Notice of Planning Committee

Date: Thursday, 24 September 2020 at 1.00 pm

Venue: Virtual Meeting



Membership:

Chairman: Cllr D Kelsey

Vice Chairman: Cllr S McCormack

Cllr S Bull Cllr N Decent
Cllr S Baron Cllr P R A Hall
Cllr S Bartlett Cllr P Hilliard
Cllr M Davies Cllr T Johnson

Cllr R Lawton
Cllr M Le Poidevin
Cllr T O'Neill

Cllr T O'Neill Cllr A M Stribley

Conservative Vacancy

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 view the live stream of this meeting at the following link:

https://democracy.bcpcouncil.gov.uk/ieListDocuments.aspx?MId=4398

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email democratic.services@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

16 September 2020





Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and predetermination

tests

You can take part in the meeting speak and vote

No

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer (anne.brown@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

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 requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meeting held on Thursday 13 August and Thursday 3 September 2020.

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 23 September 2020. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

Further information about how public speaking is managed at virtual meetings is contained in the Protocol for Public Speaking at Planning Committee which is included with this agenda sheet and is available on the Council's website at the following address:

https://democracy.bcpcouncil.gov.uk/documents/s18186/Protocol%20for%20Public%20Statements%20at%20Planning%20Committee.pdf

Note: The public speaking procedure is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Planning Offices during the consultation period.

7 - 18

19 - 22

6. Schedule of Planning Applications

To consider the planning applications as listed below.

See planning application reports circulated at 6a – 6c, as updated by the agenda addendum sheet to be published on Wednesday 23 September 2020.

Councillors are requested where possible to submit any technical questions on planning applications to the Case Officer at least 48 hours before the meeting to ensure this information can be provided at the meeting.

The running order in which planning applications will be considered will be as listed on this agenda sheet.

The Chairman retains discretion to propose an amendment to the running order at the meeting if it is considered expedient to do so.

Members will appreciate that the copy drawings 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 by using the relevant planning register for this meeting, online at:

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

https://www.bournemouth.gov.uk/planningbuilding/CurrentPlanningApplications/PlanningApplicationRegister.aspx

https://www.poole.gov.uk/planning-and-building-control/planning/planning-applications/find-a-planning-application/

Councillors are advised that if they wish to refer to specific drawings or plans which are not included in these papers, they should contact the Case Officer at least 48 hours before the meeting to ensure that these can be made available.

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)	Unit 2, Fleets Corner, Fleets Lane, Poole, BH15 3BZ (Oakdale)	23 - 48
	APP/20/00853/F	
	Full planning application for the use of the existing retail unit as a Class A1 discount foodstore, external alterations and extension, including new service area, trolley bay, entrance area and canopy, with associated plant area and parking reconfiguration.	
b)	51 Bargates, Christchurch, BH23 1QE (Christchurch Town)	49 - 84
	8/20/0205/FUL	
	Demolition of existing building. Construction of new Church Building.	
c)	Carisbrooke, 172 Canford Cliffs Road, Poole, BH13 7ES (Canford Cliffs)	85 - 112
	APP/19/01569/F	
	Demolition of existing buildings and erection of assisted living/extra care accommodation (class C2) with communal facilities and car parking.	



BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL PLANNING COMMITTEE

Minutes of the Meeting held on 13 August 2020 at 1.00 pm

Present:-

Cllr D Kelsey – Chairman
Cllr S McCormack – Vice-Chairman

Present: Cllr S Baron, Cllr S Bartlett, Cllr M F Brooke, Cllr S Bull,

Cllr M Davies, Cllr P R A Hall, Cllr P Hilliard, Cllr T Johnson,

Cllr R Lawton, Cllr M Le Poidevin, Cllr T O'Neill and Cllr A M Stribley

Also in attendance:

17. Apologies

Apologies were received from Cllr T Trent and Members were also advised that Cllr S McCormack would be joining the meeting late.

18. <u>Substitute Members</u>

Notification was received from the nominated representative of the relevant Political Group Leader that Cllr M Brooke would substitute for Cllr T Trent for this meeting of the Committee.

19. Declarations of Interests

There were no declarations of interest made

20. <u>Confirmation of Minutes</u>

Subject to the amendment of the minute numbering, the Minutes of the meeting held on 23 July 2020 were approved for signing as a correct record.

21. Public Issues

There were several public statements received relating to the applications considered by the Planning Committee. As per the Protocol for Public Speaking, the Democratic Officer read out the written statements before the Chairman invited those Ward Councillors who had requested to speak, to address the Committee.

22. Schedule of Planning Applications

The Chairman advised that the items at 6c and 6e had been withdrawn from the agenda and would therefore not be discussed. He subsequently reordered the agenda due to some technical difficulties.

23. Merley Court Touring Park, Wimborne, BH21 3AA

This item was not discussed.

24. 30-34 Panarama Road, Poole, BH13 7RD

This item was not discussed.

25. 4 Queens Park Avenue, Bournemouth, BH8 9LG

(Queens Park)

7-2019-16827-E

Alterations, extensions, formation of dormer windows and conversion of dwelling house to 5 flats with cycle store, modification of vehicular access and formation of parking space.

❖ IN OBJECTION –

Stephen Blandamer Andrew Treadwell

❖ IN SUPPORT –

Darryl Howells

❖ VERBAL STATEMENTS –

Cllr M Anderson (Ward Councillor)

RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report with an amendment to Condition 9 to read as follows:

Revised condition 9

The proposed windows on the east elevation serving the kitchen to unit 4 & bathroom and bedroom 1 to unit 5 & bedroom 1 of unit 5 within the west elevation shall be of high level type (minimum 1.75m internal sill height above finished internal floor level). In addition, the high level windows serving the bathroom to unit 1 on the front (north) elevation shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard). The

windows permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Voting:

For -12 Against -1

26. Hurn Quarry, Hurn Court Lane, Christchurch, BH23 6AX

(Commons)

8/20/0016/CONDR

Extension to sand and gravel extraction at Hurn Quarry followed by filling with imported inert materials and restoration - Variation of Condition 1 (Time limit - Commencement of Development) and Condition 6 (Pre-Commencement - Archaeology) of App 8/16/2010/DCC to - Extend the end date of Hurn Quarry to support the restoration of the Western Extension.

❖ IN OBJECTION –

No statements received.

❖ IN SUPPORT –

Nick Dunn Rob Flower

❖ VERBAL STATEMENTS –

Cllr Phipps

RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report with an amendment to Condition 2 to read as follows:

Condition 2:

Unless otherwise agreed in writing by the mineral planning authority, no development shall be carried out other than in strict accordance with the approved plans, schemes and details submitted as part of the original planning application number: 8/2001/0192; plans and details approved under planning permission 8/16/2011, as listed below; and other plans and details approved under the requirements of these conditions.

DRG No: 347D 01-01 Location Plan

Drawing No. ST1 4939 -002 Plant Site Area

Approved Hydrology Details

The development shall be carried out in full accordance with the approved plans, schemes and details for the duration of this permission.

Reason: To manage the development in the interests of ensuring that the permission is implemented correctly thereby avoiding, reducing or mitigating the environmental effects of the development having regard to: Policies SS1; SS2; AS1; CC1; RS1; RS2; DM1; DM2; DM3; DM4; DM5; DM7; DM8; DM9and Policy DM10 of the Bournemouth, Dorset and Poole Minerals Strategy; and Policies 1; 16; 12 and 8 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019

Voting:

For - Unanimous

27. Hurn Quarry, Hurn Court Lane, Christchurch, BH23 6AX

(Commons)

8/20/0017/CONDR

Extension to sand and gravel extraction at Hurn Quarry, Dorset, followed by filling with imported materials and restoration - the deletion of condition 3 (Limit and Depth of Extraction) of App. No. 8/16/2011/DCC to avoid the sterilization of 305,168 tonnes of sub-groundwater mineral and the variations of condition 2 (Development to be in accordance with approved plans) and condition 18 (Throughput and type of waste) to adopt a revised scheme of working and the volume of imported restoration materials.

❖ IN OBJECTION –

No statements received.

❖ IN SUPPORT –

Nick Dunn Rob Flower

❖ VERBAL STATEMENTS –

Cllr Phipps

RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report with an amendment to Conditions 2 and 8 to read as follows:

Condition 2:

Unless otherwise approved in writing by the waste planning authority, the development hereby permitted shall be carried out in strict accordance with the details shown on the following plans and drawings submitted as part of the application:

DRG No. 347D-01-01 Location Plan
DRG No. 347D-01-02 Site Plan
ST14939-002 Plant Site Area
ST14939-003 Site Setting
DRG No. 347D-01-03 Phase 1A (as existing)
DRG No. 347D-01-04 Phase 1B
DRG No. 347D-01-05 Phase 2A
DRG No. 347D-01-06 Phase 2B
DRG No. 347D-01-07 Phase 3
DRG No. 347D-01-08 Phase 4
DRG No. 347D-01-09 Phase 5A
DRG No. 347D-01-010 Phase 5B
DRG No. 347D-01-011 Sections

Working and restoration shall proceed in a phased manner, as shown in the cited drawings. A 125 metre de-watering standoff shall be maintained around Dals House as shown, within which mineral extraction will remain above the water table.

<u>Reason</u>: For the avoidance of doubt and to control the form of development in the interests of safeguarding the local environmental and amenity of local residents having regard to: the Bournemouth, Dorset and Poole Minerals Strategy; the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019; and the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy

Condition 8:

No development shall take place until the details of the electric generators to be used within the site and the make and model of reversing alarm that is to be used on mobile plant, have been submitted to and approved in writing by the mineral planning authority. Only the approved generators shall be positioned and reversing alarms used on any mobile plant shall be operated within the site. Changes to the make and model of generator or reversing alarm shall only be undertaken with the prior written approval of the mineral planning authority.

Reason: In accordance with the application proposal and to safeguard amenity having particular regard to: Policies SS1; SS2; AS1; CC1; RS1; RS2; DM1; DM2; DM3; DM4; DM5; DM7; DM8; DM9 and Policy DM10 of the Bournemouth, Dorset and Poole Minerals Strategy; Policies 1; 16; 12 and 8 of the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

Voting:

For – Unanimous

Note: Cllr S McCormack joined the meeting during the discussion of this item and as such did not take part in the debate or the vote on this item.

28. <u>72 Lincoln Road, Poole, BH12 2HU</u>

(Newtown and Heatherlands)

APP/20/00299/F

Retrospective application for flat roof single storey rear extension and erection of 2 outbuildings and raised patio to the rear of the site. Re-roof and increase the eaves height of the existing bungalow. New boundary treatment to the rear of the site.

❖ IN OBJECTION –

Elizabeth Magee

❖ IN SUPPORT –

None.

❖ VERBAL STATEMENTS –

Cllr M Earl

RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report with an amendment to Conditions 6 and 7 to read as follows:

6. Notwithstanding the plans hereby approved, full details of the proposed materials and external finishes of the boundary treatment and retaining structure to be erected to the application site's rear (south west) boundary shall be submitted to and approved in writing by the Local Planning Authority before any further works are undertaken pursuant to the implementation of this planning permission. The approved scheme shall thereafter be implemented as the first operation undertaken pursuant to the implementation of this planning permission and thereafter retained at all times.

Reason-

To protect the reasonable amenities of adjacent residents in Fortescue Road and in accordance with the provisions of Policy PP27 of the Poole Local Plan adopted 2018

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason -

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

Voting:

For – 13 Abstain – 1

29. 44 Western Road, Poole, BH13 6EU

(Canford Cliffs)

APP/20/00247/F

Demolish existing garage and outbuilding, sever land and erect a pair of 3 bedroom semi detached houses with parking.

❖ IN OBJECTION –

Dugald Eadie Andrew Elliott

❖ IN SUPPORT –

Matt Annen Mark Adams

VERBAL STATEMENTS –

Cllr M Iyengar (Ward Councillor)

RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report with an amendment to Condition 10 to read as follows:

10. The whole of the light green shaded areas within the 'red line' boundary of the application site on approved drawing no. 9237/200 (Rev. F) (received 14th July 2020) shall be provided and made available as garden space for the benefit of the occupiers of the two dwellings hereby approved prior to the first occupation of either dwelling. These areas shall thereafter be retained at all times within the curtilages of the two houses hereby permitted and for the benefit only of the occupiers of the two houses hereby permitted.

Reason-

To ensure the provision and subsequent retention of sufficient usable external amenity space to serve the proposed dwellings and in accordance with the provisions of Policies PP27 (d) and PP28(2) of the Poole Local Plan adopted 2018

	Voting:					
	For – 8 Against – 6					
30.	50 Throopside Avenue, Bournemouth, BH9 3NR					
	(Muscliff	and	Strouden	Park)		
	7-2020-2799-BA	\				
	Alterations and	conversion of garage	to form additional living	space.		
	❖ IN OBJECTION	DN –				
	None.					
	❖ IN SUPPORT					
	None.					
	❖ VERBAL STA	ATEMENTS -				
	None.					
	RESOLVED that the application be granted planning permission in line with the recommendation as set out in the report.					
	Voting:					
	For - Unanimous	5				
The me	eting ended at 4.2	1 pm				
				<u>CHAIRMAN</u>		

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL PLANNING COMMITTEE

Minutes of the Meeting held on 03 September 2020 at 1.00 pm

Present:-

Cllr D Kelsey – Chairman
Cllr S McCormack – Vice-Chairman

Present: Cllr S Bull, Cllr S Baron, Cllr S Bartlett, Cllr M Davies, Cllr N Decent,

Cllr P Hilliard, Cllr R Lawton, Cllr M Le Poidevin, Cllr T O'Neill,

Cllr A M Stribley, Cllr T Trent and Cllr B Dunlop

31. Apologies

Apologies were received from Cllrs P Hall and T Johnson.

32. Substitute Members

Notification was received from the nominated representative of the relevant Political Group Leader that Cllr B Dunlop would substitute for Cllr P Hall for this meeting of the Committee.

33. <u>Declarations of Interests</u>

There were no declarations of interest.

34. Public Issues

There were several public statements received relating to the applications considered by the Planning Committee. As per the Protocol for Public Speaking, the Democratic Officer read out the written statements before the Chairman invited those Ward Councillors who had requested to speak, to address the Committee.

35. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A-B to these minutes in the Minute Book. Further to this the Committee received an update sheet in relation to the applications, a copy of which has been circulated and appears as Appendix I to these minutes in the Minute Book. The Committee considered the planning applications as set out in Minutes 36 and 37.

36. Merley Court Touring Park, Wimborne, BH21 3AA

(Bearwood and Merley)

APP/19/01586/C

Change of use of land for the stationing of 99 static caravans for permanent residential occupation.

Ø IN OBJECTION -

Marion Pope

Philip Hammick

Ø IN SUPPORT -

Ken Parke

Ø VERBAL STATEMENTS -

Cllr D Brown

Cllr R Burton (statement was read out by the Democratic Officer)

RESOLVED that the application be refused, contrary to the Officer's recommendation for the following reasons:

- 1. The application site is within the South East Dorset Green Belt and is currently largely open in character. The use of the land to site caravans for permanent residential occupation would introduce a use which has not been identified as appropriate development in the Green Belt and which would have a greater impact on the openness of the Green Belt than the 'existing development'. The proposals would therefore be contrary to the provisions of the National Planning Policy Framework and Policy PP2 (6) of the Poole Local Plan (November 2018).
- 2. The proposals would result in new homes with access to the wider highway network off Merley House Lane. Merley House Lane does not incorporate pedestrian footways and this is likely to result in increased conflict between vehicles and other highway users, most particularly pedestrians, to do the detriment of their safety. The proposals would not therefore provide safe and sustainable access for residents and therefore do not meet the requirements of Policies PP2 and PP35 of the Poole Local Plan (Adopted November 2018) and Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (February 2019)
- 3. The proposals would result in the loss of an established and active Holiday Site, which currently supports Poole's tourism sector, without it having been demonstrated that this use is no longer financially viable. The proposals are therefore contrary to the provisions of Policy PP23 of the Poole Local Plan (November 2018).

- The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, in 5the absence of any CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) or Heathland Infrastructure Projects (HIPs) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).
- The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, in he absence of any CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

Voting:

For -10 Against -3 Abstain -1

Cllr T Trent explained that, due to technical issues and therefore missing sections of the presentation and debate, he would abstain from voting.

37. Templeman House, Leedam Road, Bournemouth, BH10 6H

(Redhill and Northbourne)

7-2020-4336-T

Erection of a four storey block of 27 flats with bin and cycle stores, formation of parking spaces and installation of sub-station.

Ø IN OBJECTION -

Andrew Barnes Anthony Hand

Ø IN SUPPORT -

Steve Wildman

Ø VERBAL STATEMENTS -

Cllr J Edwards

RESOLVED that the application be granted Planning Permission, in line with the recommendation as set out in the report.

Voting:

For -12 Against -0 Abstain -2

The meeting ended at Time Not Specified

CHAIRMAN



PLANNING COMMITTEE

PROTOCOL FOR PUBLIC STATEMENTS AT MEETINGS

(ARTICLE 16: COVID-19 INTERIM DECISION MAKING ARRANGEMENTS)

This protocol makes provision for public statements to be taken into account in the decision making process at virtual meetings of the Planning Committee. It enables objectors and applicants/supporters to submit a written statement on planning applications for consideration at the meeting where they would normally submit a request to attend and speak at a physical meeting. These statements will be read out at the meeting on their behalf.

This protocol is separate from and is not intended to replicate or replace the procedure of submitting a written representation on a planning application to the Planning Offices during the consultation period.

- Objectors and applicants/supporters, including Parish or Town Council representatives, who wish to provide a written statement to be read out on their behalf at the Planning Committee must submit this to Democratic Services by 12noon on the day before the meeting.
- 2. There will be a maximum of two statements from objectors and a maximum of two statements from applicants/supporters on each planning application considered by the Committee. Each statement may consist of up to 450 words.
- 3. Statements will be accepted on a first come, first served basis. Statements will not be accepted once the limit has been reached. Objectors, and applicants/supporters with similar views are encouraged to co-ordinate in advance in the production of statements.
- 4. Statements will be read aloud by the Democratic Services Officer once the Presenting Officer has completed their presentation on each planning application.
- 5. Ward Councillors who have referred an application to the Planning Committee for decision will be expected to attend and speak at the meeting wherever possible, to explain their reasons for the call in. Other Ward Councillors may also wish to attend and speak at the meeting.
- 6. Any Ward Councillor attending and speaking at the meeting must also submit a written version of what they intend to say to Democratic Services by 12noon on the day before the meeting. In the event of a Ward Councillor not being able to access the meeting at the appropriate time for any reason, this statement will be read out on their behalf to ensure their views can be taken into account. Statements may consist of up to 900 words.
- 7. Any member of the Planning Committee who has referred an application to the Committee for decision and who has a predetermined view on that application may speak as a Ward Councillor in accordance with the provisions in this protocol, but will not be able to participate in the discussion or vote as a member of the Committee.
- 8. Written statements should refer to planning related issues as these are the only matters the Committee can consider when making decisions on planning applications.

