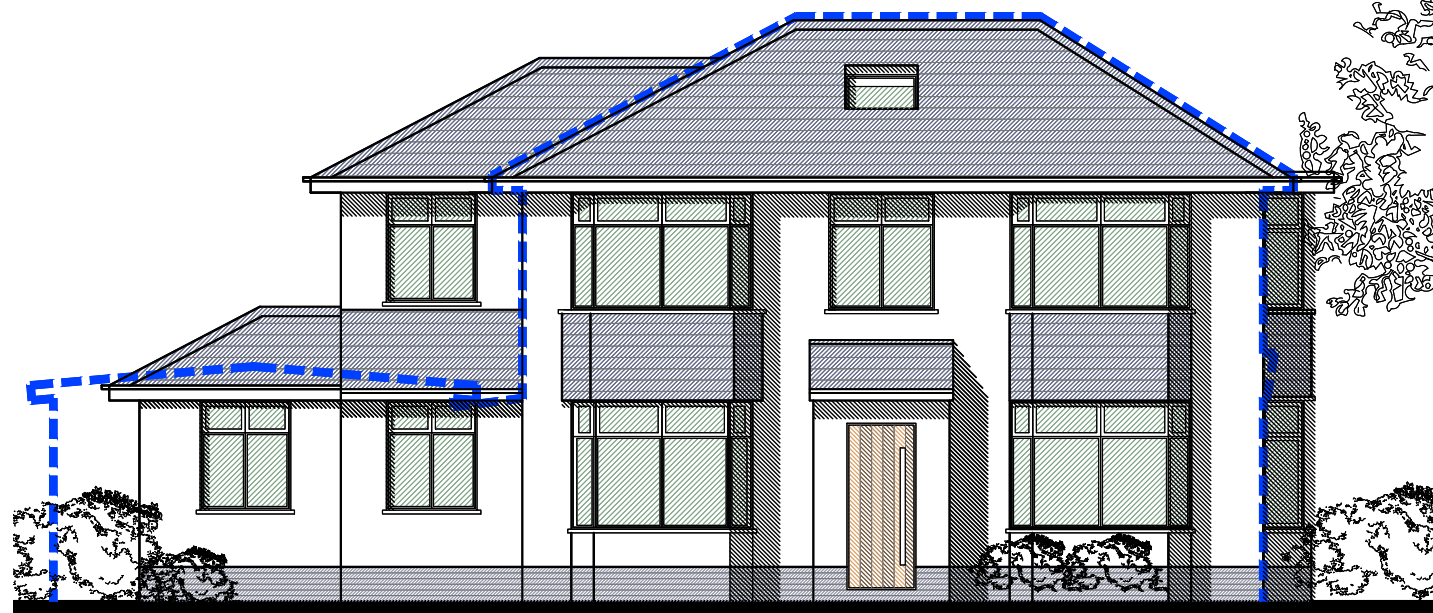
Proposed Site Plan - Showing First Floor

Drawing ref:	Status:
1327P/111	S

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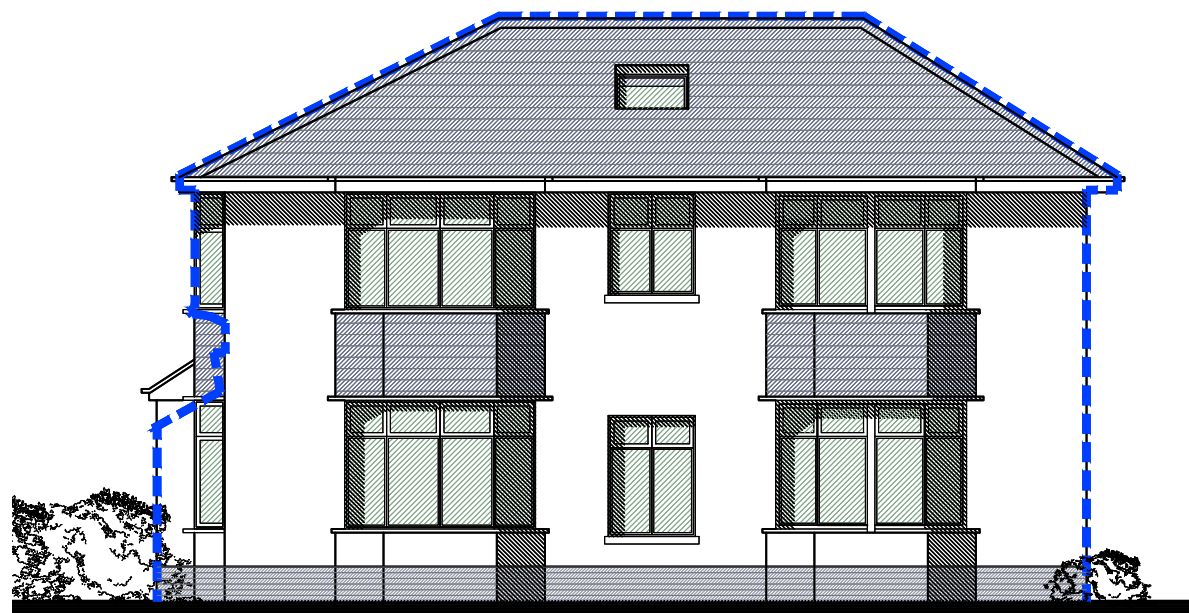