Statements must direct points to reinforcing or amplifying the planning representations already made to the Council in writing. Guidance on what constitutes planning considerations is included at the end of this document. Statements must not include derogatory or defamatory comments.

- Anyone submitting a written statement who wishes to provide still photographs or illustrations (a maximum of five) to be displayed on screen while their statement is being read aloud must submit these to Democratic Services by 12noon TWO DAYS before the meeting.
- 10. Presentations other than those by the Presenting Officer(s) will not be facilitated at the meeting.
- 11. Any updates on planning applications to be considered by the Committee will be published by Democratic Services as soon as possible after 12noon on the day before the meeting.
- 12. In considering each application the Committee will normally consider contributions from people in the following order:
 - Presenting Officer(s)
 - Objectors
 - Applicant/Supporters
 - Ward Councillors (for the avoidance of doubt and for the purposes of this
 protocol, the term 'ward councillor' means a councillor who is not a member of
 the planning committee)
 - Questions and discussion by Members of the Planning Committee, which may include points of clarification from Officers, leading to a decision.
- 13. Exceptionally, in cases of significant major planning applications the Chairman of the Planning Committee may exercise discretion in respect of provisions within this protocol. Arrangements will be agreed in advance in consultation with Planning Services and Democratic Services.
- 14. Please note that virtual meetings of the Planning Committee are recorded for live and subsequent broadcast by the Council, and will be published on the Council's website for a minimum of six months after the meeting date. Agenda, reports and broadcasts can be accessed using the following link:

https://democracy.bcpcouncil.gov.uk/ieListMeetings.aspx?Cld=290&Year=0

For further information about public statements at Planning Committee please contact democratic.services@bcpcouncil.gov.uk

This Protocol has been adopted in accordance with the provisions of Article 16 of the Council's Constitution - Covid-19 Interim Decision Making Arrangements.

A copy of the Council's Constitution can be accessed using the following link:

https://democracy.bcpcouncil.gov.uk/ieListDocuments.aspx?Cld=151&Mld=4091&Ver=4&Info=1

The National Planning Portal provides the following guidance on material planning considerations:

'A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- · Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- · Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.'

https://www.planningportal.co.uk/faqs/faq/4/what are material considerations

Adopted by the Planning Committee on 21 May 2020

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Planning Committee

Application Address	Unit 2, Fleets Corner, Fleets Lane, Poole, BH15 3BZ
Proposal	Full planning application for the use of the existing retail
	unit as a Class A1 discount foodstore, external
	alterations and extension, including new service area,
	trolley bay, entrance area and canopy, with associated
	plant area and parking reconfiguration.
Application Number	APP/20/00853/F
Applicant	Aldi Stores Ltd.
Agent	Planning Potential
Date Application Valid	7 August, 2020
Decision Due Time	6 November, 2020
Extension of Time date	
(if applicable)	
Ward	Oakdale
Recommendation	Grant permission subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision
Reason for Referral to Planning Committee	This application is brought before committee due to the history of the site.
Case Officer	Clare Spiller

Description of Development

1. Planning consent is sought for Full planning application for the use of the existing retail unit as a Class A1 foodstore, external alterations and extension, including new service area, trolley bay, entrance area and canopy, with associated plant area and parking reconfiguration.

Key Issues

- 2. The main consideration involved with this application are:
 - Whether the proposal would undermine the Town Centre and Policy PP22 (retail impact and sequential test).
 - Whether adequate parking would be available serve the proposed development.
 - Whether the proposal adversely effects the character or appearance of the streetscene and surrounding area.

- Whether the proposal adversely effects the residential amenity of neighbouring properties.
- Whether the proposal mitigates flood risk.

Planning Policies

3. Poole Local Plan (Adopted 2018)

PP01	Presumption in favour of sustainable development
PP22	Retail and main town centre uses
PP34	Transport strategy
PP35	A safe, connected and accessible transport network
PP36	Safeguarding strategic transport schemes
PP38	Managing flood risk

4. <u>Supplementary Planning Document</u> Parking & Highway Layout in Development

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

Unit 2 - The application building

- 6. 2020: (APP/19/00558/F) A variation of condition application to vary condition no. 13 of permission 5/95/21727/010/F to allow Unit 2 to be occupied by a food store retailer. Deferred at July 2020 planning committee to allow a representation received about the application type to be considered by the Head of Legal Services. This application has not yet been determined.
- 7. **2020**: (APP/19/01502/F) Proposed external alterations to the retail unit and alterations to the car park (APP/19/01502) associated with the above application. Not yet been determined. The same proposed alterations have been incorporated into this current application.
- 8. **1995:** Demolish existing building and construct two non-food retail units with associated parking and landscaping. Approved and implemented (5/95/21727/10). This consent was subject to the following condition:
 - 13. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 the premises shall not be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of that unit as ancillary to the principal permitted retail use of the unit.

Reason:

To provide certainty over the nature of retail activities on the site and to ensure that no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994.

9. Of the two units permitted by this consent, Unit 1 is currently occupied by 'Wren' and Unit 2 is vacant, having last been occupied by 'Office Outlet', a stationer, until 20th June 2019. Both 'Office Outlet' and the previous occupiers ('Staples') occupied the building in breach of planning condition 13 as set out above.

Unit 1 - currently occupied by 'Wren'

11.**2014:** Variation of condition 13 of APP 5/95/21727/010/F to enable unit 1 to be occupied by an A1 use. The applicant was Aldi. This permission was refused for the following reason:

The proposal would result in a retail operation that is inappropriate on a retail park designated for DIY retail and bulky goods sales, thereby reducing the provision made for a retail sector that cannot readily be accommodated elsewhere within the Borough. This would undermine the provision for this sector of the retail hierarchy in the strategy for retailing in the Borough and would therefore be contrary to the provisions of Policy PCS 13 of the Poole Core Strategy (Adopted 2009).

12. At the time of this decision 'Unit 1' was occupied by a bulky goods electrical retailer.

Other decisions nearby:

- 13. 2007: Units 1A, 1B(A) & 1B(B) Wessex Gate East, Willis Way (units currently occupied by Next and vacant units formerly Maplin and Brantano). Certificate of Lawfulness to confirm use of site as open A1 (Retail) was granted (07/34898/005/K).
- 14. This was approved because a 2003 consent to divide one unit into two and for alterations to the shopfronts did not re-impose any condition restricting the range of acceptable goods to be sold, having therefore created a new planning chapter unrestricted in this respect.

Proposed Aldi Store at Parrs Confectionary 26 Alder Road, Poole:

- 15.2020: (APP/20/00877/F) Full planning application for the demolition of vacant existing buildings, and the erection of a Class A1 discount foodstore and a Class A1/A3 coffee shop with associated access, car parking and landscaping has recently been registered by the Local Planning Authority.
- 16.**2019:** (APP/18/00510/F) Full planning application for the demolition of vacant existing buildings, and the erection of a Class A1 discount food store (1,801 sqm gross) and a Class A1/A3 coffee shop (195 sqm gross) with associated access, car parking and landscaping, was refused in November 2019. The reasons for refusal were as follows:
 - 1.The proposed development would result in the loss of the site allocation for the provision of a care home and specialist accommodation housing that would contribute towards the delivery of

suitable housing to meet the needs of an ageing population and for which there is a clearly identified need and that is of strategic importance in meeting the objectives of the Poole Local Plan in favour of a form and use of development for which there is no objectively assessed need and that is not of strategic importance. In the absence of the submission of adequate evidence/information to justify why the strategic site allocation would not be suitable, deliverable and needed over the Plan period to meet the housing needs of the ageing population and therefore why a departure from the development plan should be permitted, the proposal would be contrary to the provisions of Policies PP9 (U5) and PP12 of the Poole Local Plan.

2. The proposed development would result in a significant level of trade diversion from the existing Aldi store that is located within the defined Wallisdown local centre due to the overlapping catchment of the existing and proposed stores that could lead to the closure of the existing store. On the basis of the independent retail advice provided to the Local Planning Authority, and in the absence of sufficient information to the contrary, the applicant has failed to demonstrate that the proposals and consequential loss of the existing Aldi store would not result in a significant adverse impact on the health of, and existing investment within, the Wallisdown local centre and would not undermine the retailing strategy for Poole. As such, the proposed development would be contrary to the provisions of the NPPF (paragraph 89) and Policy PP22 (4) of the Poole Local Plan.

Representations

17. In addition to letters to neighbouring properties a site notice was posted outside the site and the application was advertised in the press. The expiry for representations is 14 September 2020. At the time of representations have been received. Any subsequent letters will be notified to the Committee.

Consultations

- 18. <u>Transport Policy Manager</u>- Does not object to the proposal subject to conditions.
- 19. <u>BCP Environmental Health Officer- Noise Impact Assessment is acceptable however the finalised plans of the plant have not been submitted and therefore it is reasonable to condition these details to be submitted.</u>
- 20. <u>Crime Prevention Officer</u>- Comments made that the proposed cycle parking by the entrance to the store by the trolley park is in a good surveillance area, whereas the cycle parking around the corner may not get regular passing surveillance. Loading bays; glazed doors to fire escapes;, and the fire escape near the compound are weak points due to an alcove hiding place for an attacker.
- 21. An independent retail consultant considered the application's sequential and impact assessment for APP/19/00558/F and also visited the area in late June

2020. The findings of this report remain up to date and therefore relevant to this latest application. They are referred to later in the report.

Constraints

- 22. The site is within a retail park which is predominately for bulky goods or DIY stores.
- 23. The site falls within Flood Zones 2 and 3 (based on Environment Agency data).

Planning assessment

Site and Surroundings

- 24. The building to which this application specifically relates was, until June 2019, occupied by Office Outlet (and previously Staples), selling stationery and office supplies. The adjacent unit which falls under the original 1995 planning consent is occupied by Wren who sell fitted kitchens and bedrooms and are a 'bulky goods retailer', this unit was previously occupied by an electrical bulky goods retailer.
- 25. The service vehicle access to the buildings runs around the north east side of the application building round to the rear of the site which backs onto Fleetsbridge roundabout.
- 26. There is a large car park which serves both the application building and Wren. To the northeast is Fleetsbridge roundabout with Tesco's to the north of the application site whose entrance is off the roundabout. To the east are residential properties in Wimborne Rd with a pub incorporating a restaurant on the opposite side of Wimborne Rd, to the southwest is B&Q a bulky goods retailer with a number of other retail units beyond B&Q. To the south east are 2 storey residential properties. The road to the north east is a major road (Wimborne Road) with links to and from Poole Town Centre, and there is a bus stop on this road which is adjacent to the application site. There is a net work of public footpaths adjacent to the site which link the north side of Fleetsbridge roundabout to the south, east and west side of the site, with traffic islands to link the different elements of the wider retail parks together.

Key issues

27. The applicant is seeking planning consent to make alterations to the external appearance of the store; extensions to the building to provide plant and loading bays; and alterations to the parking layout. This proposal is also to allow a food retailer to occupy 'Unit 2' which is currently restricted by the wording of condition 13 of the 1995 planning consent for both units. The condition relates to both units 1 & 2. The reason for the restrictive condition was "To provide certainty over the nature of retail activities on the site and to ensure that no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994."

28. Whilst the red line for the application site includes both Unit 1 (Wren) and Unit 2, to incorporate the shared access and parking areas, planning consent to permit food to be sold is only being sought in respect of Unit 2. Unit 1, occupied by Wren and selling fitted kitchen and bathrooms would remain restricted to the goods allowed to be sold as per the original planning condition.

Sequential and exceptions test

- 29. The proposed development includes seeking planning permission to allow a food retailer to sell food and drink from unit 2, which is currently restricted due to condition 13 of 5/95/21727/010. The reason this restriction was attached to this 1995 planning consent was "to provide certainty over the nature of retail activities on the site and to ensure no adverse impact would result to the vitality and viability of the town centre in accordance with policies contained in the Deposit Poole Local Plan 1994."
- 30. The proposal to allow a 'food retailer' to occupy the unit falls within the definition of main town centre uses as set out in the NPPF and therefore the proposal must also be assessed in relation to the key retail and town centre policies.
- 31. In support of the proposed development, the applicant has undertaken a sequential test and retail impact assessment and has submitted a Planning & Retail Statement, to seek to demonstrate that it complies with the sequential and impact tests set out in both national and local planning policy. This considers whether there are any sequentially preferable sites to the town centre and the impact of the proposed development (both in terms of future investment and town centre vitality and viability). Due to the complexity and specialist nature of retail planning policy, the Local Planning Authority appointed an independent retail consultant to review the submitted sequential test and retail impact assessment on the earlier planning application (APP/19/00558/F). The assessment of the proposed development in relation to the sequential test and impact assessment, having regard to the applicant's submission and other relevant evidence base information, which was received on this earlier application is still relevant to this application and is therefore set out below.

(a) The Sequential Test

- 32. In order to achieve the Government's overarching objective of sustainable economic growth, the planning policy set out in the NPPF identifies the objective of promoting the vitality of town and other centres as important places for communities and the need for new economic growth and development of main town centre uses to be focused in existing centres. The NPPF states that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation" (paragraph 85).
- 33. The NPPF continues by stating that planning policies should define a network and hierarchy of town centres (e.g. town centre, district centres, local centres) which new retail development should be directed towards to promote their long

term vitality and viability. It promotes a 'town centre first' approach as it is stated that "Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered" (paragraph 86). In relation to the consideration of edge of centre and out of centre proposals, the NPPF goes on to state at paragraph 87 that "preference should be given to accessible sites which are well connected to the town centre".

- 34. The application site is allocated as part of a wider area as a Retail Park under Policy PP22, Part (4) (c) of the adopted Poole Local Plan 2018. Designated Retail Parks do not form part of the 'town centre' hierarchy in the Local Plan and it is also not to be classified as a retail land use allocation. Therefore, bearing in mind the distance to the nearest defined 'town centre' the application site should on the advice of the Councils retail consultant, be classified as lying in an out of centre location. In line with the NPPF, Policy PP22 of the Poole Local Plan identifies a retail hierarchy and adopts a retail strategy that endorses this 'town centre first' approach with new retail development and other main town centre uses being directed to the town centre, district centres, local centres and neighbourhood parades first, before consideration of out of centre locations. Thus, having regard to Policy PP22 part (4) (a) there is therefore a requirement to assess the proposal against both the sequential and impact tests.
- 35. As part of the sequential test it is necessary to assess whether there are any suitable and available sequentially preferable alternative sites or premises which can accommodate the proposed development. To be a suitable alternative site the site must be able to accommodate a food store which is able to perform a similar role and function to the proposed site the subject of this planning application; and accommodate on site car parking and servicing or take advantage of adjacent parking provision which is able to accommodate the demand generated by a food store retailer of a similar scale and function.
- 36. The applicant has looked at other sites and premises in the Poole Town centre regeneration Area: Land between Poole Bridge and Twin Sails Bridge; and Poole Town centre north: Dolphin Centre, Land East of the Dolphin Centre, Kingland Crescent, Train Station and Goods Yard, and Sainsbury. The applicant then went on to look at alternative sites and premises within the catchment of the proposal, which is Poole Town Centre, Broadstone, Oakdale and Canford Heath and Creekmoor. The independent retail consultant considers these areas to be a reasonable prediction of the likely catchment of the proposal.
- 37. The submitted Retail Statement sets out the alternative sites that have been identified and assessed by the applicant and explains why it has been concluded that they do not represent a suitable and available alternative that is sequentially preferable to the application site. On the basis of their assessment of alternative sites, the applicant has discounted the alternative sites for various reasons and concluded that there are no alternative sites within town or edge of centre locations that should be considered sequentially preferable to the

- application site. As such, the applicant contends that the proposals meet the sequential test in accordance with the requirements of the NPPF and Policy PP22 of the Poole Local Plan.
- 38. The independent retail consultant has considered a number of locations in and around Poole town centre, along with the district and local centres (including those which had been lacking from the applicant's original submission), the report concludes that there are not any suitable and available alternative sites or premises that are sequentially preferable to the application site. As a consequence, as far as the sequential test is concerned, the proposal complies with the provisions of the NPPF (paragraphs 86 and 87) and Policy PP22 of the Poole Local Plan. The sequential test is therefore passed.

(b) Retail Impact Assessment

- 39. Having demonstrated that the proposal meets the sequential test, in accordance with paragraph 89 of the NPPF when assessing applications for retail development outside town and other centres which are not in accordance with an up-to-date plan, as is the case in this instance, an impact assessment should be undertaken if the development is over a defined floor space threshold (i.e. 280sqm). Where an impact assessment is required the NPPF states that it should consider the impact of the proposal on:
 - (i) existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - (ii) town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- 40. In terms of the determination of applications for retail development outside of the defined 'town centres', paragraph 90 of the NPPF states "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused".
- 41. In line with the NPPF, Policy PP22 (4) of the Poole Local Plan sets out that outside of the designated boundaries and allocations (i.e. in edge of centre and out of centre locations) new retail development proposals over 280sq.m will only be permitted where it satisfies the sequential test and an impact assessment. The policy also states that such development must also be appropriate in scale, role, function and nature to its location and must not prejudice the role and function of Poole town centre or undermine the retail strategy; and within retail parks the units proposals should be predominately for the use of bulky goods/DIY operators that can't operate in the town centre.
- 42. Having regards to the potential impact on existing food retail stores in Poole Town Centre, £2.4m is estimated to be diverted from the ALDI store; £1.1m from the ASDA store, and £0.2m from Sainsburys Pitwines. These levels of diversion result in 11.1%, 2.5%, and 0.8% losses of trade respectively. The independent retail consultant advises that from the available survey evidence data both stores are performing very well and therefore does not consider there to be any obvious threat to their future trading viability.