PROPOSED REAR (SOUTH WEST) ELEVATION
SCALE 1:100@A3

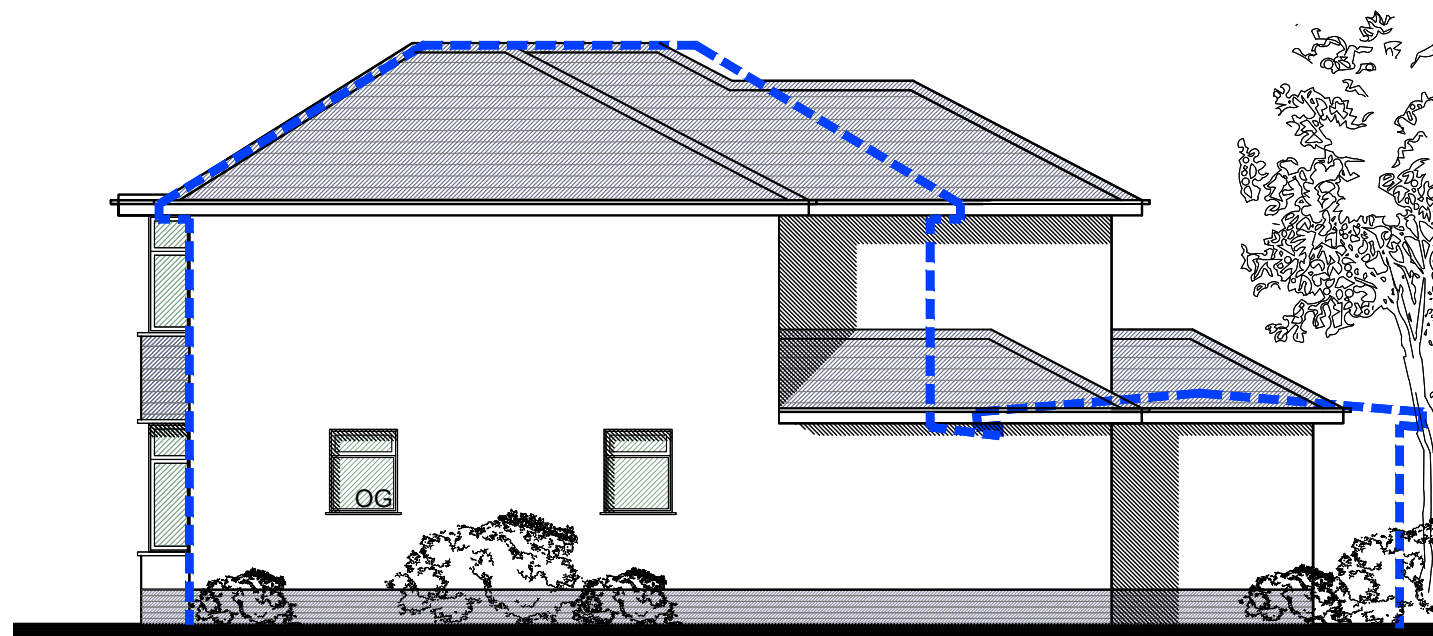


PROPOSED SIDE (SOUTH EAST) ELEVATION
SCALE 1:100@A3

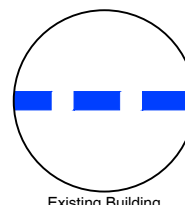
59



PROPOSED FRONT (NORTH EAST) ELEVATION
SCALE 1:100@A3



PROPOSED SIDE (NORTH WEST) ELEVATION
SCALE 1:100@A3



Existing Building

Drawing Status key:

SK - Sketch	P - Preliminary
D - Draft	S - Submitted
A - Approved	T - Tender
C - Construction	I - Information

Proposed Elevations

Drawing ref: Status:

1327P/106p IS

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McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Drawn by **ER**
Checked by **DH**
Scale **As shown**

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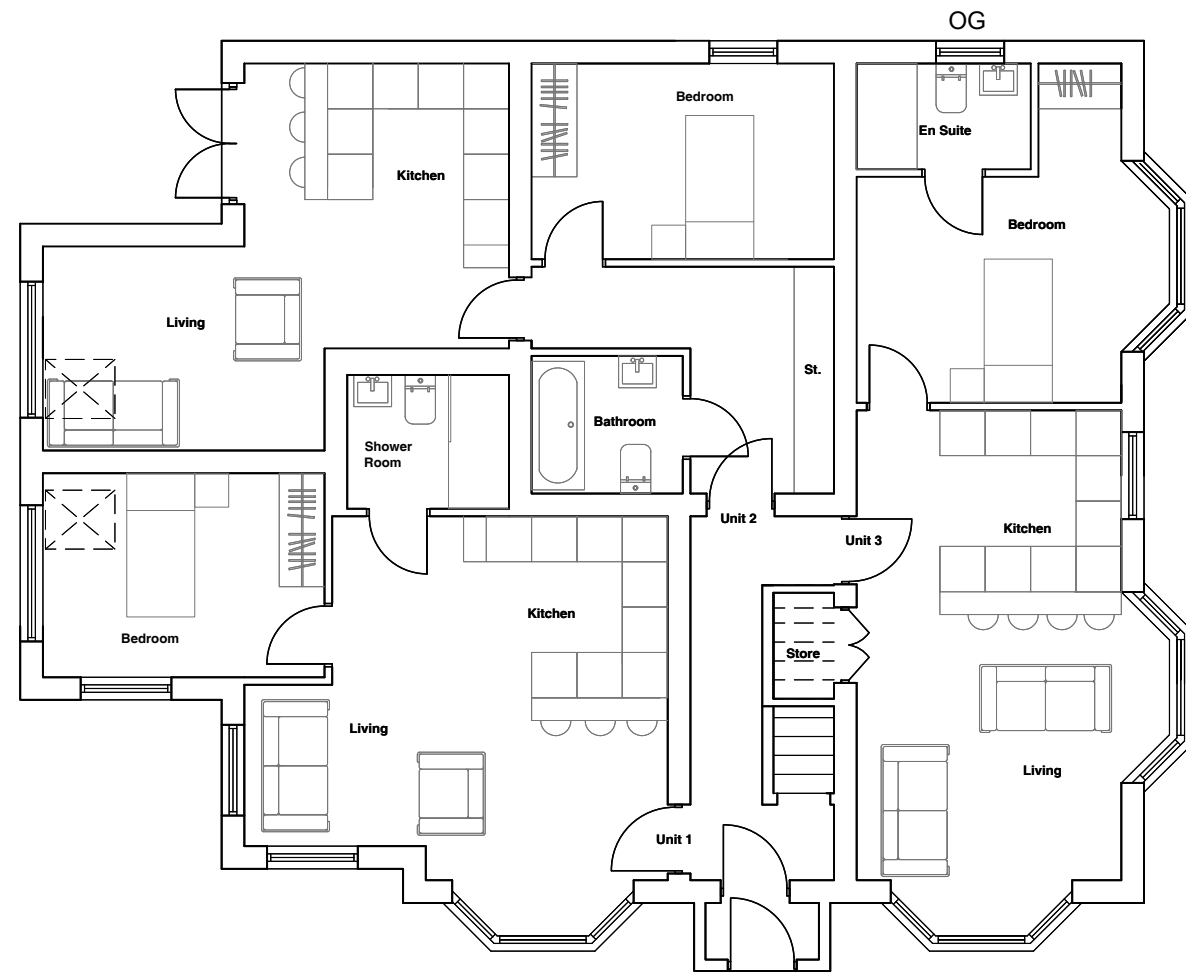
Revision	Notes	Date
i	amended to clients comments	220219
j	amended to clients comments	260219
k	amended to clients comments	170419
l	amended to PO comments	140619
n	amended to PO comments	020719
p	amended to PO comments	030719

54 The Grove Christchurch BH23 1EP

01202 280638

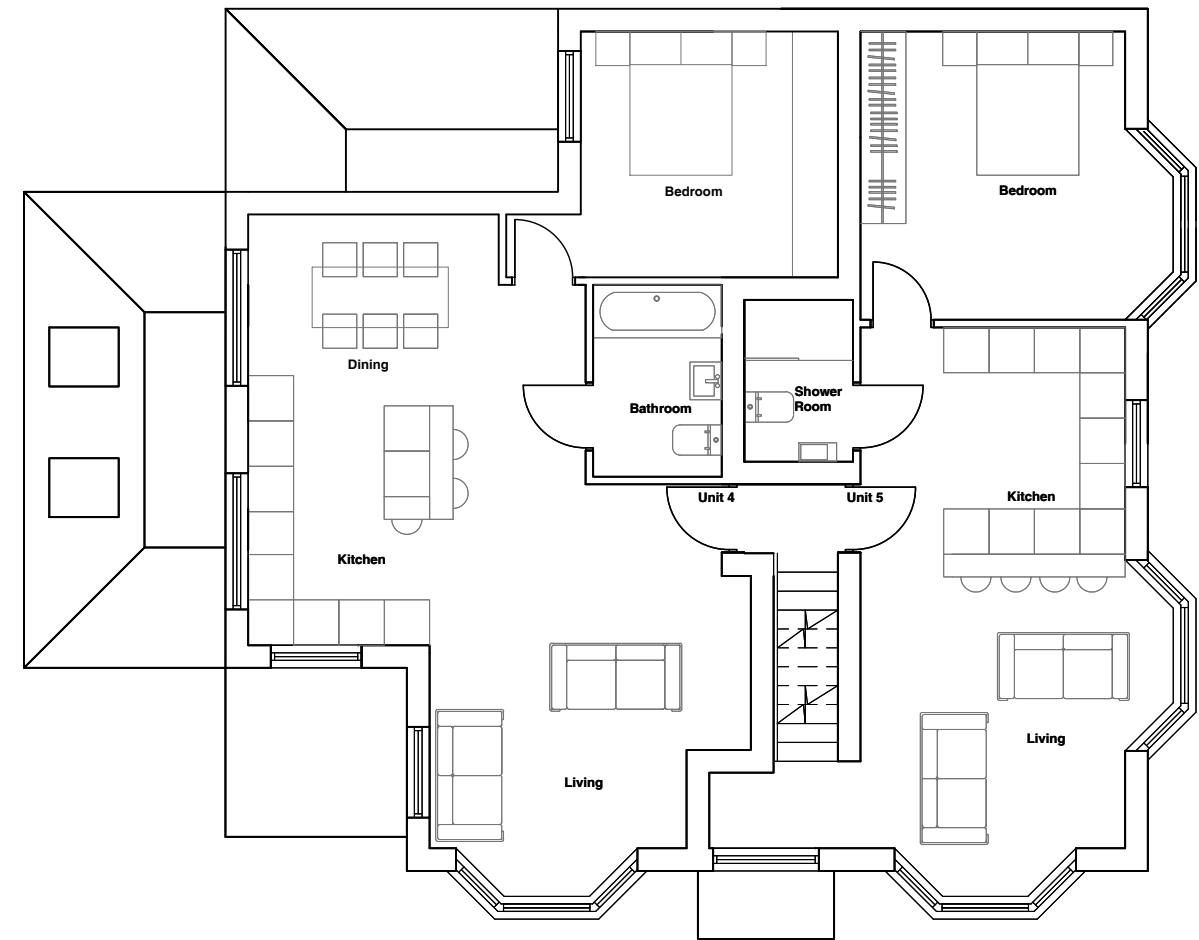


60



PROPOSED GROUND FLOOR PLAN
SCALE 1:100@A3

Unit	Sq.m	Beds/Person
1	37	1b/1p
2	50	1b/1p
3	40	1b/1p
4	57	1b/2p
5	72	2b/4p



PROPOSED FIRST FLOOR PLAN
SCALE 1:100@A3



Drawing Status key:

SK - Sketch	P - Preliminary
D - Draft	S - Submitted
A - Approved	T - Tender
C - Construction	I - Information

Proposed Floor Plans

Drawing ref: Status:

1327P/104n IS
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architecture

McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Proposed Floor Area **315m²**