- BCP has asked the planning agents whether the opening of ALDI on this application site would lead to the closure of the town centre ALDI. The agent responded in Jan 2020 saying that (a) the two ALDI stores have difference but overlapping catchments; and (b) the town centre ALDI store has a very good trading performance - the applicant anticipates store trading to be in excess of 300% of the average turnover for an Aldi store of that size. With the trading of the application site as an Aldi store trading at the town centre Aldi is still anticipated to be over 250% of the average turnover for that size of an Aldi store; which will insulate it from any significant harm as a consequence of diversion to Fleets Lane, and (c) ALDI regularly operate more than one store in medium to large sized towns. The independent retail consultant agrees that the catchments of the town centre ALDI and the Fleets Lane ALDI will also overlap although the decision between the stores is materially greater and, as such, there is much lower risk of the town centre store closing. The independent retail consultant considers this is reinforced by the evidence which suggests a successful trading performance for the town centre store. The agent has also stated that Aldi are on an expansion plan with new additional representation in Poole, rather than alternative provision.
- 44. In assessing the likely impact on surrounding district and local centres, the independent retail consultant considers that the only noticeable impact is in Broadstone and Canford Heath. They consider that the Marks and Spencer in Broadstone would loose £0.1m, and ASDA at Canford Heath would loose £1.7m convenience goods expenditure. The independent retail consultant concludes there is likely to be some diversion of trade from Marks and Spencer store, however, there is unlikely to be any particular threat to its future viability bearing in mind it is likely to serve a different food shopping function to the proposed ALDI at Fleets Lane.
- 45. Having regard to ASDA at Canford Heath, the level of diversion is forecast to be higher due to the greater degree of trading overlap between this store and the Proposed ALDI. The diversion of convenience goods is likely to have a circa -7.6% impact on the convenience goods turnover of ASDA. The Independent retail consultant considers that the store is trading sufficiently well to suggest that there are no obvious concerns for its future viability.
- 46. The independent retail consultant has inspected land uses present in the following local centres/neighbourhood parades: Northmead Drive; Wimborne Rd/Vicarage Rd; Adastral Square; and Milne Rd. They conclude that with regards to Northmead Drive the Co-op's viability is unlikely to be threatened with only a -0.1% loss of trade; and at Adastral Square Iceland, (frozen food shop) turnover is expected to be limited to -1.5%. The other areas were also assessed and the independent retail consultant concluded that the proposed impact of ALDI at Fleets Corner on these local centres are unlikely to affect the future health of the local centres/neighbourhood parades due to a lack of convenience stores within them
- 47. Also of consideration is the trade diversion of Tesco at Fleetsbrige and Lidl, Hatchpond Road which the independent retail consultant forecasts as £2.3m

- and £2.1m respectively. The Independent retail consultant advises that given these two stores are located in out of centre locations, there is no planning policy protection so that the impact on these stores is not considered.
- 48. The independent retail consultant concludes that subject to appropriate controls (conditions) the proposal is unlikely to have a significant adverse impact upon the health of nearby local centres, nor is it likely to threaten the future of the town centre ALDI store.
- 49. The applicant argues that the proposed development would deliver other benefits to the local area including opportunities for 30 local jobs (full and part time) that would boost the local economy; an improved retail offer and choice and an accessible and sustainable shopping facility to both local residents and businesses reducing the need for residents to travel further afield, allowing for walk in customers, as well as by public transport and cycling, and allowing for linked trips with the adjacent retail uses around Fleets Lane.
- 50. Having regards to sustainability the application unit is adjacent to a bus stop on Wimborne Rd which provide links with the Town Centre and is adjacent to a number of residential properties. Therefore, there are a number of alternative modes of travel available to the consumer rather than relying solely on a motor vehicle to access the proposed food store.
- 51. As such, the proposed development would not be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) (a) and (b) of the Poole Local Plan.

Impact on provision on sale of goods in retail parks (PP22 (4) (c)

- 52. Part 22 (4) (c) of the Policy regulates the sale of goods as retail parks as follows:-
 - "In the case of Poole's retail parks, the proposal is predominantly for bulky goods or DIY retail floor space and which is not suited to a town centre location"
- 53. Therefore this part of the policy also needs to be considered. This proposal is to sell convenience goods in the form of a food store does not fully accord with the policy, however the policy does say 'predominantly' which allows flexibility. At the time the 2014 planning consent was refused for Aldi to occupy the adjacent Unit (1) (currently occupied by Wren) the unit was occupied by a bulky goods operator selling electrical items, therefore in compliance with the condition and policy. Whilst there has been no real material change with regards to this policy between the old Local Plan on which the 2014 consent was refused and the 2018 adopted Local Plan, the nature of shopping for bulky goods has been shifting towards online shopping. There are two other vacant units near the application site the former Brantano, shoe shop and Maplins, electronics store adjacent to Next at Wessex Gate Retail Park. These units have been vacant for over a year. These units are adjacent to each other and have open retail A1 use, however the footprint of these units combined is less than the 1,100 sq m

which the independent retail consultant considered was an acceptable lower figure by the applicant demonstrating their flexibility for the sequential test. Therefore, these units combined, would not be a suitable alternative for ALDI, as the combined floorspace would be below the 'flexible' floorspace threshold accepted. The proposed use would bring back into use a vacant building, of which there are also smaller vacant units (former Brantano and Maplins store) nearby which suggest that there is currently low demand for bulky goods/DIY operators. It is considered these factors and the fact that the policy says 'predominately' means that given that the proposal would not be contrary to the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) (a) and (b) of the Poole Local Plan, the proposal would also not be contrary to part (4) (c) of Policy PP22 for the reasons set out above.

S52 on the site

54. There is a pre-1990 S.52 agreement on this site which addresses the use of the application building and is itself a variation of an earlier agreement. Its provisions are similar to condition 13 of permission 5/95/2127/010/F, and secures that 'no premises erected on the land shall be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of that unit as ancillary to the principal permitted retail use of the unit. This agreement remains in force. However the LPA would be unlikely to enforce an obligation that contradicts a later permission.

Parking

- 55. Given that the proposal includes an extension to the building to incorporate a loading bay a tracking plan has been submitted which shows that HGVs will be able to turn and exit within a forward gear, and that deliveries to Wren Kitchens and this unit could occur simultaneously.
 - 56. The proposal includes alterations to the parking layout which includes a reduction in the number of parking spaces from 180 to 140. An additional 5 of these spaces will be marked for disabled parking, there are already 2 disabled parking spaces adjacent to Wren which will be retained, and 9 spaces will be designated as parent and child spaces. The submitted parking survey shows that the parking demands generated by Wren Kitchen could be still accommodated and when compared with the projected parking requirements of the Aldi store, as set out in the submitted Transport Statement, there is unlikely to be significant parking capacity issues at the site. It is reasonable to condition that all parking spaces are shared between units 1 and 2, which reflects the 1995 planning condition on this site.
 - 57. Cycle parking (10 cycle hoops) are proposed to serve the proposals. This is considered an adequate number and is in line with the adopted Parking and Highways Layout in Development SPD. To make the spaces more usable they should be under a sheltered canopy, the details of which should be secured by condition. Refer to condition no.11.

- 58. Given the red line plan includes Unit 1 (occupied by Wren) and the parking area, and that this application forms a new planning chapter it is important that relevant conditions in relation to the original consent (5/95/21727/10/F) remain where appropriate which includes retaining the approved visibility splays as per the original planning conditions. Refer to proposed condition no. 13 and 14.
- 59. The draft travel plan refers to staff. It is reasonable to request a travel plan to encourage staff to travel by non car modes. Refer to condition no. 12.

External alterations and extensions and their impact on the character and appearance of the streetscene and area.

- 60. The proposal includes:
- alterations to the external appearance of the unit including new louvre inserts to the elevations, additional high level windows on the side elevation, and a new shop front including new canopy;
- refrigeration plant and compound to the side (east elevation);
- new loading bay (extension to building) and service ramp on the rear elevation;
- new trolley bay area to the front of the store and cycle hoops,
- alterations to the parking layout and proposed hard surfacing materials.
- 61. The proposed extension to the rear is relatively small to the overall size of the building and together with the additional high level windows will integrate with the existing building which is within a retail park. The alterations to the front elevation i.e. the shop front and canopy including the design and materials proposed will modernise the look of the unit, these changes will integrate with the existing building and are therefore considered acceptable having regards to the impact on the character and appearance of the area.

Impact on neighbouring properties

- 62. The closest residential properties are in Wimborne Road which is separated by a public footpath and landscaping including trees, therefore the proposed extensions will not harm the amenities of the closest residential properties.
- 63. With regards to potential for noise disturbance to the closest residential properties from deliveries by lorries to the site at night time, and noise of music being amplified to workers at night time and the harm to the amenities of the occupants there is no planning restriction on night time deliveries by lorries to the application building and unit 1 (Wren).
- 64. The proposal includes refrigeration plant within a compound to the east elevation of the building and extract fans on the north, south and west elevation of the building. The refrigeration plant will operate on demand and therefore noise will be intermittent. The specific details and precise location of the plant within the compound have not been provided, however, an acoustic report has been provided which demonstrates that the closest residential receptor at 477 Wimborne Rd, will

not be materially harmed by the noise associated with the refrigeration plant in the day and at night time.

Flood risk

65. The applicants report suggests that from referring to the Environment Agency data much of the site is covered by Flood Zone 2 and some within Flood Zone 3, and this flooding risk is from coastal/tidal flooding. However, the flooding and coastal erosion management team (BCP) advise that the levels on the site are higher than the predicted tide levels and therefore much of the site should largely be in flood zone 1. In addition, FCERM have detailed LiDAR survey data which show that at the end of the anticipated life of a commercial development the site would not be at risk. In addition, it is important to note that the building is a reuse of the existing building, rather than new build and therefore the building expectancy is likely to be lower, so during the expected limited life of the building it is not likely to be at risk of coastal/tidal flooding; and the use of the building is no more vulnerable than the authorised use of the building on site.

Contamination

66. The proposed site is located on an area of land which was potentially previously infilled, possibly to stabilise the land prior to development. The current application proposes some extensions to the existing building and therefore this work could have the potential to compromise any existing gas protection measures within/below the building. The existing gas protection measures therefore need to be located, reviewed and a detailed method statement submitted which details the existing measures and the methodology to ensure that the integrity of the existing gas protection measures will not be compromised, for example through new penetrations of the ground slab or by construction of new service trenches that could create gas migration pathways. The document should include a risk assessment showing that the building will be adequately protected from ingress of ground gas. The method statement should include proposals for the ongoing maintenance of the protective measures.

67. The applicant not has not actively sought to make an assessment, of any existing gas protection measures. Therefore further gas monitoring (internal/external) should be undertaken to fully characterise the current ground gas regime at the site, in line with current guidance, which has moved on since the original site investigation would have been undertaken at this site, and this needs to carried out prior to any building works being undertaken on the site. This can be secured by the appropriate planning condition.

Summary

68. The proposal passes the sequential and impact test and the viability of the town centre will not be under threat and will not, with this proposal, lead to the closure of the ALDI store in the town centre; and the viability on convenience stores in other local centres, would not have a 'significant adverse impact', and therefore the sequential and impact test is passed.

- 69. Material planning considerations demonstrate that the use of the unit within the retail park for food and convenience goods would not cause material harm to the part (4) (c) of Policy PP22 which seeks to have uses that are predominately bulky goods/DIY retail floor space.
- 70. The proposal would bring back into use a vacant unit on a retail park which has other vacant units close by.
- 71. The proposed site is in a sustainable location for residential properties and businesses and adjacent to a bus stop to enable a choice of travel modes to the Unit.
- 72. The proposed extensions and alterations will not cause harm to the character or appearance of the area.
- 73. The noise associated from plant will not materially harm the amenity of nearby residential properties.
- 74. In respect of all other material planning considerations, it is determined that the proposed development would be acceptable subject to the imposition of appropriate conditions.

Planning Balance

- 75. The proposed development would deliver economic benefits through the creation of jobs during both the construction (internal building layout) and operational phases of the development that would boost the local economy; environmental benefits through the re-use of a currently vacant building and the delivery of a development in a sustainable location close to other services/facilities and public transport; and social benefits through the provision of an improved retail offer and choice that is in an accessible and sustainable location reducing the need for residents to travel further afield and allowing for linked trips. This outweighs the loss of a unit and its floorspace within the retail park for bulky goods/DIY.
- 76. The independent retail consultant concludes that subject to appropriate controls the proposal is unlikely to have a significant adverse impact upon the health of nearby local centres, nor is it likely to threaten the future of the town centre ALDI store. As such, the proposed development would also comply with the provisions of the NPPF (paragraphs 89) and Policy PP22 (4) of the Poole Local Plan.

Background Documents:

77. Case File ref: 5/95/21727/010/F, APP/19/00558/F and APP/19/01502/F

RECOMMENDATION

It is therefore recommended that Planning Permission be granted subject to the conditions set out in the recommendation, which are subject to alterations / additions

by the Head of Planning provided any alteration / addition does not go to the core of the decision

1. GN150 (Time Expiry 3 Years (Standard))

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)

The variation of condition hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 180040-1100-P2 received 3/08/2020 Site Plan as Proposed 180040-1400 P4 received 3/08/2020

Proposed Roof Plan180040-1402 P3 received 3/08/2020

Proposed Floor Plan 180040-1401 P3 received 3/08/2020

Proposed Elevations (Sheet 1 of 2) 180040-1500 P2 received 3/08/2020

Proposed Elevations (Sheet 2 of 2) 180040-1501 P2 received 3/08/2020

Plant Compound 1270 - R6 received 3/08/2020

Visibility Splay Overlay 180040-1403 P1 received 3/08/2020

Reason -

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

3. RC060 (Limitation on Use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof:-

UNIT1 as identified on plan 180040-1100-P2 (received 03/08/2020), shall not be used for the sale of food, drink, clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of unit 1 as ancillary to the principal permitted retail use of the unit; and

UNIT 2 as can be identified on plan 180040-1100-P2 (received 03/08/2020), shall not be used for the sale of clothing, footwear, fashion accessories, toys (other than toy bicycles), books, stationary, chemist sundries and soft furnishings; all except where the sale is carried out by the retail operator of unit 2 as ancillary to the principal permitted use of this unit.

Reason -

The application relates to Unit 2, and is specific to the future occupier having regards to the retail impact and sequential test. The impact of varying this condition on Unit 1 has not been assessed as part of this planning application. To be complaint and in accordance with Policies PP22, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

4. AA01 (Non standard Condition)

The maximum size of the net sales area of the food store in Unit 2 as can be identified on the proposed floor plan 180040-1401 P3 (received 03/08/20), shall be 1,315sq m with no more than 20% of the net sales area (263sq m) being devoted to the sale of comparison goods.

Reason-

The application relates to Unit 2, and is specific to the future occupier having regards to the retail impact and sequential test. To be complaint and in accordance with Policies PP22, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

5. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof Unit 1 and Unit 2 shall not be sub divided.

Reason-

The application is specific to the future occupier of Unit 2 having regards to the retail impact and sequential test, and in accordance with Policy PP22 of the Poole Local Plan adopted 2018

6. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent enactment or re-enactment thereto, no alterations shall be undertaken as to allow any additional retail floor space on any mezzanine floor to Unit 1 & Unit 2.

Reason-

To ensure a balance is maintained between floor space and car parking and in accordance with the Parking and Highway Layout in Development SPD and in accordance with Policy PP22 of the Poole Local Plan (November 2018).

7. AA01 (Non standard Condition)

Unless otherwise agreed by the Local Planning Authority, development shall not commence until conditions 1-2 have been complied with:

1/ Review of gas protection

A review of the existing gas protection design measures shall be undertaken and a report and location plan of such submitted to the LPA..

EITHER

2a/ Method statement

A detailed method statement, based on the above review, which describes the existing gas protection measures and the proposed methodology during construction to ensure that the integrity of the existing gas protection measures

will not be compromised. This

shall include a risk assessment demonstrating that the proposed building will be suitably protected by the existing gas protection measures from ingress of ground gas, particularly in small, enclosed spaces. The method statement shall be submitted in writing to the LPA for approval.

OR

2b/ Monitoring, remediation and verification

Where the applicant does not wish to maintain the existing gas protection measures (as described in 2a), then further gas monitoring (internal/external) and risk assessment shall be undertaken to fully characterise the current ground gas regime at the site, in

line with current guidance to determine if there is a need for ongoing gas protection at the site. Where the need for gas protection is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health must be prepared, and is subject to the approval in writing of the LPA. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the LPA.

Reason -

In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. AA01 (Non standard Condition)

In the event that contamination is found at any time when carrying out the approved permission that has not been previously identified it must be reported in writing immediately to the LPA. An investigation and risk assessment must be undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site in relation to the proposed use of the site hereby approved and documenting the actual ground conditions found on site and an appropriate quantitative assessment of risk to identified receptors. The site investigation and risk assessment must be undertaken by a competent person/s. Where remediation is necessary, a remediation scheme must be prepared specifying remedial works and measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters and to avoid risk from contaminants and/or gases. The scheme shall be submitted to, and approved in writing by, the LPA and shall thereafter be implemented in accordance with the approved scheme. Following completion of the measures identified in the

approved remediation scheme, a verification report must be prepared that demonstrates the effectiveness of the remediation carried out and submitted to, and approved in writing by, the LPA.

Reason -

In order to minimise the risk of contamination polluting the environment and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

9. AA01 (Non standard Condition)

Prior to first occupation of the building, full details of the plant proposed within the plant compound area shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be erected in accordance with the approved details.

Reason-

The precise details have not been submitted but the noise report confirms that the plant will not cause harm noise/disturbance to the closest residential receptor and in accordance with the NPPF 2019.

10. AA01 (Non standard Condition)

All external facing and roofing materials to be used shall be carried out in accordance with the details as set out in the application forms and as identified on the plans.

Reason -

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

11. HW110 (Cycle Provision)

Prior first occupation of the building, details of the shelters for the secure cycle parking shall submitted to and approved by the local planning authority, and shall be carried out in accordance with the agreed details and thereafter retained.

Reason -

In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

12. AA01 (Non standard Condition)

Prior to the first use of the retail Unit 2 as can be identified on the approved plan, a Travel Plan including appropriate measures to encourage staff to travel to and from the site using more sustainable modes of transport, together with securing appropriate monitoring, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter the agreed measures shall be fully implemented and continued in perpetuity.

Reason -

To encourage more sustainable modes of transport in the interests of highway safety and efficiency, in accordance with policy PP35 of the Poole Local Plan

(2018).

13. HW200 (Provision of Visibility Splays)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays shown in the colour PURPLE as indicated on the approved plan 180040-1402 P1 (received 03/08/2020) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason -

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

14. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no structure shall be erected or plants grown over 1.0 metre in height within the forward visibility sight line coloured YELLOW as indicated on plan 180040-1403 P1 received 03/08/2020.

Reason-

In the interests of highway safety and in accordance with Policies PP34 & PP35 of Poole Local Plan adopted 2018.

15. AA01 (Non standard Condition)

The car parking as can be identified on the proposed site plan 180040-1100-P2 shall be shared between the two units at all times and not allocated.

Reason-

To ensure that adequate car parking is available and in accordance with Policy PP34 Poole Local Plan adopted 2018.

16. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning spaces 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.