Drawn by **ER**

Checked by **DH**

Scale **As shown**

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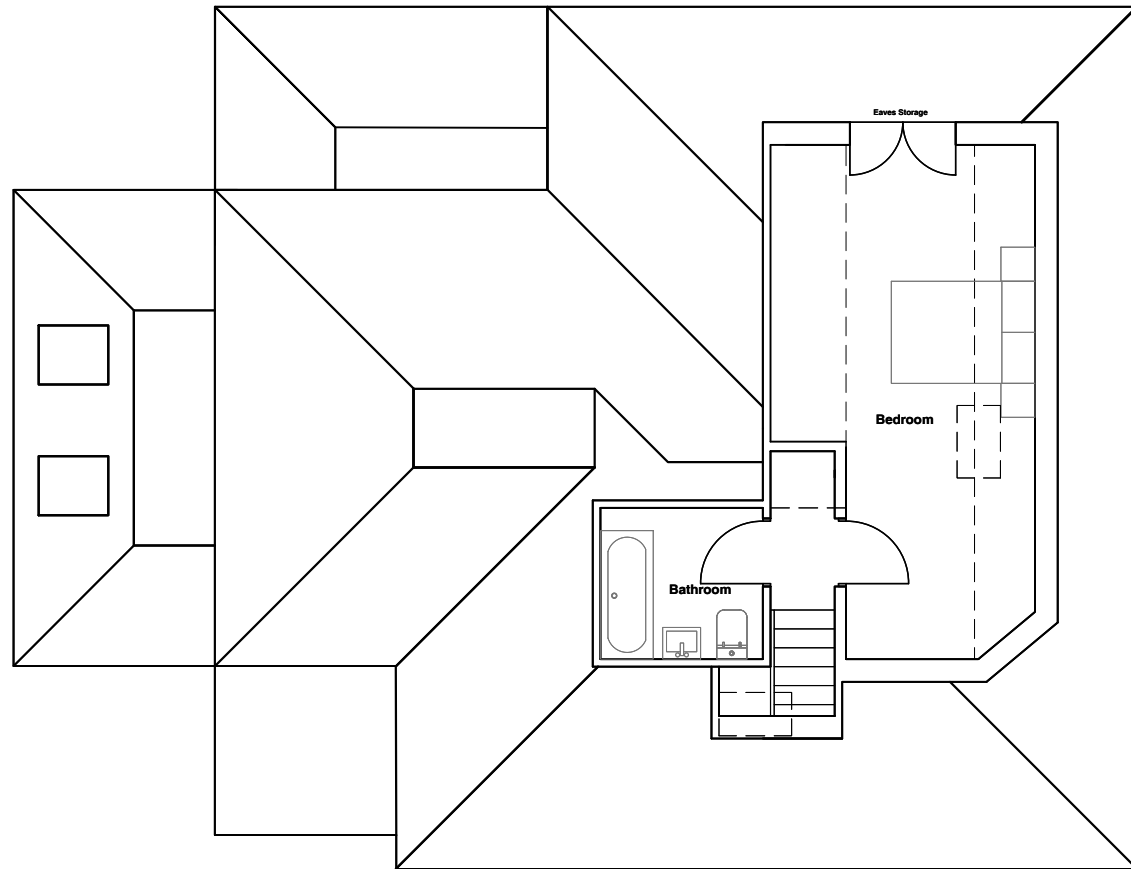
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j	amended to clients comments	170419
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n	amended to PO comments	030719

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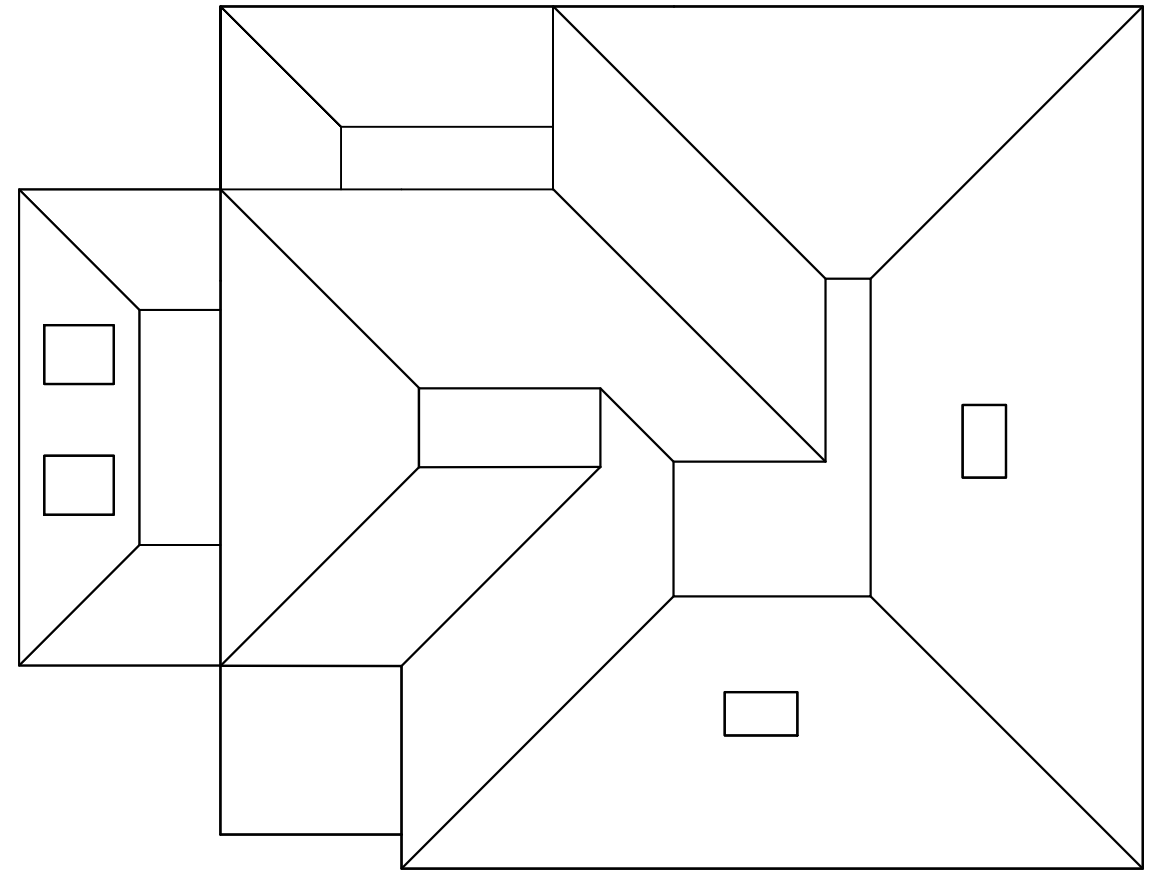
01202 280638

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PROPOSED SECOND FLOOR PLAN
SCALE 1:100@A3



PROPOSED ROOF PLAN
SCALE 1:100@A3

Unit	Sq.m	Beds/Person
1	37	1b/1p
2	50	1b/1p
3	40	1b/1p
4	57	1b/2p
5	72	2b/4p

Drawing Status key:

SK	- Sketch	P	- Preliminary
D	- Draft	S	- Submitted
A	- Approved	T	- Tender
C	- Construction	I	- Information

Proposed Floor Plans

Drawing ref: Status:

1327P/105m | S

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McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Proposed Floor Area **315m²**

Drawn by **ER**

Checked by **DH**

Scale **As shown**

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Revision	Notes	Date
g	amended to clients comments	220219
h	amended to PO's comments	260219
i	amended to PO's comments	170419
j	amended to PO's comments	130619
k	amended to PO's comments	020719
m	amended to PO's comments	030719

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62



INDICATIVE STREET SCENE SIDE (SOUTH EAST) ELEVATION
SCALE 1:200

Drawing Status key:

SK	-	Sketch	P	-	Preliminary
D	-	Draft	S	-	Submitted
A	-	Approved	T	-	Tender
C	-	Construction	I	-	Information

Proposed Street Scene 2

Drawing ref:	Status:
1327P/108b	IS

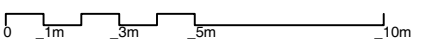
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architecture

McMorton Developments Ltd.
58 Charminster Avenue, Bournemouth, BH9 1SB

Revision	Notes	Date
a	amended to client's comments	161018
b	amended to PO comments	291118

Drawn by **ER**
Checked by **DH**
Scale **As shown**

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Planning Committee

11/07/2019

Application Address	Quay House and Quay Corner, Quay Road, Christchurch, Dorset, BH23 1BU
Proposal	Variation of Condition of application 8/16/0007 to alter wording of Condition 2 (originally Cond 6 of consent Ref; 8/15/0203), in order that both properties may be jointly let to one group.
Application Number	8/19/0684/CONDR
Applicant	Mr A Sweeney
Agent	Mr M Shepherd
Date Application Valid	20 March 2019
Decision Due Date	15 May 2019
Extension of Time date (if applicable)	
Ward	Town Centre
Recommendation	Grant in accordance with the recommendation details within the report.
Reason for Referral to Planning Committee	This application is brought to the Planning Committee at the request of Cllr Hall on the grounds of anticipated noise and disturbance from the proposal.

1 Description of Development

2 Planning consent is sought for the Variation/Relaxation of Condition 2 of application 8/16/0007

Condition 2 states;

2) The dwellings shall not be let together, nor shall they be let by single groups for social gatherings held in honour of a person who is about to marry (known colloquially as stag or hen parties); the owner of the dwellings shall also maintain a register of the names and addresses of tenants renting either property and the dates when they did so and the register shall be available for inspection by officers of Christchurch Borough Council and shall be submitted to Christchurch Borough Council on the 1st March and the 1st September each year.

The proposal is to alter wording of Condition 2 (originally Cond 6 of consent Ref; 8/15/0203), in order that both properties may be jointly let to one group.

3 The applicant has provided the following information.

	Existing dwellings let to two separate groups	Proposed dwelling when let to one group
Site Area: (ha)	0.0886	0.0886
Use	Residential	Residential
No. of Residential Units	2	2

4 No amended plans were submitted.

5 **Key Issues**

6 The main considerations involved with this application are:

- Whether the existing condition meets the six tests for imposing a condition
- Whether the proposed amendment to the existing condition meets the six tests for imposing a condition
- Impact on character and surrounding area
- Impact on residential amenity

These points will be discussed as well as other material considerations at paragraph 23 to 69 below.

7 **Planning Policies**

Development Plan:

Christchurch and East Dorset Core Strategy 2014

KS1: Presumption in favour of sustainable development

HE2: Design of New Development

CH1: Christchurch Town Centre Vision

CH2: Christchurch Town Centre Boundary

BE4: Development in Conservation Areas

Supplementary Planning Documents:

Christchurch Central Conservation Area Appraisal & Management plan 2005

Character Area Wick Ln, Silver St, Whitehall Church Ln & Quay Rd

“B. Church Lane & Quay Road

The area is an attractive residential backstreet that provides a pleasant contrast with the busy High Street areas. These roads form part of the pedestrian circulation of the town and play an important part in the interest of visitors to the area. The character of the streets comprises intimate spaces defined by the houses fronting directly on to the road or with small front gardens with boundary walls. While these streets maintain a high degree of historic character, there is a significant flow of traffic and pedestrian movement and potential conflict between the

two.”

“This provides for a very high quality historic environment which, due to its prominence and authenticity, is particularly vulnerable to even minor changes.”

The National Planning Policy Framework (2019)

Paragraph: 031 Reference ID: 21a-031-20180615 states;

“Some or all of the conditions could be removed or changed by making an application to the local planning authority under section 73 of the Town and Country Planning Act 1990. In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.”

Paragraph 11 Sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

National Planning Practice Guidance - Use of planning conditions

8 Relevant Planning Applications:

- 9 8/18/1907/FUL & 8/18/1908/LB - Erection of brackets for a temporary disabled access ramp, the removal of parking spaces alongside this ramp & the installation of planters in front of the building. Move railing and add double yellow lines. Refused 13.12.2018.
- 10 8/16/0007 – Variation of Condition 6 of Application 8/15/0203 to alter the wording of the Condition – Granted 25.1.2016.
- 11 8/15/0203 & 0204 (LB) - Refurbishment and associated alterations (partially retrospective) to Listed Building in association with the renovation and sub-division of the property into two separate dwellings – Granted 6.8.2015

12 Representations

- 13 In addition to letters to neighbouring properties, a site notice was posted at the front of the site on 10 April 2019, with an expiry date for consultation of 3 May 2019. A Press advertisement was posted in the Bournemouth Echo on 12 April with an expiry date of 5 May 2019.