Reason -

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

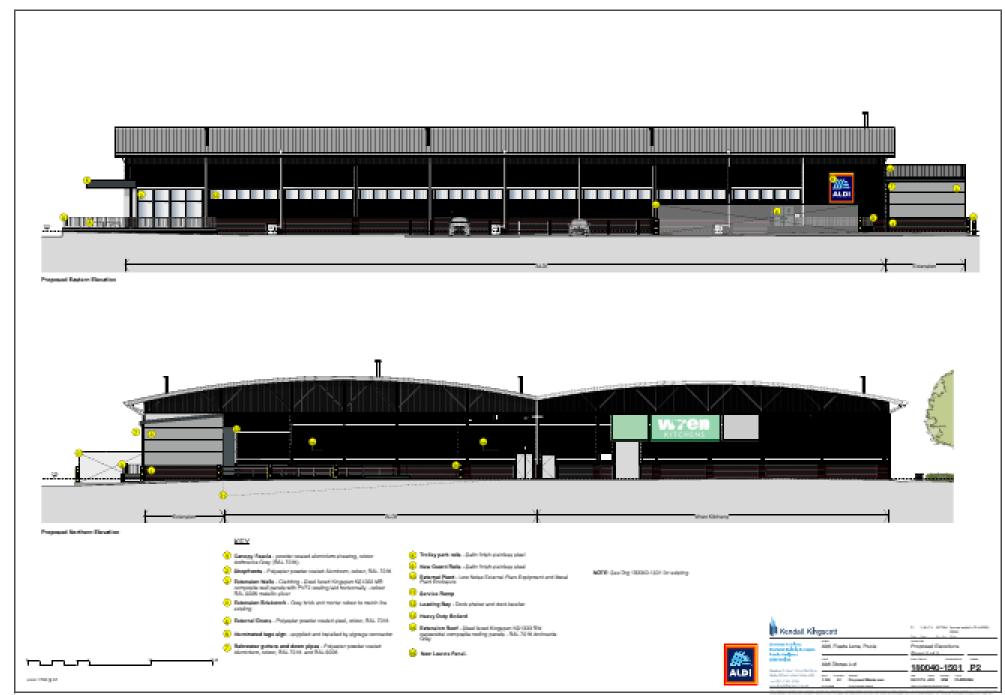
Informative Notes

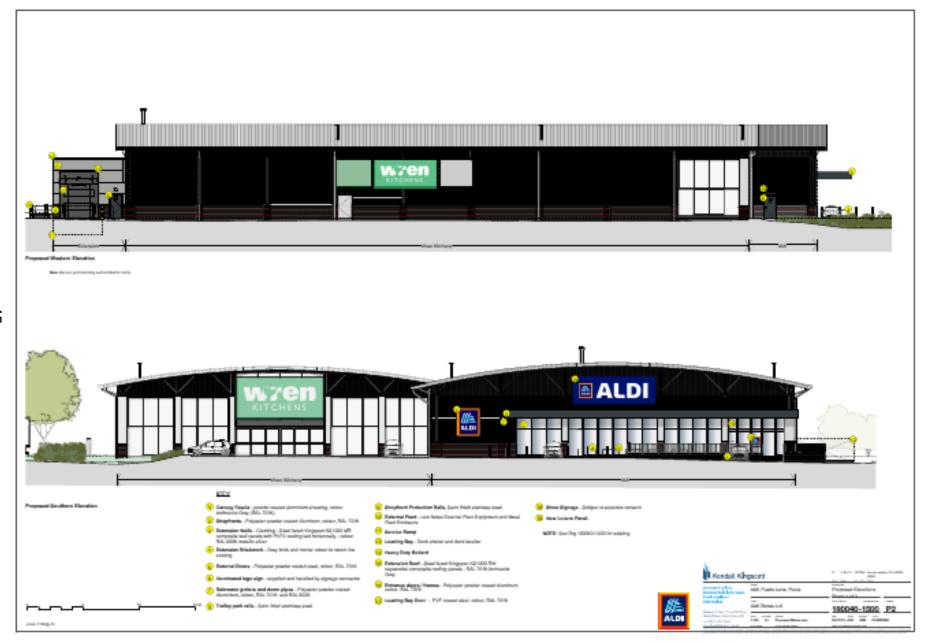
1 IN72 (Working with applicants: Approval)

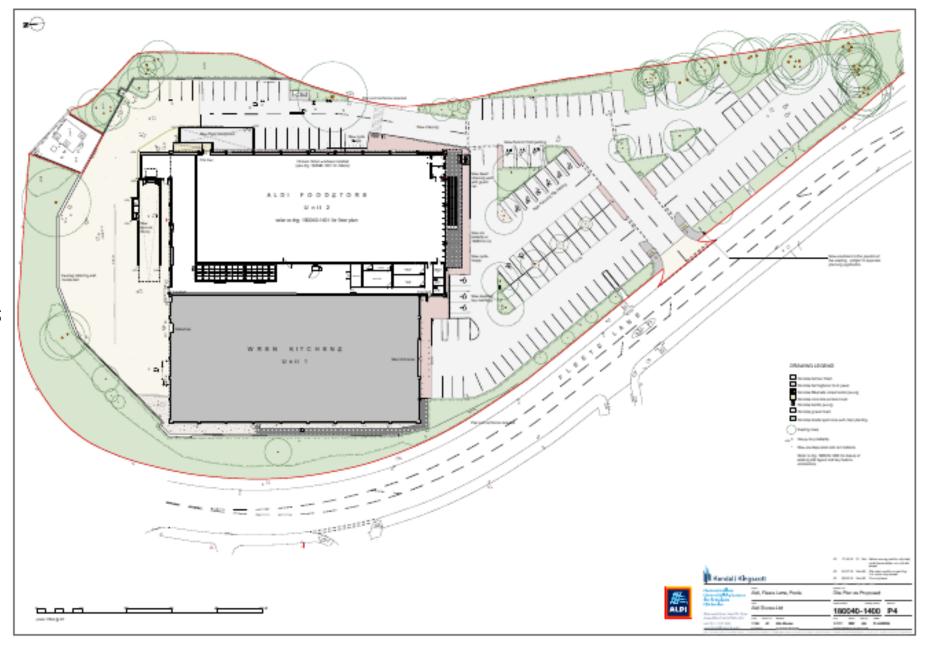
In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with

- 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.

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PLANNING COMMITTEE



Application Address	51 Bargates Christchurch BH23 1QE
Proposal	Demolition of existing building. Construction of new Church Building.
Application Number	8/20/0205/FUL
Applicant	Christchurch Baptist Church
Agent	Mr Will Lycett
Date Application Valid	3 March 2020
Decision Due Date	2 June 2020
Extension of Time Date (if applicable)	
Ward	Christchurch Town
Report status	Public
Meeting date	23 September 2020
Recommendation	Refuse
Reason for Referral to Planning Committee	Number of representations in support and objecting to the proposal
Case Officer	Sophie Mawdsley

Description of Development

- 1. The application seeks permission for the demolition of the existing building and the construction of a new Church building. The proposed building would be four storeys in height, one of which would be at basement level. On the front elevation it would measure 11.8m in height dropping down to 4.6m from ground level at the rear. The levels would comprise of the following;
- Lower ground level meeting/activity rooms, storage area, small kitchen area and changing facility.

- Ground floor level multi-functional foyer, double height main worship space and wc facilities.
- First floor level smaller worship space, offices, activity space and kitchen
- Second floor level meeting/activity rooms, offices, kitchenette, wc facilities
- 2. The building would have a contemporary finish with the use of brickwork, pre finished cementitious panels and a standing seam metal roof. Photovoltaic panels would be installed on the roof slope fronting Bargates.
- 3. No 51 Bargates, a late Victorian detached bay fronted building would be demolished to facilitate the construction of the new contemporary Baptist church. The building would fill the space currently occupied by No 51 and the rear parking area. No vehicle parking would be provided on the site.
- 4. The existing Baptist church is located at No. 49 Bargates, on the opposite corner of Bargates and Beaconsfield Road. It is a locally listed building. The Church currently uses offices and space within No. 49.

Key Issues

- 5. Principle of development
- 6. Provision and enhancement of community facility
- 7. Layout, form and visual amenity
- 8. Heritage and archaeology
- 9. Access, parking and impact on local transport network
- 10. Biodiversity and Ecological considerations
- 11. Residential Amenity
- 12. Flood risk and surface water management

Planning Policies

13. In accordance with Section 70(2) of the Town & Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

14. Development Plan:

KS1: Presumption in favour of Sustainable Development

KS2: Settlement Hierarchy

KS6: Town Centre Hierarchy

KS7: Role of Town and District Centres

KS9: Transport Strategy and Prime Transport Corridors

KS10: Strategic Transport Improvements

KS11: Transport and development

KS12: Parking provision

HE1: Valuing and Conserving our Historic Environment

HE2: Design of new development

HE3: Landscape Quality

LN7: Community Facilities and Services

ME1: Safeguarding biodiversity and geodiversity

ME3: Sustainable development standards for new development

ME6: Flood Management, Mitigation and Defence

PC1: Christchurch and East Dorset Employment Land Hierarchy

Saved policies -

T14: Cycle routes

H12: Infill development

H16: Crime prevention and design

BE5: Setting of conservation areas

BE15: Setting of listed building

ENV5: Drainage of new development

P5: Loss of town centre car parking

15. Supplementary Planning Documents and other evidence

Character Assessment

Central Christchurch Conservation Area Appraisal

The National Planning Policy Framework 2019

16. 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. The relevant sections are;

Section 2 Achieving sustainable development

Section 6 Building a strong, competitive economy

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flood risk and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

17. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date7, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed6; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Relevant Planning Applications and Appeals

8/15/0712 - Change of use from residential (C3) to office (B1) space and change of use from office (B1) to non-residential institutions (D1). Granted 03/16.

Representations

- 18. In addition to letters to neighbouring properties, a site notice was posted outside the site on 22 May 2020 with an expiry date for consultation of 13 June 2020 and a press advert was publicised on 22 May 2020.
- 19.28 objections have been received to the proposal, 92 letters of support and 6 representations commenting on the proposal.
- 20. The **objections** and **comments** are on the following grounds;
 - Increased traffic
 - Loss of existing parking serving the church
 - Parking on Beaconsfield Road impact on residents ability to park and access properties
 - Majority of parishioners are not local and do not live within immediate area
 - Existing church causes problems with parking and blocking local roads
 - Impact on access for emergency vehicles
 - Noise and dust from construction air pollution
 - Overpowering and dominant building

- Does not preserve or enhance character and appearance of the Conservation Area
- Out of keeping and scale with properties on Beaconsfield Road and Bargates
- Monolithic structure and overpowering against scale of Victorian houses
- Design is utilitarian, institutional, imposing.
- Bland frontage does not enhance Bargates
- Lost opportunity
- Impact from digging out the basement/piling on neighbouring properties
- Loss of No 51 historic connections
- No opportunity for soft landscaping
- Archaeological implications site close to excavated Saxon cemetery and 2
 Bronze Age barrows on Waitrose car park.
- Cumulative impact with nearby development at Magistrates Court/Police site and impact on parking
- Strain on existing infrastructure
- Construction traffic

21. The **support** is for the following reasons;

- Enhanced community facility and hub
- Enhance and rejuvenate Bargates
- Design well considered and meets planning policies
- Enhanced disabled access
- Provision of only 'changing places toilet' in Christchurch
- Church supports community
- Community work is vital
- Existing church building no longer fit for purpose and no room for growth
- Church played big role with food bank, environmental issues, vulnerable groups, youth groups.
- Enable church to be more inclusive
- More efficient heating and ventilation and renewable energy systems
- Excellent addition to Christchurch and pleasing to eye
- Enhanced sound insulation
- Environmental issues addressed in the new building reduced carbon footprint

- Meet the needs of a growing community and planned developments nearby
- Improved partnership working with other voluntary/statutory agencies
- Site in a good position for public transport
- The right place for a modern new building to serve the community
- Want to remain within the town centre to benefit whole community and easier for public transport
- New building fully accessible
- Improve community outreach

Consultations

Natural England

- 22. No Objection- Subject to mitigation.
- 23. Our primary concern would be presence of bats in any of the structures be it the old church or on the new premises at 51 Bargates. It is therefore recommended that a bat check is carried out before works commence.
- 24. Natural England also welcome the proposed plans to have a biodiverse roof and other ecological benefits made in the design and access statement.

Wessex Water

25. No objections to this application. The planning application indicates that foul sewerage will be disposed of via the main sewer. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as "surface water") will be disposed of via sustainable drainage systems

Bournemouth Airport Safeguarding

26. No safeguarding objections to this development provided there are no changes made to the current application.

BCP Highways (see also body of report)

- 27. The current proposal could only be supported if an appropriate legal agreement was entered into (or planning condition imposed) that prevented the proposed new Church site buildings coming into operation before the existing Church site main building uses are ceased. Without such an agreement activities occurring within both buildings at the same time have the potential to cause significant highway safety and congestion issues and unacceptable levels of parking demands.
- £5000 towards the review of parking regimes on highways in the vicinity of the site should be secured via legal agreement.

- Revised plans are required to show secure and sheltered staff/volunteer cycle parking on site.
- 28. If the above is secured then the Highway Authority could support the proposal with conditions.
- 29. The applicant has submitted a Transport Statement (TS) and carried out extensive surveys of; existing parking demands from the existing Church, where Church attendees currently park and the number of public parking spaces close to the site. In the public parking assessments the TS has acknowledged for the potential closure of the Bargates and Pit Site public car parks due to redevelopment.
- 30. The travel survey of existing attendees showed that the majority of attendees travel to the church by car (61%) with car occupancy varying from 1 person (38%) to multiple people in the same car. 18% of attendees walk, 17% arrive by bus, 1% cycle and other modes including taxi and train make up the small remainder. Table 3.1 of the TS details locations where attendees currently park:
- 31. Behind the Church (49 Bargates) 13%, Car park behind 51 Bargates 29%, Pit Site public car park 4%, Bypass public car park 27%, Bank Close public car park 1%, Bargates public car park 11%, Saxon Square public car park 1%, Other public car park 3%, On-street 10%.
- 32. It will be very important for the Church to promote sustainable travel in the first instance and to advise attendees to utilise public car parks. The take up of cycling from existing attendees is particularly low. There is space within the existing wide footway on Bargates to the front/vicinity of the site to provide onstreet cycle parking hoops to encourage cycle travel take up from attendees.
- 33. This cycle parking could be secured via Grampian planning condition as the cycle stands would be on the highway. However, there are no secure & sheltered onsite cycle parking facilities for staff longer term cycle parking, these should be incorporated/shown on the plans. The Church should also instigate procedures to encourage more car sharing amongst attendees, staff and volunteers as the postcode data in the TS shows that many people travelling to the Church live along the same travel routes. To this end a condition to secure a Travel Plan to encourage sustainable travel modes is recommended.
- 34. There is no disabled parking being offered as part of the new proposal. Existing disabled attendees who use a vehicle advised in the travel survey that they park behind No. 51 and also utilise Beaconsfield and Bargates with some being dropped off by vehicle. The lack of disabled parking in the proposal is a concern given that Church activities can often attract a higher percentage of visitors with mobility issues than other uses. Increased disabled parking on Beaconsfield is not supported as at present the existing Church car park accesses can be utilised for vehicle turning by Church attendees whereas in the future all vehicles entering

Beaconsfield would need to drive to the end to utilise the substandard cul-de-sac turning head. Although disabled users could utilise Bargates, the existing bays are often occupied. However, although we have concerns on the lack of disabled parking, considering the existing current limited on-site disabled parking arrangements we could not defend a highway refusal reason on this lack of disabled parking provision issue alone.

- 35. The TS states that servicing of the site will take place via the main road as occurs are present for the existing Church. The new proposal will not necessarily result in an increase number of service vehicles attending the area and therefore the lack of servicing facilities for large vehicles cannot be objected to.
- 36. However, there is a significant highway safety concern if the existing Church building and it's variety of uses were to remain in operation when the new Church building and uses came into operation. The overall parking shortfall from both uses operating at the same time and the drop off and pick up activities that could clash from both sites, from both large and small scale activities would have the potential to cause major congestions and safety issues on highways in the vicinity of the site. Therefore, the current proposal could only be supported if an appropriate legal agreement was entered into or planning condition imposed that prevented the proposed new Church site use coming into operation before the existing Church site uses are ceased. This would not prevent a new planning use of the existing Church building being approved and coming into use.

BCP Lead Flood Authority

- 37. The proposed new building almost completely fills the available site so there is no space available for an infiltration type solution. I accept that this is a brown field site and it is more than likely the existing building already drains to the public sewer so SuDs would not normally be a major issue but I am also aware that much of Bargates Road regularly ponds in heavy rainfall.
- 38. On receipt of further information further comments received I am delighted to see any proposal for rain water harvesting and it is a technical solution. However, need more practical details to see how it is actually going to work and benefit the church.

BCP Environmental Health

39. Potential Noise Nuisance - I have no records of complaints of noise from the previous church building. Perhaps some of the meeting rooms in this proposed building could be hired out for potentially noisy activities. Worship can also be noisy with amplified musical instruments, bands, and orchestras. Therefore it would be useful to have more information regarding the openable windows, especially in the main meeting space (G1) as it is close to the residential property at 2 Beaconsfield road. Depending upon the materials used in the structure of the roof and the walls there could be a considerable amount of noise spill, therefore a

- basic noise calculation estimating the amount of noise spill from the building would be useful.
- 40. I would also like to know the location and specification of any external plant. I would expect there to be some air conditioning / air handling units on a building of this size. These units can generate noise and hence noise complaints. Therefore, "a plan showing the location and noise output of all external equipment is required. This must include all air handling units, air conditioning, heating and cooling plant. There is the potential for external plant to cause a noise nuisance and therefore such a plan needs to be submitted and agreed with the planning authority before first occupation."
- 41. Contaminated Land The desk study is sufficient and an additional investigation at this stage is considered un-necessary. A good watching brief should be instigated during the construction preparation groundworks, and action taken, (including reporting such contamination to the council) if evidence of contamination is encountered. A contaminated land condition is not required.
- 42. Demolition and Construction A construction management plan needs to be submitted and agreed with the planning authority. The plan must include assessment of the demolition and construction, and how it might impacts the neighbours and the environment. It should detail how they will manage activities that could potentially cause a nuisance or harm. For example, times of working on site, policy with regard to burning materials, how they might supress dust during construction etc.

Christchurch Town Council

- 43. Cllr Coulton spoke on behalf of a resident who objected to the new church building and considered that the frontage of the building was intrusive and modern and did not retain the historic character of the area of Bargates.
- 44. Furthermore, a need for an archaeological assessment of the car park should also be considered.
- 45. Members considered that the new building was not out of character and was quite attractive but agreed that an archaeological assessment of the car park should also be undertaken.
- 46. RAISED SUPPORT although concerns were raised and noted the following conditions should be considered:
 - a) A comprehensive archaeological survey of the car park be undertaken prior to commencement of development;
 - b) a Travel Plan to be included which as a minimum identifies car parking and public transport arrangements within the vicinity given the cumulative impacts of multiple developments in close proximity to the site, and
 - c) a Construction Management Plan be undertaken which contains a minimum level to be achieved under the approved "Considerate Constructors Scheme"

- given the location of the site and potential for construction traffic generation and noise; and
- d) a Grampian condition or s106 obligation be included for the cessation of use of the property at 49 Bargates prior to first occupation of the proposed scheme.

BCP Conservation

- 47. The existing church is clearly being placed at risk by the development of a new church building on another site. A new development would normally have to be valued/ costed against the other land assets of the church and plans for its sale and potential loss/ re-development would have to be considered to fund the new building.
- 48. For a town centre located church I would have expected to initially see a scheme for re-using, re-ordering the interior and improving the existing church which has some insensitive developments at the rear which have not addressed the historic character of the church. I am surprised that the applicant did not wish to share any of the deliberations of how to address the need for an improved church in a Heritage/ D & A Statement or in the pre-app.
- 49. In addition the architect has not adequately assessed the impact of this large replacement church on the setting of the Town Centre CA and Listed Grade II Buildings at 20a-24 Bargates. The area around 51 Bargates forms a gateway and setting to the Town Centre CA as the boundary begins to the south at No 31.
- 50. Despite this large site and important gateway location to the Town Centre CA, no opportunities have been taken to make an architectural statement at this corner. The design has a mass, height and scale that is not compatible with the fine grain and heights of the surrounding buildings and it does not appear comfortable within either the Bargates or Beaconsfield Road streetscene. The split roof form adds to the height and bulkiness of the building. The design has no reference to chapel or church architectural traditions, to the existing chapel itself and is not immediately identifiable as a church building. The principal front and Beaconsfield elevations are bland and unattractive.
- 51. For the above-noted reasons I am not in support of the application.

Historic England

52. On the basis of the information available to date, we do not wish to offer any comments.

• Dorset Council Archaeologist

53. The site appears to be outside the historic core of the town and because it would have been disturbed to a considerable degree when the existing building was constructed. I note that the point has been made that significant prehistoric and Saxon remains were found on the supermarket site to the east. My view remains

that archaeology is not a factor that needs to be taken into account when this application is determined.

Constraints

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Airport Safeguarding
- Primary Shopping Frontage
- Primary Shopping Area
- Town Centre Boundary
- Wessex Water Sewer Flooding
- Contaminated Land Medium Risk

Planning Assessment

- 54. Principle of Development
- 55. Community uses
- 56. Design and Layout
- 57. Heritage Assets
- 58. Archaeology
- 59. Residential Amenity
- 60. Access, Parking and local transport network
- 61. Flood Risk and surface water management
- 62. Drainage
- 63. Contaminated Land
- 64. Biodiversity and ecological considerations
- 65. Lighting and Noise

Site and Surroundings

66. The application site currently occupies a corner plot between Bargates and Beaconsfield Road and is occupied by a late Victorian detached two storey hipped roof building with an area of hard standing to the rear for parking accessed off Beaconsfield Road. This is enclosed by a brick boundary wall running along the southern boundary and eastern boundary with the adjacent dwelling No 2 Beaconsfield Road. The building is being used for commercial purposes, with an Opticians and offices and meeting rooms for the existing Baptist Church.

- 67. The site is outside of the Central Christchurch Conservation Area but none the less is positioned within a historical area in which a number of heritage assets are located. The existing Baptist Church is locally listed and the applicant's Heritage Statement states; 'The church forms part of the late 19th century development of Bargates and is well integrated with the tight-knit urban grain of the area. It has a distinctive form and appearance, set apart from the prevailing character of the groups of terraces and modern blocks, giving it a strong presence within the street scene'.
- 68. There is a group of three Grade II listed buildings on the opposite side of Bargates. The Former Fusee Watch and Clock Fusee Chain Factory which dates from 1845, No 22 Bargates and No 24 Bargates form a group of heritage assets. To the south on the small traffic island at the junction with the Roundabout is the listed cattle trough and drinking fountain. Beyond this on the north east side of Bargates is Priory Sports, a Grade II listed building.
- 69. As is described in the Heritage Statement, Beaconsfield Road is a; 'narrow residential street containing short rows of late 19th century two-storey terraced brick or render houses with shallow front gardens'. To the north of No 51, is a three storey C20th building with retail units on the ground floor and residential flats above. The prevailing scale of buildings along Bargates is two/two and half storey and like the adjacent building, if there is a third storey the roof is relatively shallow and they exhibit a more domestic scale. Buildings abut the pavement creating an enclosed street scene. To the north east of the site and accessed adjacent to the north side of No 51, there is a substantial Electrical Distribution Centre which has more of a presence from the rear car park than at the front of the site on Bargates.

Key Issues

Principle of development

- 70. The site lies within the town centre of Christchurch and within the primary shopping core and frontage of the town. Whilst it is regrettable to lose the existing building there are no principle objections to its demolition and replacement with an appropriate church/community building. Policy CH2 promotes the identified town centre area for town centre uses and Policy KS7 advises the Town and District Centres are to be the focal point of commercial, leisure and community activity. The proposed development would be consistent with this aim and the building would introduce an open and active frontage along Bargates along the primary shopping frontage.
- 71. Local Plan Policy KS2 sets out the settlement hierarchy for Christchurch. Christchurch is identified as a 'main settlement' which will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. Local Plan Policy KS6 sets out the town centre hierarchy and Christchurch is identified as a 'town centre'.

72. NPPF Paragraph 85 sets out that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The proposed development will provide an enhanced community facility in the town centre which is considered to be in line with the provisions of the NPPF.

Community Facility

- 73. Policy LN7 supports the development of facilities and services to support existing and future population growth and priority will be given to the expansion of existing, well located facilities. The Community Statement which accompanies the application states that the Church has a membership of 280-300 members and offers space for not only church groups but also for a number of wider community groups. It is clear from the level of support received for this proposal, that the Baptist church is a valuable community asset and provides a welcoming and supporting environment for many people in the wider BCP area and beyond.
- 74. The existing building is preventing the expansion of the Church and there is minimal space around the building to extend and to provide the required space. Furthermore, it is a locally listed building and has already been unsympathetically extended to the rear. The proposed new building will, according to the Community Statement ensure the church can 'build capacity for the potential growth of the church for the next 30-50 years with a larger worship area, additional meeting rooms, enhanced catering facilities and greatly improved access for those with limited mobility'.
- 75. Officers wish to support the expansion of this Church and Community asset and considerable weight is given to this in the balancing exercise below. However this needs to be balanced against the impact the proposed new building has on the character of the historic locality and the impact on parking and traffic movements associated with this facility in this town centre location.

Heritage

- 76. Local Plan Policy HE1 (Valuing and Conserving our Historic Environment) sets out that heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment. The significance of all heritage assets and their settings (both designated and non-designated) will be protected and enhanced, especially elements of the historic environment which contribute to the distinct identity of East Dorset. Whilst No 49 Bargates lies outside of the Conservation Area, the site could have an impact on the wider setting of the Conservation Area along one of the key approaches to the town centre.
- 77. A statutory duty exists under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') for the local planning authority in considering whether to grant planning permission for development that affects a listed building or its setting to 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. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. There is however no statutory requirement to consider the setting of a Conservation Area.
- 78. The site lies in excess of 80 metres from the boundary of the Central Christchurch Conservation area boundary to the south-east and beyond 50 metres from the Avon Buildings Conservation Area to the north. However, there are a number of heritage assets including the locally listed existing Baptist church and listed buildings within the vicinity of the application site which would be affected by the proposal. It is considered that a building of the proposed scale will have a clear impact on the setting of the adjacent heritage assets.
- 79. The BCP Conservation Officer considers that this proposal is a missed opportunity for an architectural statement within this gateway location to the Town Centre; 'The design has a mass, height and scale that is not compatible with the fine grain and heights of the surrounding buildings and it does not appear comfortable within either the Bargates or Beaconsfield Road streetscene. The split roof form adds to the height and bulkiness of the building. The design has no reference to chapel or church architectural traditions, to the existing chapel itself and is not immediately identifiable as a church building. The principal front and Beaconsfield elevations are bland and unattractive'.
- 80. The Heritage Statement, submitted after the above comments were received has offered the following statements; 'The full-width two-storey building, rising to three-storey in the middle would maximise the full potential of the plot, in turn responding positively to the tight-knit urban environment' and; 'The proposed building would be a large and unapologetic building, appropriate for its function as a church and multi-purpose community building. It would be suitable for the heavily built-up and dynamic urban context and the commercial gateway approach to the town centre.'
- 81. Given the above consultation comments, it is considered that the proposed building is too large for its plot and does not give sufficient regard to its historic surroundings. Less than substantial harm is caused to the heritage assets and applying the guidance in to paragraph 196 of the NPPF, this needs to be balanced against the public benefits of the scheme. As noted above, these are significant and weigh heavily in favour of the scheme. However, there is no reason to conclude that these benefits could not be secured with a building which contributes to the setting of these heritage assets.
- 82. A number of the representations and the Town Council have raised the issue of archaeological interests on the site given the significant findings on the nearby Waitrose car park. Dorset Council's Senior Archaeologist has been consulted and does not consider that any investigations need to take place on the site. Historic England have also not raised any objections or made any comments on this matter.

Design and Visual Amenities

- 83. As outlined above, there are strong concerns with the design concept of the building and its scale in relation to the context of Bargates and Beaconsfield Road and the size of the plot. The building has been stepped down towards the terraces within Beaconsfield; however it is a significantly bigger building than these residential two storey dwellings. The side elevations in particular, which given the space around No 49 to the west and its corner position are highly visible in the street scene, illustrate the depth of the building and are considered to appear overly dominant and intrusive within this part of the townscape.
- 84. Given the use of the proposed building, there is an opportunity to create a significant building and one which has greater presence within the street than the existing building. Whilst adopting a contemporary approach could be acceptable, the building still needs to respect the urban grain and prevailing scale of surrounding buildings and the current scheme is not considered sufficient in this regard to provide an iconic building which makes a positive contribution to the visual amenities of the town centre.

Residential Amenities

- 85. No 2 Beaconsfield Road adjoins the eastern boundary of the application site and is the property that would be most affected by the development. Currently, the outlook from the rear garden of No 2 is relatively open towards the rear of No 51 given the presence of the open car park. It is recognised that careful consideration has been given to the potential impact on this dwelling as the building has been stepped down towards this boundary to minimise the bulk and dominance at the rear.
- 86. However, given that built form extends right along the boundary between the sites, it will no doubt significantly change the outlook from the modest rear garden of No 2. Given its position to the south and south west of the garden area, it will reduce the amount of sunlight reaching the amenity area in the afternoon, especially during the autumn/winter months; however there is 2.6 metres between the edge of the new Church and the boundary wall with No 2. The central section within the rear elevation measures 4.5metres in height with the two outer sections dropping to 3m and the roof will pitch away from the boundary. There are no proposed openings on these facades; the windows at second floor level serving offices within the building are approximately 15.6 metres away from the side boundary.
- 87. There will be increased noise and activity associated with the church given the increase in worship space and activity/meeting rooms. It is also understood that the existing church rents out their space for other functions and it is very likely that will continue to occur as an ancillary use to the main church and community uses. However, this new building provides the opportunity to include acoustic insulation and design the building to minimise noise pollution to the neighbouring residential properties. The supporting letter provided to address potential noise

issues states that there are no openings on the north east wall of the main worship space facing No 2 Beaconsfield and the proposed high level windows serving the space will be non-openable. It is proposed to have some windows facing Beaconsfield to be open in order to provide ventilation. The location and details of all the external equipment would need to be addressed by condition to the Council can ensure that minimum disruption to neighbouring properties and businesses.

- 88. A number of the representations have raised concerns with regard to the impact of the construction of the new basement level on the stability of their properties and in terms of noise and disturbance during the construction phase. This will largely be dealt with through Building Regulations and would become a civil matter; however a condition can be used to secure a Construction Management Plan to secure precise details of demolition and construction to ensure minimal disruption is caused to neighbouring properties.
- 89. Overall, given this town centre location, it is considered that the proposed building and use will not give rise to unacceptable levels of noise and disturbance and it is an appropriate use for this site, despite the number of residential properties within the vicinity. However, there are concerns regarding the amount of built form in proximity to No 2 Beaconsfield Road and its dominant presence from within the garden and to some degree the property. The development although partially addressing the relationship is not considered to have minimised the potential impact on this residential property sufficiently and is therefore contrary to policy HE2.

Access and Parking

- 90. The proposals do not provide any on site vehicular parking but do provide secure cycle parking to the rear of the site. A Transport Statement has been submitted with the application and has provided survey information on the existing use of the town centre car parks by the current visitors to the Baptist Church. It is clear that the majority of visitors use the existing car park provision on the site and the Bypass car park adjacent to Waitrose to the east of the Church.
- 91. BCP Highways have stated; 'Using the travel survey data and reviewing the proposed increased capacity in the new Church it can be calculated that for the maximum capacity of 250 people there will likely be 100 cars associated with this highest demand Church activity. The existing peak park demand is 60 spaces. However, the existing Church activities have access to 20 on-site parking spaces (behind No. 49 & 50). The existing Church therefore has an off-site parking demand of 40 spaces whereas the new proposal has no onsite parking provision and therefore all 100 cars will need to be catered for off-site. The increased off-site parking demand is therefore an additional 60 spaces'.
- 92. The main Church services take place on a Sunday and there is no reason to see why this would change. Town Centre car parks (even excluding the Pit Site and Bargates car parks) have capacity on Sundays to cope with this additional 60

- space demand. There are existing peaks in parking demands on Sunday afternoons in the Bypass (Waitrose) car park and therefore there may be limited spaces at that time but the Banks Close and the Saxon Square car parks have spare capacity on Sundays as do other town centre car parks further afield. Attendees of the Church who tend to be regular visitors, would become familiar with the availability in public car parks.
- 93. However, for other potential large events such as weddings or funerals these could occur any day of the week, including Saturdays, when nearby Town Centre parking is in higher demand. Visitors to these events may not be familiar with parking in the area and there is a concern that attendees at these events, and even some of those attending Sunday services and general small events would initially drive to the site to seek out available parking on surrounding streets.
- 94. The existing Church has access to on-site parking spaces (circa 20 spaces) which it currently makes available for Church attendees but this is being removed as part of the proposal. Beaconsfield is a relatively narrow cul-de-sac and has poor vehicle turning space at the end. Overspill parking into this street and drivers trawling nearby streets (Twynham Ave, Avon Buildings) searching for parking does not enhance the highway environment of those streets or meet aims of sustainable development. Therefore in order to assess the parking regime on these nearby streets and to alter that regime if the Church parking causes highway issues, BCP Highways would be seeking a legal agreement to secure a contribution of £5000 towards that parking review and subsequent alterations if needed. For example a new regime might bring Sunday parking in line with current Monday-Saturday restrictions in order to prevent Church attendees parking on nearby streets.
- 95. It has been suggested that a Legal Agreement is used to ensure the proposed Baptist Church does not become operational until the existing Baptist Church closes its doors to ensure there is not undue pressure on the local highway network and parking provision. However, from a development management perspective it is not considered this is reasonable and meets the 3 tests for S106s. The existing Church has an established Class F1 use and although it currently remains in the same ownership of the applicant, this cannot be guaranteed in the future if this development proceeds. Therefore, the Local Authority would not have control over a different religious use or other Class F1 user (e.g. schools, museums, libraries, galleries, public halls) occupying the building. Furthermore such uses are encouraged in the town centre under the policies noted above. This brings into question of the future viability of the Local Heritage Asset. However, in further discussions with the applicant it has been suggested they wish to retain ownership of the existing church building but the two large spaces would not be used at the same time. They have also offered to enter into a legal agreement to ensure both large halls are not used at the same time to mitigate any highway and parking impacts.

- 96. BCP Highways consider that if there was no Legal Agreement, no controls over the existing use of the existing Church building and with potentially both uses in operation this could potentially create an on-street & public parking demand of 160 cars plus the drop off/pick up and servicing from both buildings occurring on Bargates and/or the narrow Beaconsfield Road causing congestion and safety issues. Based on this scenario, they would recommend refusal of the application on the following grounds; 'The proposal will result in an unacceptable increase in parking demands and traffic movement which will result in an unacceptable increase in traffic congestion and highway safety issues. There will be an unacceptable increased demand on public parking opportunities in the area removing those parking opportunities for other local businesses and town centre visitors. The proposal is therefore contrary to Core Strategy Policies KS12 and Policy CH1 (10).'
- 97. It needs to be recognised that this is a town centre location and sustainable forms of travel need to be strongly encouraged. Due to the accessibility of the site, it is the most preferable location for the proposed development and use, yet the applicant's own evidence shows limited use of non-car travel to the site. The Case Officer considers that to restrict the uses of these buildings would not be reasonable and given the town centre location where policies encourage these type of uses and with the relaxation of permitted development rights for change of use, a S106 would not be appropriate in this instance.
- 98. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the original D1 use class which the church would fall into would now be F1 which includes learning and non-residential institutions such as; provision of education, display of art; museum; public library; public hall or law court. Therefore, this provides flexibility for movement between these uses within F1 and a S106 would take away this right. This may stymie the ability for the building to continue to provide a community benefit. Therefore, the proposal and the highway implications should be considered without a legal agreement in place.

Biodiversity

- 99. Given the demolition of the existing building, a bat survey has been undertaken. The report has concluded, following no evidence of roosting bats that the building has low potential to support roosting bats. However, low amounts of activity from three species of bats was recorded around the site. There was evidence of a starling entering the roof suggesting it was nesting there. The proposed mitigation measures set out are:
 - Site clearance to occur between September and February to avoid nesting season or be preceded by a nest check by an ecologist.
 - Sympathetic external lighting scheme so it does not impact on local bat populations.
 - Starling nest box integrated into new build

- 100. The NPPF also stipulates that net biodiversity gains should be encouraged and the Ecology report and BMEP outlines a number of enhancement measures for the development;
 - Two bat boxes
 - Two swift terraces
 - One sparrow nest box
- 101. The Design and Access Statement also makes reference to a biodiverse roof to encourage wildlife on the central flat section of roof. Precise details of this could be secured by condition if necessary. Adequate consideration has been given to biodiversity interests and enhancement measures incorporated into the design to achieve net gains in biodiversity on this urban site. Therefore, it is considered that the above complies with policy ME1 of the Local Plan and the NPPF.

Surface water Management

102. Bargates is subject to surface water flooding and although this does not extend onto the site itself, the proposed surface water drainage systems for the development will have a wider impact on the immediate vicinity. Given the site coverage for the proposal, the use of soakaways to serve the development are not feasible. Therefore, a rainwater harvesting system has been proposed along with a potential water attenuation tank. Currently it is proposed to site the tanks in the basement of the building. Wessex Water and BCP Lead Flood Authority have welcomed this system; however further precise details are required if an application was to be approved. There are still some queries regarding the use of the harvested water and the overall benefits for this specific scheme; however it is a viable technical solution. Conditions could be used to secure the exact details of the drainage systems.