6 representations have been received, 6 raising objection; 0 neutral, 0 supporting. The issues raised comprise the following:-

- Larger group get-togethers will increase the noise level and disturbance in the historic quarter

of the Town.

- Will spoil the calmness and character of the area
- Noise disturbance from the outside in the gardens impacts neighbouring residential amenity
- Of no economic benefit to the town
- Additional noise from the property not appropriate when there is a funeral taking place in the Priory Church

Consultations

14 None

Constraints

16 Heathlands 5km Consultation Zone

17 Christchurch Central Conservation Area

18 Listed Buildings

19 SSSI Impact Risk Zone

20 Scheduled Monuments

21 Green belt

Planning assessment

23 Site and Surroundings

24 The site is occupied by a three storey Grade II listed building located on the north eastern side of Quay Road, and standing within the Christchurch Central Conservation Area. The building was formerly used by the Diocese of Winchester as the vicarage and church offices for the Priory Church. Quay House occupies the eastern half of the building whilst Quay Corner forms the western half.

25 The property is now two dwellinghouses having been granted consent to convert into a pair of semi-detached dwellings under planning ref; 8/15/0203/FUL & 8/15/0204/LB. It is understood both properties are currently used for short-term lettings.

26 The two properties have shared off-road parking in a courtyard to the western side of the site and two separate enclosed rear gardens.

27 The surrounding area comprises a mix of uses consistent with being on the fringe of the main town centre shopping area. The surrounding properties are in a variety of styles and ages. There are a number of listed buildings in the proximity of the site including the Red House Museum – Grade II* on the opposite side of Quay Road, and the Christchurch Priory Church - Grade I, and associated buildings and walls around the church grounds, which are the site of a scheduled monument.

28 The building forms a prominent feature in the street-scene and makes a positive contribution to the Central Conservation Area.

29 Key issues

Principle of Development

- 30 Both paragraph 14 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development. This site falls within the urban area of Christchurch, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported.

Whether the existing condition meets the six tests

- 31 Guidance on the Use of Conditions is provided by the National Planning Practice Guidance (NPPG). The NPPG advises that government's policy on the use of conditions in planning permissions is set out in Paragraph 54 of the National Planning Policy Framework (NPPF) which states "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*".
- 32 Paragraph 55 of the National Planning Policy Framework states "*Planning conditions should only be imposed where they are:*
- *necessary;*
 - *relevant to planning and;*
 - *to the development to be permitted;*
 - *enforceable;*
 - *precise and;*
 - *reasonable in all other respects.*"

These are known as the 6 tests.

- 33 The NPPG also includes Key Questions which provides further guidance on applying the 6 tests. The NPPG clarifies that *all* of the 6 tests must be satisfied each time a decision to grant planning permission subject to conditions is made. Therefore if a condition does not meet any one of the tests, it should not be imposed.
- 34 Necessary – the NPPG Key Questions advises for a condition to be necessary it must serve a planning purpose and be required to make the development acceptable. If a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity. In order to address this issue, it is necessary to look at the original planning permission.
- 35 The original permission was for "*Refurbishment and associated alterations (partially retrospective) to Listed Building in association with the renovation and sub-division of the property into two separate dwellings.*" (8/15/0203 – paragraph 11 above). So, is the restriction of the use of the property as described in paragraph 2 necessary in order to make the development acceptable? Your officers are unaware of any other permissions granted by the Local Planning Authority (LPA) at the same time which included similar conditions restricting the use of a residential dwelling in such a way.
- 36 The committee report back in 2015 identified concerns expressed by 3rd parties about the possibility for noise and disturbance from the use of the properties as holiday lets and party groups. The consent was issued with the following condition;
- 37 "*The two dwellings hereby approved shall not be occupied as self-catering units at any stage and shall be retained as two private dwelling houses in perpetuity.*" The applicant at the time

contested the imposition of this condition, resulting in App. No. 8/16/0007 (paragraph 10 above) on which Condition 2 was imposed.

- 38 Also relevant to the “Necessary” test is that a tourist use in the area is policy-compliant. The site is within the town centre area identified in Policy CH1 (paragraph 7 above). The town centre vision for Christchurch in the Local Plan in CH1 states;
- 39 *“Christchurch will continue to act as the key town centre in the Borough and will be the main focus for retail development. Future growth and development will be based around promoting the town centre as a place to shop, participate in leisure activities, enjoy culture, access key services, and enjoy good food and drink. The attractive and historic environment of Christchurch town centre will contribute to its future vitality and viability whilst creating a vibrant multi-functional centre serving the needs of the local community and visitors alike.”*
- 40 Policy CH2 further advises; *“The Town Centre as defined by the Town Centre Boundary will be the focus for town centre uses including higher density residential, employment, retail, leisure and entertainment, offices, arts, culture and tourism development subject to compliance with other national and local policy.”*
- 41 The site lies in an area where the Local Plan supports tourism uses. It lies opposite one of the town’s main museums, adjoining the grounds of the Priory on the edge of the town’s main shopping area. Quay Road leads to one of the town’s main tourist car parks from which there is direct access to the Priory, the Quomps and quayside. It is an accessible and sustainable location. It would plainly be an appropriate location for a tourism use.
- 42 Relevant to Planning - It is a legitimate practice to restrict potential uses within a Use Class where this serves a planning purpose. So if it could be demonstrated that the use of the property for short-term lets was harmful, then the condition could be shown to be both necessary and relevant.
- 43 Relevant to the development concerned - The Government’s advice in the NPPG states that; *“A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.”* The original planning permission was for the subdivision of a large historic dwelling into 2 dwellings. The definition of “development” in the Town and Country Planning Act (1990) advises that it is not development *“in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.”*
- 44 The use of a property for holiday lets or short-term lets has been established to fall within Class C3 (dwellinghouses). So had no permission been submitted to the Council, it would have been possible for the original vicarage to be let for short-term rentals as there would not have been a material change of use requiring planning permission. On the face of it the condition fails the test of being relevant to the development concerned as it would appear to be attempting control a pre-existing right to use the property. The argument would then have to be that the subdivision of the original planning unit to two dwellings made it more likely to be used for what is regarded as an undesirable form of short-term rentals. The evidence for this on planning grounds from the earlier committee reports is weak. Furthermore, the applicant’s current desire to use the whole of what was the original planning unit for single bookings would also count against such an assessment.