Contaminated land

103. The site is subject to historical contamination from a previous neighbouring saw mill and timber treatment processes; however the Contaminated Land Desk Study report, submitted with the application states that the timber works came to an end in 1898 and given the timeframe it is considered likely that contamination of the ground would have degraded. The report concludes that following development and long term exposure, the site could pose a moderate to low risk to future site occupiers through inhalation of vapours. However, as the development covers most of the site with built form this will interrupt the exposure pathway of the vapours from volatile hydrocarbon. The assessment also concludes that there is potential low risk to controlled waters. Despite the proposed basement levels, the Secondary Aquifer is likely to be greater than 5mbgl and as such would unlikely to be affected. BCP Environmental Health have considered this report and have no concerns and have not proposed any conditions.

Summary and Planning Balance

- 104. The starting point in determining the application is the adopted Local Plan. This provides support for the proposed use in this town centre location. There is no doubt that the development will provide an enhanced inclusive community facility within a sustainable location and in this regard it is considered wholly appropriate. There is considerable social benefits arising from the scheme. Beyond the construction phase, the economic benefits are considered to be limited and this factor is neutral.
- 106. Against this are negative environmental impacts arising from the detrimental impact of the building on the character and appearance of the area and the negative impact to the setting of the Conservation Area. The scheme also fails to comply with Policy HE2 in its impact to the neighbouring property.
- 107. There is a difficult balance in addressing the parking and traffic impacts. The town centre is the appropriate location for the use, it has a range of transport options but also public car parking available. The town centre uses which the Local Plan seeks to support could potentially be stymied by requirements for onsite car parking and the substantial community benefits of such uses not realised. However, on the merits of this case, the lack of any on-site parking provision and the impact on the surrounding local highway network at peak times raises significant concerns. Therefore, on balance, these detrimental effects outweigh the community benefits of the scheme. It is therefore considered to be contrary to policies HE1, HE2, KS11 and KS12 of the Local Plan.

RECOMMENDATION

108. **Refuse** for the following reasons:

- 1. The development by reason of its scale, design and overall mass is considered to result in less than substantial harm to the character and appearance of the Central Christchurch Conservation Area and the setting of the adjacent locally listed building. This harm is not considered to be outweighed by the public benefits of the scheme, by providing an enhanced community facility within a town centre sustainable location. As such, the proposal is contrary to policy HE1 of the Local Plan (Core Strategy), saved policy BE5 of the Christchurch and East Dorset Local Plan and paragraph 196 of the NPPF (2019).
- 2. The development will result in an unacceptable increase in parking demands and traffic movement which will result in an unacceptable increase in traffic congestion and highway safety issues. There will be an unacceptable increased demand on public parking opportunities in the area removing those parking opportunities for other local businesses and town centre visitors. The proposal is therefore contrary to the Local Plan (Core Strategy) Policies KS12 and Policy CH1 (10).'

3. The development by reason of its scale and proximity to the north east boundary will have an adverse impact on the residential amenities of the occupiers of No 2 Beaconsfield Road. The amount of built form on the south west boundary of the plot will result in a loss of light and an intrusive form of development from within the garden area. The proposal is therefore contrary to policy HE2 of the Local Plan (Core Strategy).

Background Papers

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EXISTING: Location Plan





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Project
Christchurch Baptist Church
51 Bargates
Christchurch BH23 1QE

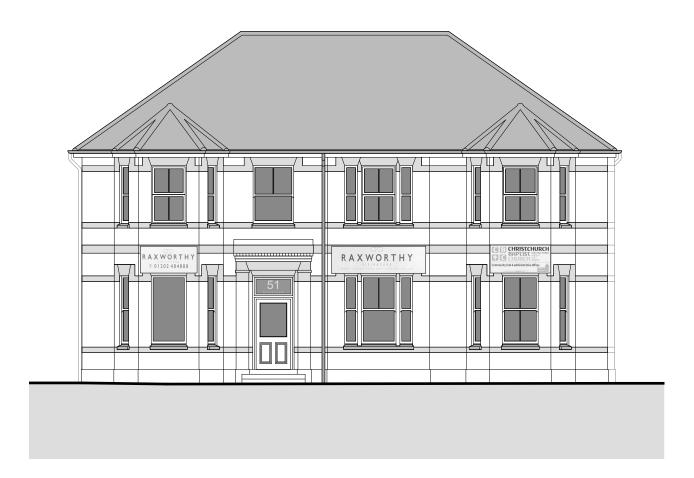
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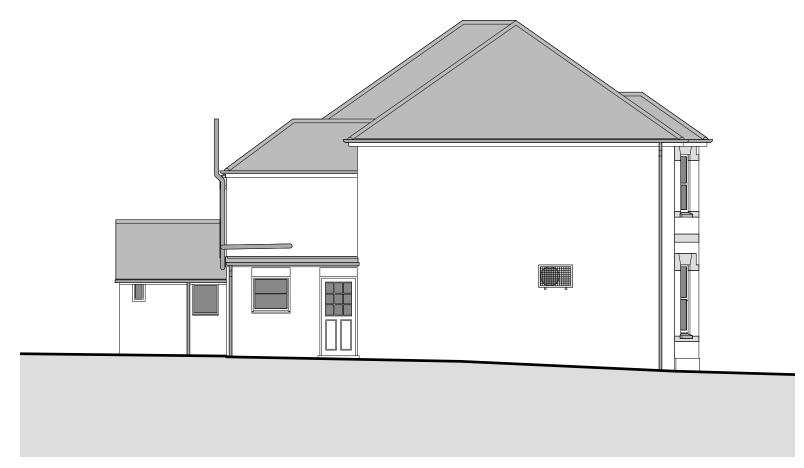
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Christchurch Baptist Church

EXISTING: Building Elevations



1 Existing South West Elevation 3 Scale: 1:100



2 Existing North West Elevation 3 Scale: 1:100



3 Existing South East Elevation 3 Scale: 1:100



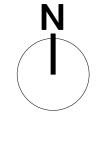
Existing North East Elevation
Scale: 1:100



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No: Date: Revision: Project Drawing Scale on A2 Dwg No 1640.03 1:100 Christchurch Baptist Church | Existing Building Elevations | 07.05.2020 51 Bargates All dimensions to be checked not scaled | Ensure this is the current relevant drawing Christchurch BH23 1QE © 2018 DUA Architecture - All Rights Reserved 8 Brearley House 278 Lymington Road Christchurch Dorset BH23 5ET 01425 278 252 architects@duastudio.com architecture LLP www.duastudio.com www.newforesthouses.com

PROPOSED: Location Plan







Project
Christchurch Baptist Church
51 Bargates
Christchurch BH23 1QE

Drawing
Proposed Location Plan

Drawing
Proposed Location Plan

Date
11.06.2019

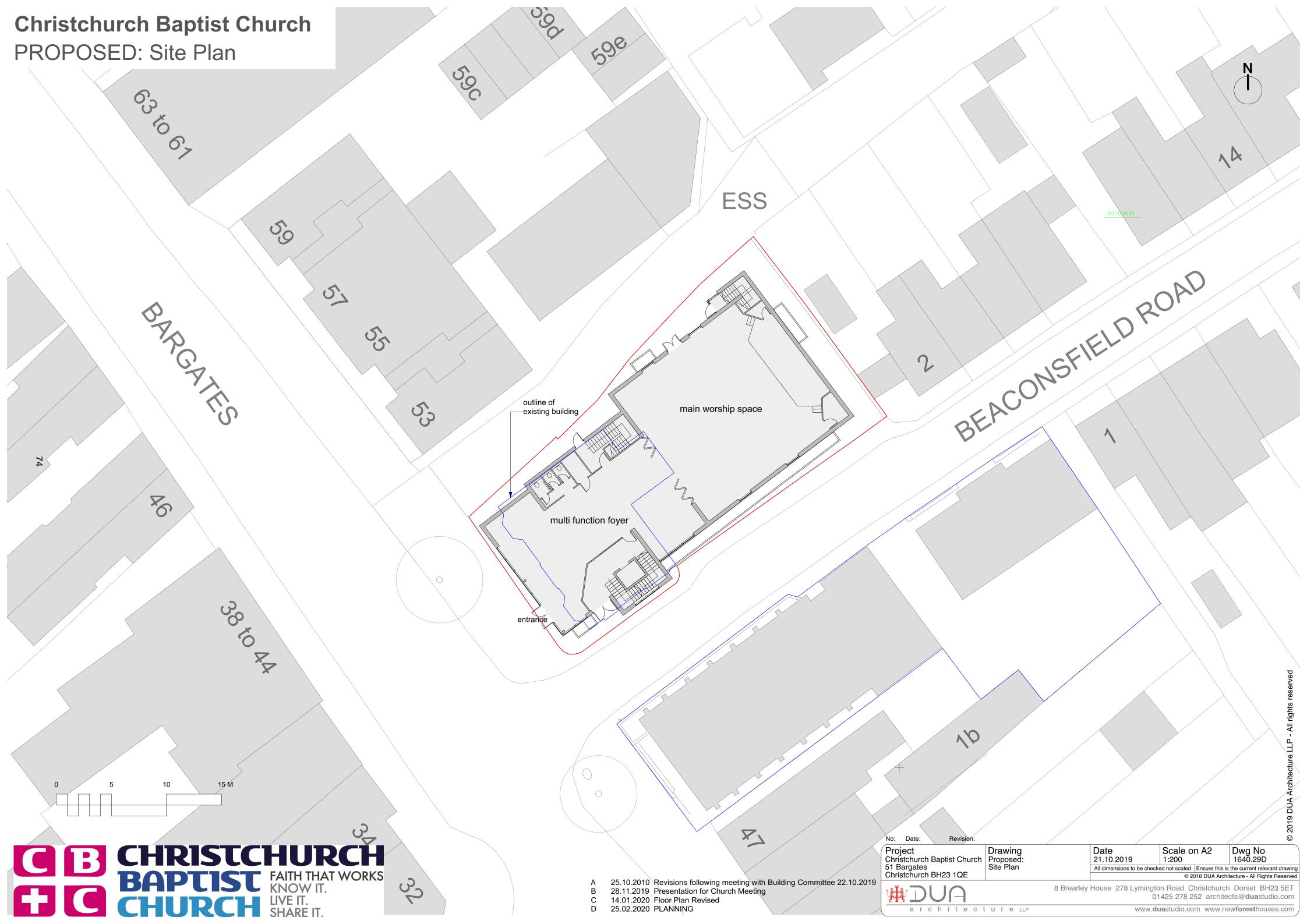
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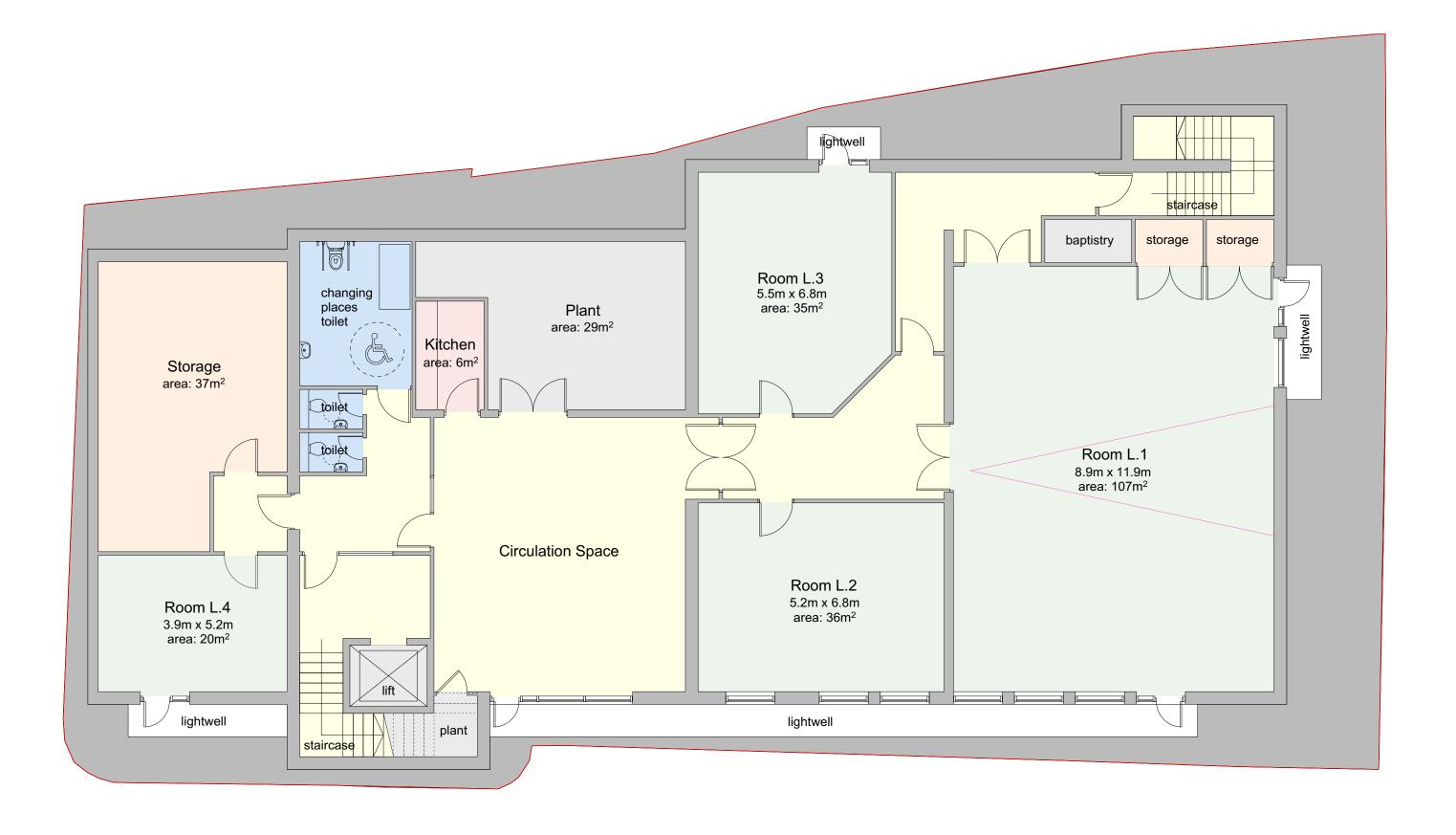
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25.02.2020. Revised. PLANNING

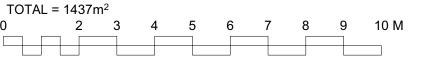


PROPOSED: Lower Ground Floor Plan





Gross internal floor areas: Lower Ground Floor = 448m² Ground Floor = 451m² First Floor = 269m² Second Floor = 269m²





14.11.2019 Revisions following Client Meeting 12.11.2019

18.11.2019 Further revisions

20.11.2019 Minor changes following Client Meeting 19.11.2019 28.11.2019 Presentation for Church Meeting

25.02.2020 PLANNING

13.01.2020 Changes following meeting 16.12.2019 and e-mail 09.01.2020 architectureLLP

No: Date:

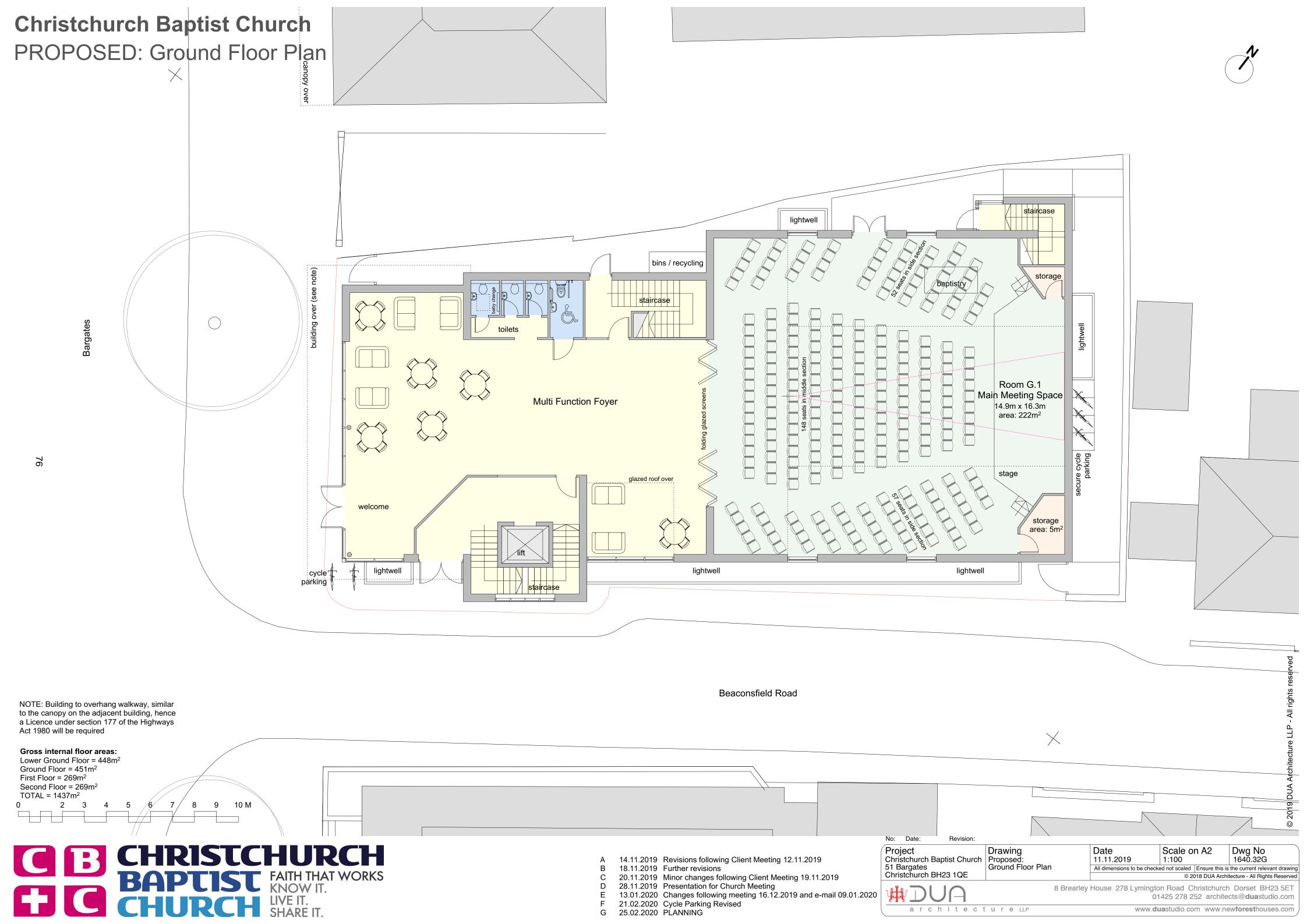
Project

51 Bargates

Revision:

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18.11.2019 Further revisions

20.11.2019 Minor changes following Client Meeting 19.11.2019 28.11.2019 Presentation for Church Meeting

13.01.2020 Changes following meeting 16.12.2019 and e-mail 09.01.2020 25.02.2020 PLANNING

Christchurch BH23 1QE architecture LLP

Drawing

First Floor Plan

Revision:

Christchurch Baptist Church | Proposed:

No: Date:

51 Bargates

Project

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Scale on A2

1:100

11.11.2019

Dwg No

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PROPOSED: Second Floor Plan





Gross internal floor areas: Lower Ground Floor = 448m² Ground Floor = 451m² First Floor = 269m² Second Floor = 269m² TOTAL = 1437m²

TOTAL = 1437m² 0 2 3 4 5 6 7 8 9 10 M



14.11.2019 Revisions following Client Meeting 12.11.2019

B 18.11.2019 Further revisions

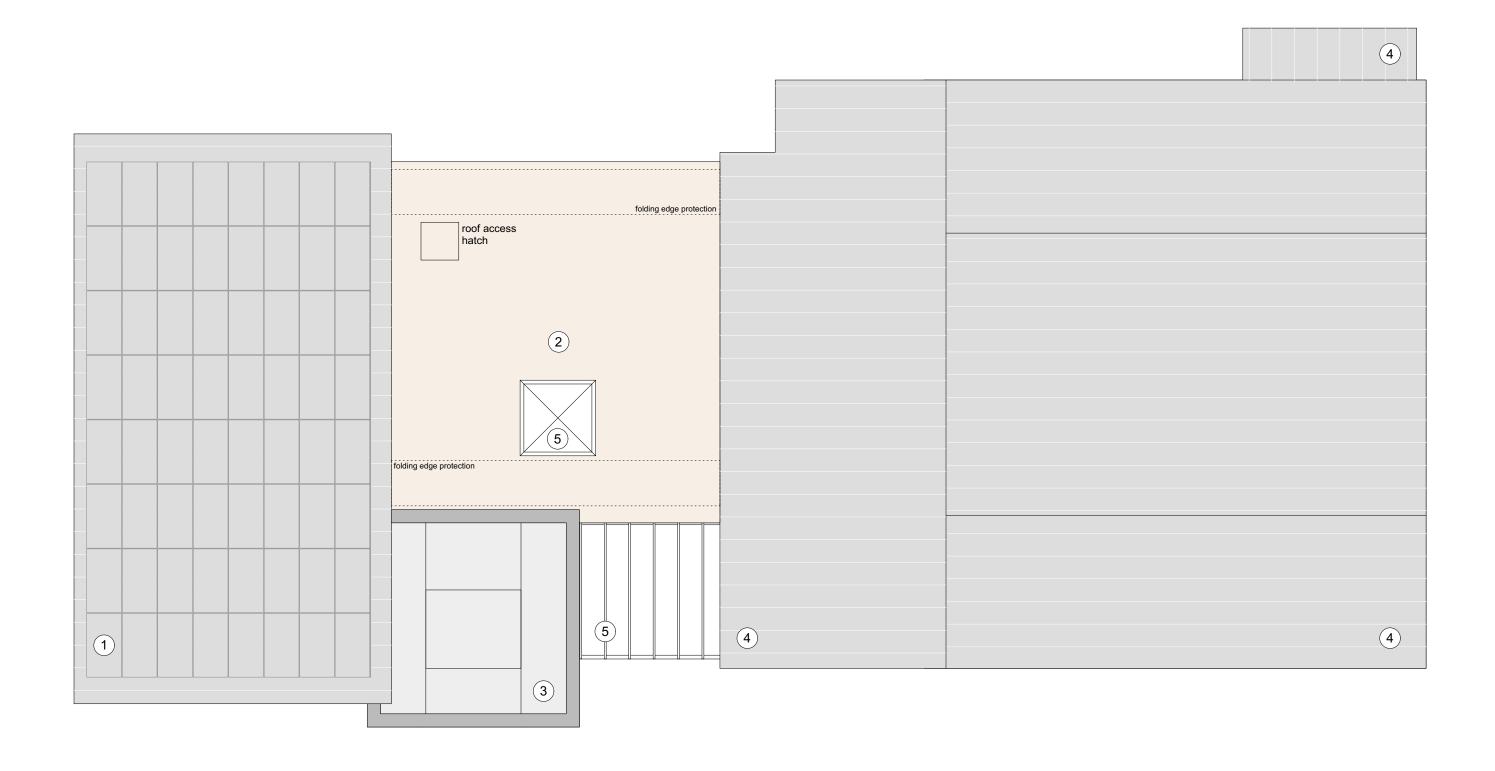
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28.11.2019 Presentation for Church Meeting
13.01.2020 Changes following meeting 16.12.2019 and e-mail 09.01.2020

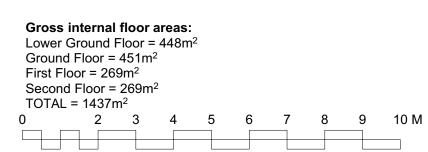
F 25.02.2020 PLANNING

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- 1 photovoltaic panels
- 2 biodiverse flat roof
- (3) flat roof with aluminium capped parapet

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- (4) standing seam metal roof
- 5 glazed roof

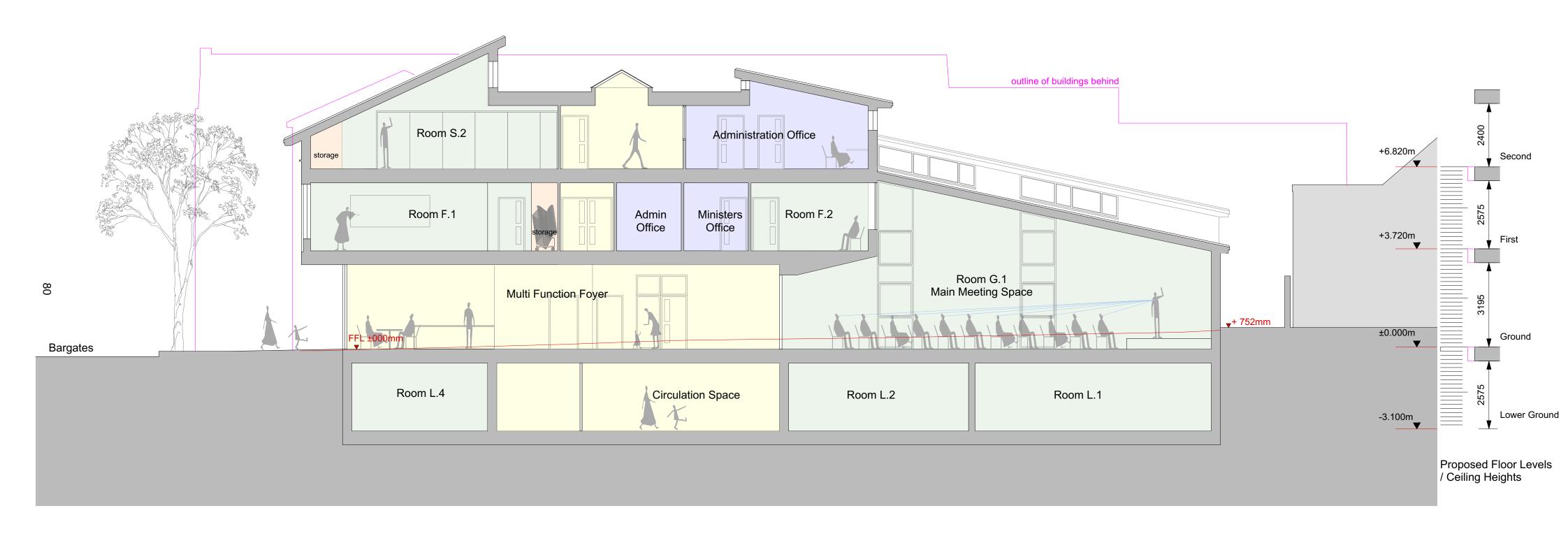
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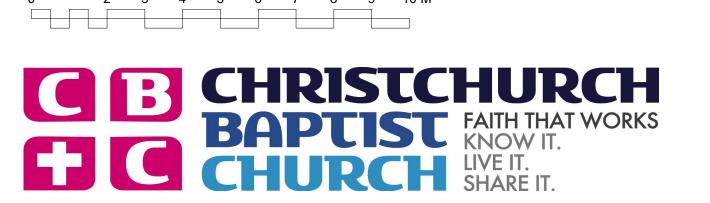
architecture LLP

25.02.2020 PLANNING

Δ 25

PROPOSED: Long Section





20.11.2019 Minor changes following Client Meeting 19.11.2019

No: Date:

Project

Revision:

Drawing

28.11.2019 Presentation for Church Meeting 14.01.2020 Ground Level added, Screen notes mark up

25.02.2020 PLANNING

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Scale on A2

PROPOSED: South West Elevation South East Elevation







PROPOSED: North East Elevation North West Elevation







PROPOSED: Context Street Elevations



Bargates Beaconsfield Road





Bargates





- 19.11.2019 Revisions following meeting with Building Committee 12.11.2019 28.11.2019 Renumbered. Presentation to Church Meeting
- 27.02.2020 PLANNING

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Planning Committee

Application Address	Carisbrooke, 172 Canford Cliffs Road, Poole, BH13 7ES				
Proposal	Demolition of existing buildings and erection of assisted				
	living/extra care accommodation (class C2) with				
	communal facilities and car parking.				
Application Number	APP/19/01569/F				
Applicant	McCarthy & Stone Retirement Lifestyles Ltd				
Agent	McCarthy and Stone Retirement Lifestyles Ltd				
Date Application Valid	6 January, 2020				
Decision Due Time	30 September, 2020				
Extension of Time date	30 September, 2020				
(if applicable)					
Ward	Canford Cliffs				
Recommendation	Grant permission subject to the applicants entering into a s.106 agreement securing the following contributions: i. A contribution of £11,567 towards Dorset Heathland SAMM ii. A contribution of £4,128 towards Poole Harbour Recreation SAMM and subject to the conditions set out in the recommendation, which are subject to alterations / additions by the Head of Planning provided any alteration / addition does not go to the core of the decision				
Reason for Referral to Planning Committee	This application is brought before committee at the request of Councillor Lyengar because of concerns about the height and footprint of the building; inadequate parking; and commercial impact of the restaurant.				
Case Officer	Claire Moir				

Description of Development

1. Planning consent is sought for the demolition of the existing buildings and erection of assisted living/extra care accommodation (class C2) with communal facilities and car parking.

Key Issues

- 2. The main considerations involved with this application are:
- Impact on the character and appearance of the area

- Impact on neighbouring privacy and amenities
- Impact on protected trees
- Impact on Highway safety
- CIL/SAMM/S106

Planning Policies

3. Supplementary Planning Document

SPD1	Parking & Highway Layout in Development
SPD3	Dorset Heathlands Planning Framework (2015-2020)
SPD5	Poole Harbour Recreation Interim Scheme (Jan 2019)

4. Poole Local Plan (Adopted 2018)

PP01	Presumption in favour of sustainable development
PP02	Amount and broad location of development
PP07	Facilitating a step change in housing delivery
PP08	Type and mix of housing
PP12	Housing for an ageing population
PP27	Design
PP29	Tall buildings
PP30	Heritage Assets
PP31	Poole's coast and countryside
PP32	Poole's important sites
PP33	Biodiversity and geodiversity
PP34	Transport strategy
PP35	A safe, connected and accessible transport network
PP36	Safeguarding strategic transport schemes
PP37	Building sustainable homes and businesses
PP38	Managing flood risk
PP39	Delivering Poole's infrastructure

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

- 6. Pre-application engagement was undertaken by the applicant in respect of the erection of extra care accommodation (Class C2) with communal facilities and car parking at the site (PREA/19/00069). The advice given was generally unfavourable in respect of the proposed scheme and this has informed significant alterations to the current proposals. The following matters were identified as requiring to be addressed:
- Height and Dominance would potentially create an overbearing presence, harming the setting of the Conservation Area; amenities; and the streetscene
- Two-way use of the existing access was potentially acceptable subject to appropriate visibility being achieved
- Parking proposals were likely to be acceptable subject to age restrictions on residents and provision of adequate visitor and disabled driver appropriate spaces
- Materials proposed were not locally relevant

 Potential harm to neighbouring amenities due to height; mass; orientation; and spacing of the proposals

Representations

- 7. Nineteen representations have been received, seventeen raise objections and two are neutral. The following concerns have been raised:
- Increase in noise and disturbance
- Loss of privacy
- Light pollution from cars and noise and smells from extraction equipment
- Cumulative impact of development on highway network on an already busy road and adjacent to a dangerous road junction
- Impact of substation on near residential properties
- Pressure on health services
- Detrimental appearance
- Lack of parking
- Bulk and scale out of character
- Bland architectural detailing
- Overbearing height and overshadowing, with the impact exacerbated by topography

Consultations

- 8. BCP Highway Authority No objection
- 9. FCERM No objection
- 10. ECPS Ecology No objection

Planning assessment

Site and Surroundings

- 11. The application site is located on the west side of Canford Cliffs Road, adjacent to the mini roundabout at the junction of Canford Cliffs Road and Haven Road. The site lies to the west of Canford Cliffs Village Local Centre.
- 12. The site is large compared to others around it. The developed part of the site and landscaped gardens comprise the eastern part of the site. Levels fall across the heavily wooded western part of the site to the adjacent Parkstone Golf Course.
- 13. 'Carrisbrooke' comprises 17 flats in two 4/5 storey flat-roofed blocks of flats linked by single-storey garages. To the south of the site are more garages.
- 14. This part of the Canford Cliffs Road is characterised by blocks of flats glimpsed behind heavily landscaped frontages.
- 15. To the north of the site is 'Chetwynd' a 5-storey block of flats and to the south are

bungalows in Imbrecourt.

- 16. The front boundary of the site is well landscaped with trees and scrub. These create substantial screening to the site with broken views of the building.
- 17. Access to the site is to the north, a drive within the site runs from north to south at a gradient with the southern part at the lower end.
- 18. Canford Cliffs Village Conservation Area sits to the east of the site beyond Canford Cliffs Road.
- 19. The application site is not within a Sustainable Transport Corridor but it is within easy walking distance of Canford Cliffs Village Local Centre.

Key issues

20. The proposals are for an 8-storey building, two of the floors being at 'lower ground level', accommodating 60 assisted living/extra care flats (class C2). The use will be registered with the Quality Care Commission and the entry age for this type of accommodation will be 70 (which can be secured by condition).

Proposed Use

- 21. Policy PP12 of the Local Plan deals with Housing for an ageing population. This recognises demand for additional housing for sale and rent over the plan period and, within the policy preamble, Canford Cliffs is recognised as an area where there is likely to be such demand.
- 22. Information submitted by the applicants suggests that residents in extra care accommodation prefer to shop locally thereby reducing their reliance on the car. The application site is within walking distance of Canford Cliffs Village, the route into which is mostly level. Furthermore, assisted living gives people the opportunity to socialise within their building further reducing reliance on the car.
- 23. There is therefore demand in this area and the use is accepted.

Character

- 24. The existing character of the area is mixed; the application site is currently occupied by flats and sits adjacent to and within the context of other flatted development; so the principle of flats is accepted. Whilst the site is not within a Sustainable Transport Corridor where higher densities of residential development are directed in accordance with Policy PP2, it is within walking distance (approximately 200m) of Canford Cliffs Village Local Centre, with its shops and other community facilities. The site is therefore appropriate for intensification of use.
- 25. The existing flats are not of any particular architectural merit and as such their replacement is potentially acceptable.
- 26. The main issues are therefore the impact of the new building, and its increased height and massing within the streetscene and the setting of the nearby Conservation

Area.

- 27. The existing flats are between 4 and 5 storeys in height and whilst they sit across the frontage of the site, there is a visual gap where they are linked by single-storey garages. Together with the strong landscaped frontage this results in views of the existing being only glimpsed within the street scene. Whilst there are some large buildings within the area, the significant landscaping along boundaries and within sites results in the buildings not dominating the streetscene.
- 28. The proposals are to erect a single building across the site in a similar position to the existing. The proposals have 6 floors above existing ground level, with two basement levels to contain parking and flats to the rear, where the site levels are lower.
- 29. The proposals have been amended since pre-application with the top floor removed and substantial reductions to the southern part of the building. The 7th floor has been recessed and the 6th and 5th floors also reduced. This results in a reduced impact towards Imbrecourt but also a reduction in the overall width of the proposals on the upper levels. With substantial screening remaining along the front boundary the southern part of the frontage would not appear significantly larger than the existing building.
- 30. To the north of the site the proposals are also staggered with the part of the building closest to Chetwynd reflecting the massing of the existing building, this is also where the access will remain and is currently the most visible part of the site within the street scene.
- 31. The main visible bulk of the building is therefore to the centre. Here amendments to the pre-application proposals have included creating two focal elements surrounded in white rendered which are positioned either side of the central element. The central element of the front facade has been reduced on the upper floor with the balconies inset and the front of the building also inset. This will reduce the impact of the building particularly within the immediate street scene. The materials to the central element on the three upper floors has also been amended with a darker palette, to reduce its visual prominence.
- 32. The proposals are larger than the existing buildings, however its design takes account of its surroundings and by virtue of the design, materials, and staggered elements to the built form, together with the screening which will be reinforced as part of the landscape strategy, the proposals would preserve the character and appearance of street scene. From wider views within the street scene the building will be glimpsed due to heavy landscaping along site frontages.
- 33. The proposals will not harm the adjacent Canford Cliffs Village Conservation Area.

Neighbouring Privacy and Amenities

34. The proposals are significantly larger than the existing flats, however they are positioned in a similar manner to the existing buildings and their principle windows are to the front and rear where only oblique overlooking would occur to neighbouring sites. Furthermore, the rear the site is heavily screened by mature trees and which slopes

down to the adjacent Golf Course.

- 35. To the south of the application site is Imbrecourt, a small close of bungalows. There is heavy screening along this boundary although views of the building would be glimpsed. The part of the proposed building closest to this boundary has been reduced in height from the pre-application proposals and is now no higher than the existing building, although closer. The building then steps further into the site from floors 6-8, where the majority of the reductions to the scheme have occurred.
- 36. The southern elevation is not the principle elevation and would contain kitchen windows and the side of balconies. These would be 25m from the closest homes in Imbrecourt, beyond landscaping, and would not give rise to any material overlooking or loss of privacy. There would be a minimal impact on light as Imbrecourt lies to the south of the application site.
- 37. To the north of the application site is Chetwynd, a four-storey block of flats. This building is positioned side-on the proposed building which is in a similar position to the existing building. This elevation is not the principle elevation to Chetwynd and already faces the existing building (Carrisbrooke). Furthermore, the closest part of the proposals to this neighbour are similar in massing and height to the existing building (floors 3-6). Above this floors are set back into the site and as such views from these floors will be beyond this neighbour and not cause harmful overlooking.
- 38.Balconies currently exist to the rear of the application site and the proposed 3rd floor terrace is similar to existing ground level.
- 39. There are significant distances involved to other neighbouring or nearby sites. Whilst concerns have been raised from The Glen, and the proposals will appear larger than the existing building, the nearest boundary to the application site from The Glen is at least 50m away and whilst there may be some perception of overlooking because of the elevated position of the application site, there would be no material overlooking or loss of privacy. Any potential loss of sunlight with respect to these properties would also not be materially harmful. The application site lies to the southeast of The Glen and at some distance away, any loss of sunlight would be when the sun is low and early in the day.
- 40. Concerns have been raised regarding the re-siting of the substation and impact of extraction from the kitchen serving the resident dining area.
- 41. The sub station would reflect a typical installation, commonly found in residential areas and close to homes and its requirement would not in itself be a reason to resist the development.
- 42. The location of the kitchen associated with the residents dining area is such that, subject to details of the extraction system being secured by condition, it would not harm the amenities of the residents of the proposed flats or of any adjacent home by reason of noise; smells; or fumes.

Highways

43. The existing vehicle access from Canford Cliffs Road would serve the proposed

development. The access would have sufficient width to allow vehicles to pass at the site entrance, without having to queue on the highway.

- 44. The proposed development of 60 flats would have a total of 43 residents' parking spaces (a ratio of 0.7 spaces per flat). There would also be two staff parking spaces. The proposals would therefore meet the Council's Parking and Highway Layout in Development SPD guidelines in relation to sheltered accommodation, and this level of parking is acceptable subject to the age of residents being restricted to 'over 60' in view of reduced car ownership levels beyond this age.
- 45. The Councils Parking SPD (para 8.21) requires that underground and multi-storey car parks should be designed in accordance with the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks' (DRMUCP). This includes requirements that include supporting pillars being set back from the front of the parking bays by 0.8m and that basement floor to ceiling height clearances are in excess of 2.1m. Compliance with the DRMUCP guidelines can be secured by condition.
- 46. Suitable pedestrian access to the building would be achieved from all parking areas, and from street level.
- 47. Having regards to the comprehensive Transport Statement submitted by the applicant's Highway Consultant, it is not anticipated that increased vehicle movements resulting from the proposals, over the existing use, would have a significant or severe impact upon the highway network.
- 48. It is noted that there will be a mobility scooter store at street level.
- 49. The plans show suitable visibility splays. The applicant has also suggested that they will be providing a traffic signal system to manage movement within the site. From the details provided such a scheme would be effective and could operate safely. The details of such a scheme should be sought and secured by condition.

Trees

- 50. The application site is significantly screened by trees around its perimeter and has a substantial wooded area to the rear.
- 51. The proposals are accompanied by an Arboricultural Method Statement, Tree protection plan and landscape plan. These have been amended following comments from the Council's Arboricultural Officer, providing additional tree replants, and amended sequencing of arboricultural events (erection of tree protection), supervision, excavations and mixing areas.
- 52. The only aspect which remains outstanding is the opening up of the woodland and increased access. This area is on significantly sloping ground, the applicant has pointed out that due to the age of residents 70+ and generally older, that the opening up of this area in a formal manner will encourage its use which could be hazardous. It's management is proposed which will help retain the visual and environmental importance of this area. Furthermore, the scheme incorporates a more level amenity area immediately to the rear of the building and formal social areas in the form of

terraces etc.

Affordable Housing

53. Affordable housing contributions are required on C3 residential development. The proposals are for a C2 use where an element of care is provided and as such affordable housing contributions are not required.

54. In this respect a condition will be attached regarding the age of occupants which is proposed at 70+.

Ecological Enhancements

55. Enhancements to the grounds and wooded area are proposed as part of the landscape plan. There will remain significant opportunities for biodiversity within the site and the submitted ecology report details biodiversity enhancements such as Bat tubes and roosting features and a hedgehog house. These can be secured by condition.

Renewable Energy

56. An energy strategy has been provided with the application which states that photovoltaics will be provided on the roof to provide a source of renewable energy.

Section 106 Agreement/CIL compliance

Contributions Required			Heat	rset hland MM	Poole Harbour Recreation SAMM	
Flats	Existing	17	@ £269		@ £96	
	Proposed	60				
	Net increase	43	£11,567		£4,128	
Total Contributions			£		£	
			(plus fee)	admin	(plus fee)	admin
CIL	Zone A		@ £230sq m			

- 57. 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.
- 58. 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
- 59. 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.
- 60. The required payments will be secured by a Section 106 agreement.

Planning balance

- 61. The proposals would provide housing for an aging population in an area where there is demand and close to Local amenities. The proposals by virtue of their siting, design and massing have been design to address the street scene in a sensitive manner and preserve neighbouring privacy and amenities.
- 62. Highway safety will be preserved and protected trees on site managed appropriately.

RECOMMENDATION

It is therefore recommended that this application be Granted subject to the applicants entering into a s.106 agreement securing the following contributions:

- i. A contribution of £11,567 towards Dorset Heathland SAMM
- ii. A contribution of £4,128 towards Poole Harbour Recreation SAMM

Conditions:

1. GN150 (Time Expiry 3 Years (Standard))

The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)

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

Location Plan ref: SO-2496-03-AC-001-A received 18/12/2019 Proposed Site Plan (L1 Floor Plan) ref: SO-2496-03-AC-023-D received 01/05/2020

Proposed Site Plan (L2 Floor Plan) ref: SO-2496-03-AC-024-E received 01/05/2020

Proposed Site Plan (L3 Ground Floor) ref: SO-2496-03-AC-025-J received 11/09/2020

Proposed Site Plan (Roof Plan) ref: SO-2496-03-AC-027-E received 16/07/2020

L4 Plan GA ref: SO-2496-03-AC-031-D received 18/12/2019

L5 Plan GA ref: SO-2496-03-AC-032-D received 18/12/2019

L6 Plan GA ref: SO-2496-03-AC-033-D received 18/12/2019

L7 Plan GA ref: SO-2496-03-AC-034-D received 18/12/2019

Proposed Site Plan (L8 Floor Plan) ref: SO-2496-03-AC-035-F received 01/05/2020

Proposed Elevations in context ref: SO-2496-03-AC-037-F received 01/05/2020 Proposed Elevations in context ref: SO-2496-03-AC-038-C received 18/12/2019 Proposed Elevations in context ref: SO-2496-03-AC-039-C received 18/12/2019

Proposed Streetview ref: SO-2496-03-AC-043-A received 01/05/2020

Elevations 01 ref: SO-2496-03-AC-047-E received 18/12/2019

Elevations 02 ref: SO-2496-03-AC-048-F received 01/05/2020

Landscape Proposals ref: MCS644/Drg01 Rev D dated 16/07/2020

Tree Protection Plan ref: 1142-KC-XX-YTREE-TPP01 RevA received 01/05/2020

Arboricultural Method Statement ref: 1142-KC-XX-YTREE-Method Statement - RevA received 01/05/2020

Proposed Drainage Plan Sheet 1 of 2 Level 1 ref: SO-2496-03-DR-005-P1 received 18/12/2019

Proposed Drainage Plan Sheet 2 of 2 Level 3 ref: SO-2496-03-DR-006-P1 received 18/12/2019

Reason -

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

3. GN070 (Remove Use as Balcony)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof areas of the

building hereby permitted and specified below shall not be used as a balcony, roof garden or similar amenity area.

Areas of flat roof:

Level 4 North Side

Level 6 South side

Level 7 North side

Level 8 South side

Reason -

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

4. GN080 (Screening to Balcony)

Prior to occupation of the building hereby approved, details of an obscure glazed screen of at least 1.8 metres in height to be erected along the northern side of balconies to the rear of units 25, 36 and 45 and the southern side of the balconies to the rear of units 21 and 32 as marked on the approved plans shall be submitted to, and approved in writing by, the Local Planning Authority. The screens shall be erected in accordance with the approved details prior to first occupation of those units listed, 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).

5. GN161 (BREEAM)

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall achieve a minimum BREEAM "Excellent" rating (or equivalent standard). Within 6 months post first occupation of the building, the Post-Construction Review Certificate shall be submitted to the Local Planning Authority verifying that the BREEAM rating has been met.

Reason:

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

6. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

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. HW200 (Provision of Visibility Splays)

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splay(s) as indicated on the approved plan(s) shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason -

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

8. AA01 (Non standard Condition)

Unless otherwise agreed in writing by the Local Planning Authority to any variation, the multi-storey/ under croft parking areas hereby approved shall be designed and constructed having regard to the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks'.

Reason -

In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan (2018), the Parking and Highway Layout in Development SPD (July 2011), and the Institution of Structural Engineers Publication 'Design Recommendations for Multi-storey and Underground Car Parks'.

9. AA01 (Non standard Condition)

With the exception of any site manager/warden's accommodation, at no time shall the assisted living/extra care apartments hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

Reason -

In order to have regard to the specific nature of the development, and in or der to ensure the development is able to meet its parking needs, in the interest of highway safety and in accordance with Policy PP35 of the Poole Local Plan.

10. AA01 (Non standard Condition)

Prior to the completion of the DPC details of a traffic signal scheme for the access drive and car park entrances shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the first occupation of the first assisted living/extra care apartment hereby approved, and thereafter retained and maintained in perpetuity.

Reason -

In the interests of highway safety and in accordance with Policy PP35 of the Poole Local Plan.

11. LS030 (Implement Landscaping Scheme)

Landscaping of the site shall be implemented in accordance with the approved landscape plan ref: MCS644/Drg01 Rev D dated 16/07/2020 in accordance with the following:

- a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason -

In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policies PP27 and PP33 of the Poole Local Plan (November 2018).

12. TR030 (Implementation of Details of Arb M Stmt)

All works relating to the ground clearance, tree works, demolition and development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

Reason -

To prevent trees on site from being damaged during construction works and in accordance with Policy PP27 of the Poole Local Plan (November 2018), 13. TR080 (Replanting of Specified Number of Trees)

9 tree(s), in accordance with the details on the approved landscape plan ref: MCS644/Drg01 Rev D dated 16/07/2020, shall be planted in accordance with BS3936, BS4043, BS4428 and BS8545 within 12 months following implementation of this permission. The tree(s) shall be thereafter maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

Reason -

In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice, in

accordance with Policy PP27 of the Poole Local Plan (November 2018). 14. AA01 (Non standard Condition)

Both in the first instance and thereafter the external materials used on the building hereby approved shall be as detailed within the application and shown on the approved plans. To be retained thereafter.

Reason -

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

15. AA01 (Non standard Condition)

The development hereby approved shall be carried out in accordance with the approved drainage strategy.

Reason -

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

16. AA01 (Non standard Condition)

On-site renewable energy sources shall be provided by solar PV's as set out in the submitted Energy Strategy by Hoare Lea, prior to first occupation of the development hereby approved and retained thereafter.

Reason:

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

17. AA01 (Non standard Condition)

Prior to occupation of the units hereby approved the biodiversity enhancements as detailed in the Ecology Report by Abbas Ecology shall be implemented and retained thereafter.

Reason -

To provide biodiversity enhancements on site and in accordance with Policy PP33 of the Poole Local Plan adopted 2018.

18. NP080 (Fume Extraction Equipment)

Prior to occupation of the development hereby approved, details of the fume extraction and filtration equipment to be installed to the communal kitchen to effectively suppress the emission of fumes and smells, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be installed in accordance with those agreed details; thereafter retained as such; and at all times maintained in accordance with the manufacturer's instructions.

Reason -

To protect the amenities of occupiers of adjoining properties 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
- offering a pre-application advice service, and

positive and proactive manner by;

- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.
- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was provided with pre-application advice and this was reflected in the proposals
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified
- the application was considered and approved without delay
- 2. IN74 (Community Infrastructure Levy Approval)
 Part 11 of the Planning Act 2008 and the Community Infrastructure Levy
 Regulations

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

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

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the Poole website:

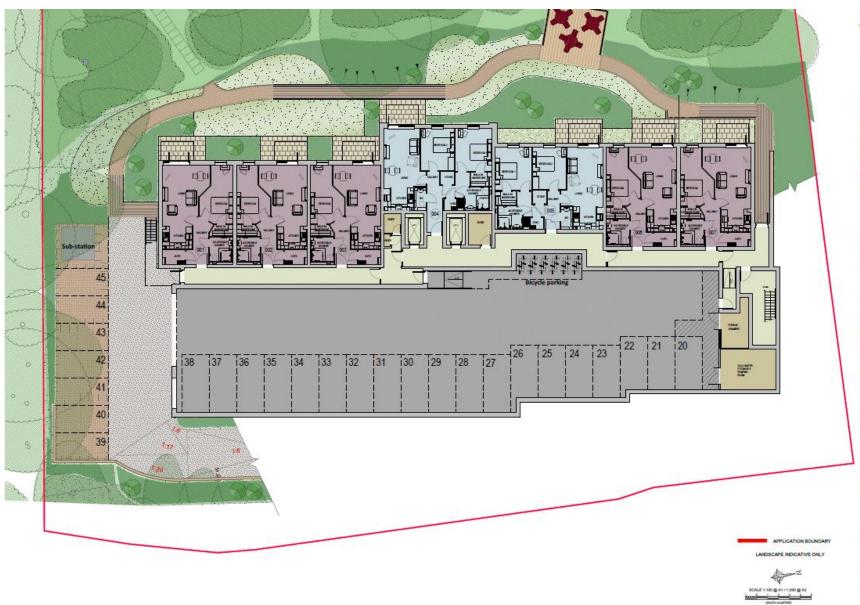
http://www.poole.gov.uk/planning-and-buildings/planning/ldf/community-infrastructure-levy/

3. IN43 (Section 106 Agreement)

The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.

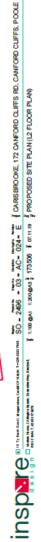


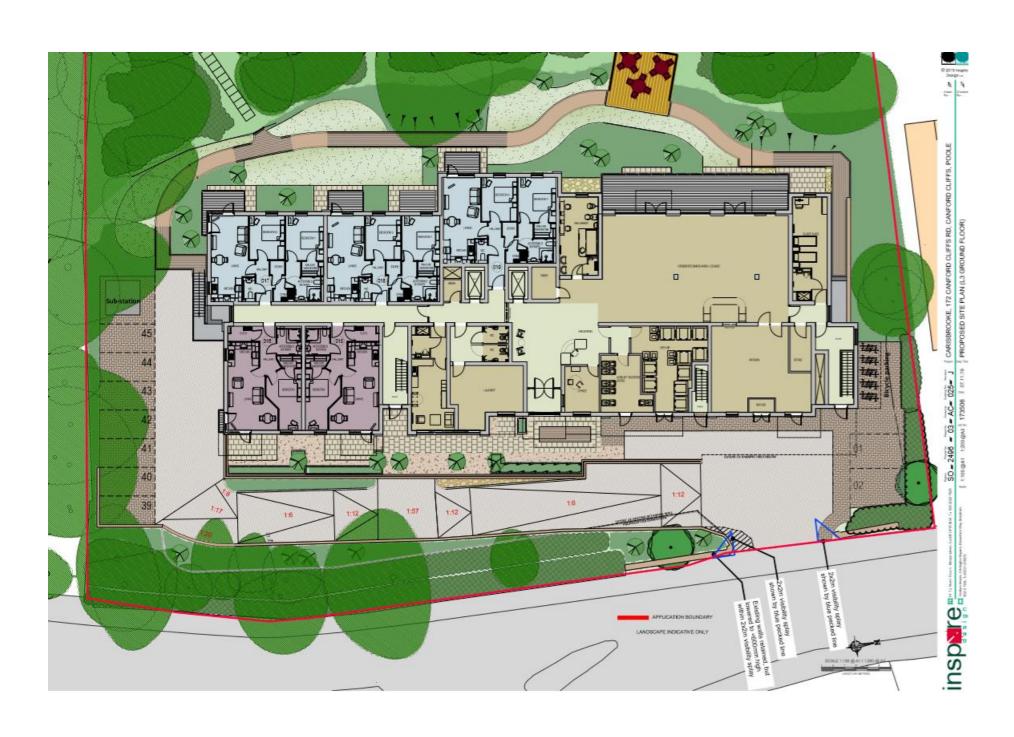










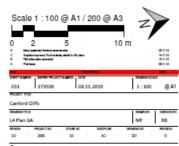








L4-FFL GA







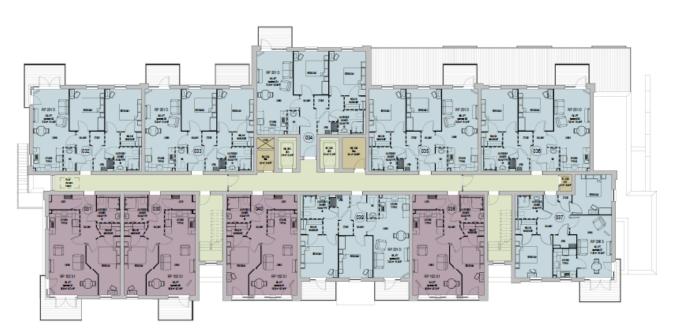
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Circulation

1 Bed Apartment
2 Bed Apartment
Communical Complex Apartment

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L5-FFL GA



L

 L







Le-FFL GA



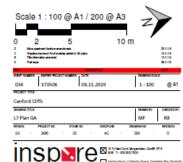
L







L7 - FFL GA



1











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Elevation Materials

- CLACONG PANEL-OFF WHITE
- (2) CLACONG FRINEL-WOCG FRISH
 (3) METHL CLACONG-LIGHT GREY
- (4) METHL CLADONS-GREY
- METAL CLASSING-OVER

 MUMMUM WINDOW FRANCE GREY
- TO POWDER-CONTECTIFIES AND CONES DARK SHEY, WITH GLASS BALLSTRADES
- (7) PONCER CONTEC METAL PRINAPET COPING DARK SHEY
- I ALLMINUSHADV FRANCES DREY, WITH GLASS HAFE.
- 1 BRECK GREY

East Elevation



South Bevation







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Bevation Materials

- (1) GACONG PANEL OFF WHETE
- (2) CLACONG PRINTS WOOD FINGS
- (I) METAL GLADONG-LIGHT GREY
- (I) METAL CLASSING GREY
- ALIMNIAN WINCOW FRAMES GREY
- POWDER CONTED METAL DALCONICS DARK GREY, WITH GLASS BALLSTRADES
- POWDER CONTED METAL PARAPET COPING CARK GREY
- ALUMINUM ADV FRAMES GREY, WITH GLASS INFIL.
- BROX-GREY



North Elevation