- 45 Enforceable – The existing condition seeks to control certain types of letting of the approved dwellings. There is an obvious difficulty in the enforcing the proposed condition because there is no mechanism by which the Local Planning Authority could prevent a booking to a stag/hen party even if the person making the booking voluntarily identified themselves & their booking as falling into such a group.
- 46 The condition also requires a register to be sent to the LPA every 6 months. The current owner has complied with this, sending the Council a document containing lists of all short-term rentals. However, this data only demonstrates that the property is being used for short-term rentals. It does not clarify if a breach is occurring nor serve to prevent the potentially undesirable rentals listed in the condition. This type of condition is commonly used to ensure a holiday property is genuinely being used for short-term tourist lettings as opposed to permanently occupied as someone's main residence. The usual reason for this being that the tourism use may have been granted for its economic benefits in an area where permanent residential use would otherwise be unacceptable.
- 47 The condition also refers to Christchurch Borough Council which no longer exists but having taken legal advice, it is understood that BCP Council becomes the Local Planning Authority in this regard and this particular aspect does not make the condition unenforceable.
- 48 Precise – The NPPG advises “*Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?*” In this regard it is unclear how the Council would reasonably conclude a booking fell into the type of group the condition is seeking to prevent, such that control could be exercised.
- 49 Reasonable in all other respects - The condition operates on the presumption that a booking falling into the “stag/hen” party category is self-evidently harmful and therefore needs to be prevented. However, all other forms of booking are acceptable and thereby presumably benign. There is a considerable difficulty in presenting a land-use planning case in this respect in the event of trying to enforce the condition.
- 50 Conclusion – the existing policy plainly fails against one or more of the 6 tests. It is therefore ultra vires and should not be retained as currently set out. Therefore it is necessary to consider whether the proposed amendment currently requested by the applicant would address the existing deficiencies of the condition.

Whether the proposed condition meets the six tests

- 51 The current proposal before members seeks only to amend the part of the condition preventing the two dwellings being let together. The remaining wording would remain. Consequently the deficiencies of the condition as identified above over whether the condition is necessary, relevant to planning and to the development to be permitted; enforceable; precise and; reasonable in all other respects would remain.
- 52 It should be noted that the original planning permission granted the creation of two dwellings from a single planning unit of a larger dwelling. The current proposal would appear to be seeking to be able to use the property as a single unit. It is officers' understanding that the properties are physically separate and cannot be used as a single unit without alterations to the interior layout which would require listed building consent. Therefore even if the properties were rented to a single booking, the properties could not be used as such currently.

Impact on character and appearance of surrounding area

53 It is considered that letting of the two properties to one group of people, would have no appreciable impact on the character and appearance of the surrounding area. No alterations have been proposed to the building either externally or internally, and there would be no discernible changes in the appearance of the building. If at some future point the applicant wished to open an internal doorway through from one side of the building to the other, further Listed Building consent would first be required as noted above.

Impact to heritage assets

54 The property is a Grade II listed building. It is within the Christchurch Conservation Area. It adjoins the Priory, a Grade I listed building. The grounds of the Priory are a Scheduled Ancient Monument. The Red House museum opposite is listed Grade II*. Parts of the boundary walls of the Priory are also listed Grade II. Notwithstanding the clear sensitivity of the site as regards heritage assets, as noted above, no alterations are proposed as part of the scheme and there are no physical impacts on the heritage assets listed above or their setting.

55 The scheme is considered therefore to result in less than substantial harm to the heritage assets. Paragraph 196 of the NPPF advises that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* The approved development retains the building in Class C3 residential use which is considered to represent its optimum viable use. Retaining a building in an active use will usually be in the best interests of the long-term maintenance and retention of the heritage asset and there is no evidence that the building is not being appropriately maintained.

Impact on residential amenity

56 Whilst the concerns raised in the letters of objection from neighbouring residents are acknowledged, the issue as to whether one large group occupying the two properties jointly would generate more noise and disturbance than two separate groups is not easily demonstrated on land-use planning grounds. The two properties have been regularly let out now to holiday groups of varying numbers by the applicant for approximately the last 3 years, and a register with details of the occupants submitted on a twice-yearly basis to the LPA as per the planning condition. Although comments have been made in the letters of representation regarding the disturbance caused by noise coming from the use of the rear gardens, it is unclear whether this is above and beyond what could normally be expected from residential usage within an urban area.

57 The reasons that the applicant has put forward for seeking this amendment are outlined in the planning statement. The financial benefit to the applicant themselves is not a planning consideration, although the wider economic benefits of tourism to the area are. By the site remaining in residential use, it is unlikely that the Council would be able to demonstrate a significant material difference in the level of activity in terms of occupant numbers or vehicular movements should the dwellings be let to a single group, or stay as two individual lets.

58 It is noted there is an enforcement case on the Council’s records dating from 2017, responding to a complaint by a local resident concerning music coming from inside the premises and its use by a hen party. The Council’s records indicate the matter was investigated at the time, concluding this to be a one-off event. It did not result in further action, such as the serving of a Breach of Condition notice, which would be the usual mechanism for

ensuring compliance with a condition. The enforcement investigation clarified for interested parties that the correct approach for dealing with anti-social noise at the point it is occurring is Environmental Health. It is noted that this is an example of the difficulties in seeking to enforce the current condition.

59 There are no subsequent enforcement records for the site.

60 **Summary**

- The existing condition is unenforceable – amongst other defects – and thereby fails the six tests.
- The proposed amendment to the condition is equally unenforceable – amongst other defects – and thereby similarly fails the six tests.
- A tourism use on the site complies with Policies CH1 & CH2
- The proposals would not alter the character or appearance of the area.
- The proposals would have an acceptable impact on heritage assets
- There is no overriding evidence that the proposal would have a materially greater impact on neighbours' living conditions than the existing lawful situation.

61 **Planning balance**

62 There is a difficulty in trying to use a planning condition to control what is not an act of “development” – that is a change within the scope of a defined Use Class. The preceding LPA was clearly trying to deal with a legitimate material consideration – the living conditions of neighbours – in trying to place restrictions on the use of the property. However, the condition imposed does not meet the 6 tests for the reasons explained above and a failure against one of the tests will mean that the condition should not be imposed.

63 This leaves only in effect two options; either to remove the condition completely or prevent all short-term lets for tourism purposes. The latter option will have similar difficulties in meeting the 6 tests in terms of being necessary and reasonable as it is a use the original dwelling could have legitimately been used for prior to the grant of permission for the subdivision of the property. It is also compliant with the Council's town centre policies in the Local Plan which support tourism and leisure uses in the identified town centre area.

64 The NPPG confirms that in order to pass the test of being relevant to planning, the condition must relate to planning objectives and moreover should not be attached where specific controls outside planning legislation provide an alternative means of managing certain matters. The condition's intent to control possible anti-social behaviour from the letting of the property is not a matter for the planning system but is appropriately dealt with by the police or Environmental Health in respect of noise and disturbance.

65 There are no planning grounds to retain the condition and the recommendation is that the condition be removed.

66 In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”

67 In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

68 **Recommendation**

69 **GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision:

Conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactments thereof, nothing within Classes A,B,C,D and E of Part 1, Schedule 2 of the aforementioned Order, no outbuildings or structures which will include hot tubs shall be erected without express planning permission first being obtained from the Local Planning Authority.

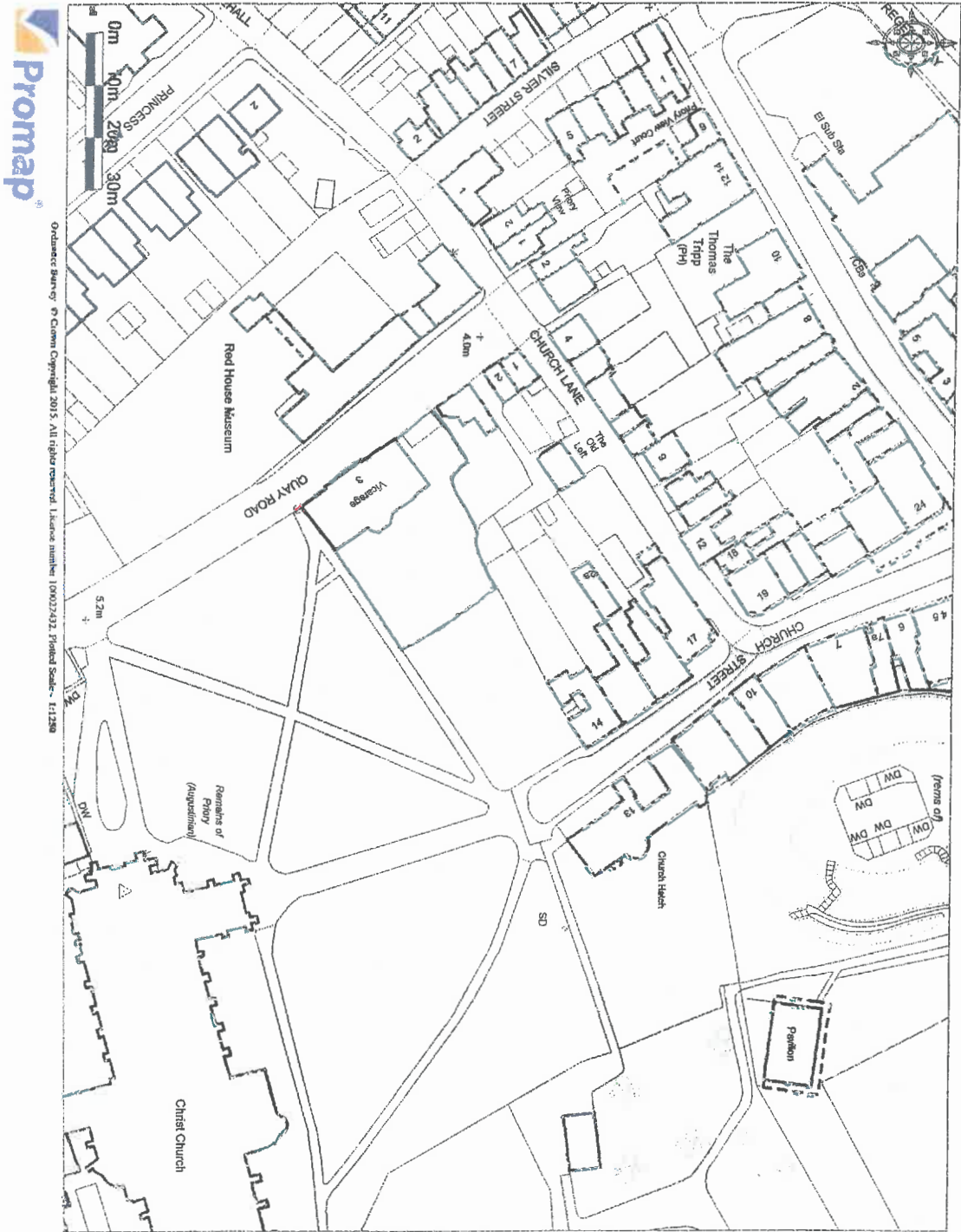
Background Documents:

Case File – 8/19/0684/CONDR

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: Alison Underwood



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