

Notice of Planning Committee



Date: Thursday, 18 January 2024 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chairman:

Cllr M Le Poidevin

Vice Chairman:

Cllr P Hilliard

Cllr C Adams
Cllr S Carr-Brown
Cllr J Clements
Cllr J Challinor

Cllr D A Flagg
Cllr M Gillett
Cllr B Hitchcock
Cllr G Martin

Cllr Dr F Rice
Cllr K Salmon
Cllr P Sidaway
Cllr M Tarling

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?MIId=5447>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake on 01202 127564 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 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

10 January 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



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



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
(janie.berry@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

7 - 10

To confirm and sign as a correct record the minutes of the meeting held on 16 November 2023, subject to the following amendment:

Clause 76 Holland House, 20 Oxford Road, Bournemouth BH8 8EF

Voting to read as follows: For – 13, Against – 0, Abstain – 1

5. Public Issues

11 - 18

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 10.00am of the working day before the meeting. 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 meetings is contained in the Planning Committee Protocol for Public Speaking and Statements, a copy of which is included with this agenda sheet and is also published on the website on the following page:

<https://democracy.bcpccouncil.gov.uk/mgCommitteeDetails.aspx?ID=290>

Summary of speaking arrangements as follows:

Speaking at Planning Committee (in person or virtually):

- There will be a maximum combined time of five minutes to speak in objection and up to two persons may speak within the five minutes.
- There will be a further maximum combined time of five minutes to speak in support and up to two persons may speak within the five minutes.
- No speaker may speak for more than half this time (two and a half minutes) UNLESS there are no other requests to speak received by the deadline OR it is with the agreement of the other speaker.

Submitting a statement to Planning Committee as an alternative to speaking:

- Anyone who has registered to speak by the deadline may, as an alternative to attending/speaking in person or virtually, submit a written statement to be read out on their behalf.
- Statements must be provided to Democratic Services by 10.00am of the working day before the meeting.
- A statement must not exceed 450 words (and will be treated as amounting to two and a half minutes of speaking time).

Please refer to the full Protocol document for further guidance.

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.

6. **Schedule of Planning Applications**

To consider the planning application which is listed below.

See planning application report '6a' circulated with the agenda, as updated by the agenda addendum sheet to be published one working day before the meeting.

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 Chair 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. To search for planning applications, the following link will take you to the main webpage where you can click on a tile (area) to search for an application. The link is:

<https://www.bcpCouncil.gov.uk/Planning-and-building-control/Search-and-comment-on-applications/Search-and-comment-on-applications.aspx>

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.

To view Local Plans, again, the following link will take you to the main webpage where you can click on a tile to view the local plan for that area. The link is:

<https://www.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

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|----|--|---------|
| a) | <p>East Dorset Lawn Tennis and Croquet Club, Salterns Road, Poole BH14 8BL</p> <p>Parkstone Ward</p> <p>APP/23/00374/F</p> <p>Construction of three new Padel Tennis Courts with flood lighting and provision of storage shed.</p> | 19 - 36 |
| | | |
| 7. | <p>Update in relation to Land South of Gillett Road, Talbot Village, Poole BH3 7AH</p> <p>On 2nd October 2023 councillors determined to refuse a planning application, against officer recommendation, as identified in this report. As part of the recommendation, power was delegated to Head of Planning to sort out final wording.</p> <p>The Applicant has now appealed the planning application on the grounds of non-determination before the Local Planning Authority issued the decision notice. This report updates Members on the current position and seeks confirmation from councillors as to how they wish the Council to proceed in relation to the appeal.</p> <p>NOTE: In relation to this item of business, the Committee may be asked to consider the following resolution in respect of any legal advice provided and discussed at the meeting:</p> <p>‘That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.’</p> | 37 - 44 |

Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
PLANNING COMMITTEE

Minutes of the Meeting held on 16 November 2023 at 10.00 am

Present:-

Cllr M Le Poidevin – Chair

Cllr P Hilliard – Vice-Chair

Present: Cllr C Adams, Cllr S Carr-Brown, Cllr J Clements, Cllr D A Flagg,
Cllr M Gillett, Cllr B Hitchcock, Cllr G Martin, Cllr Dr F Rice,
Cllr K Salmon, Cllr P Sidaway, Cllr M Tarling and Cllr L Williams (In
place of Cllr J Challinor)

70. Apologies

Apologies were received from Cllr J Challinor

71. Substitute Members

Cllr L Williams was the appointed substitute for Cllr J Challinor for this meeting.

72. Declarations of Interests

There were no declarations of interest in respect of Agenda Items 6a and 6b. Declarations in respect of Agenda Item 8 are listed in the exempt minute for this item.

73. Confirmation of Minutes

RESOLVED that the minutes of the meeting held on 19 October be confirmed as an accurate record for signing by the Chair.

74. Public Issues

The Chair advised that there were a number of requests to speak on planning applications as detailed under individual items below.

75. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A to B to these minutes in the Minute Book. A Committee Addendum Sheet was published on 15 November 2023 and appears as Appendix C to these minutes. The Committee considered the planning applications in the order set out below:

76. Holland House, 20 Oxford Road, Bournemouth BH8 8EF

Bournemouth Central Ward

7-2023-11310-CP

Full planning application for the demolition of existing office building and car park and erection of a building to provide 487 flats (Use Class C3) including ancillary residents gym, commercial space (Use Class E), accessible public realm and landscaping, servicing and car parking, ancillary plant, and associated works

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Jo Cowan, on behalf of the applicant
- ❖ Mathew Mainwaring, on behalf of the applicant

Ward Councillors

- ❖ None registered

RESOLVED that planning permission be GRANTED in accordance with the recommendation set out in the Officer's report as updated by the Committee Addendum Sheet and as amended by the Committee in respect of Paragraph 239 (a) of the report as follows:

“GRANT permission for the reasons as set out in this report subject to

- a. the following conditions, **together with power being delegated to the Head of Planning (including any interim) to consider and determine the wording (a) for a further condition and reasons to secure the submission, approval and on going implementation of a plan setting out the management of the proposed co-working office space; (b) to amend Condition 17 to better reflect the requirements of policy CS2 of the Core Strategy; and (c) to amend Condition 11 to also require details to be submitted, approved and implemented detailing how the proposed landscaping could be designed to secure the provision of facilities for children, including an interactive water provision; and....”**

Voting: For – 13, Against – 1, Abstain – 0

77. Prom Diner, Undercliff Drive, Bournemouth BH5 1BN

Boscombe West Ward

7-2023-15059-V

Provision of a seasonal beach (pop up) offering that will provide seating and areas for the public to use as part of the Prom Diner existing offering. The proposal includes the installation of removable structures such as decking, a container and timber structures – Regulation 3

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ None registered

Ward/Other Councillors

- ❖ Cllr P Canavan, in objection
- ❖ Cllr S Bartlett, in objection

RESOLVED that planning permission be GRANTED in accordance with the recommendation set out in the Officer’s report as updated by the Committee Addendum Sheet and as amended by the Committee in respect of Paragraph 52 of the report as follows:

“GRANT with the following conditions, **subject to power being delegated to the Head of Planning (including any interim) (a) to amend Condition 4 to require all structures including decking, chairs and tables to be removed within the dates specified; (b) to amend Condition 8 to require details to be submitted and approved of materials that will provide a more natural appearance which does not include vinyl, those materials to be provided and thereafter at all times retained; and (c) to ensure that the requirements specified in Conditions 2 and 4 do not contradict each other....**”

Voting: For – 11, Against – 3, Abstain – 0

Note: In granting planning permission, the Committee had regard to the differences between this application and similar proposals as referenced in the Officer’s report and including: -

- that there were already several existing decking structures the west of Bournemouth Pier and that this application site is located between the two piers where no similar decks exist,
- the deck is smaller
- the relationship of the site to the road and parking area represents a different character
- this application included a litter management plan

78. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 5 in Part I of Schedule

12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

Voting: For – 11, Against – 3, Abstain – 0

79. Update to Members regarding matters relating to a planning application

Exempt Report as defined in Paragraph 5 in Part I of Schedule 12A of the Local Government Act 1972.

Exempt information – Category 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

The Director of Planning and Destination introduced a report, a copy of which had been circulated and which appears as appendix D to the minutes in the Minute Book.

The Director and the Senior Solicitor provided an update to the Committee on the latest position in respect of matters relating to a planning application. They responded to questions from Members on the issues under consideration and the options available to the Committee in taking these matters forward.

RESOLVED that having considered the issues raised in the report, the Committee proceeds in accordance with one of the two options within Option 2 of the report, as qualified by Members at the meeting and detailed in the exempt minute.

Voting: For – 11, Against – 2, Abstain 1

The meeting ended at 3.25 pm

CHAIR

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

- 1.1 The following protocol facilitates opportunities for applicant(s), objector(s) and supporter(s) to express their views on planning applications which are to be considered at a Planning Committee meeting. It does not therefore relate to any other item considered at Planning Committee in respect of which public speaking/questions shall only be permitted at the discretion of the Chair.
- 1.2 This protocol is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Council during the consultation period.
- 1.3 **The email address for any person who wishes to register a request to speak and / or submit a statement for the purposes of this protocol or to correspond with Democratic Services on any aspect of this protocol is democratic.services@bcpcouncil.gov.uk**

2. Order of presentation of an application

- 2.1 The running order in which planning applications are heard will usually follow the order as appears on the agenda unless the Planning Committee otherwise determines.
- 2.2 In considering each application the Committee will normally take contributions in the following order:
 - a) presenting officer(s);
 - b) objector(s);
 - c) applicant(s) /supporter(s);
 - d) councillor who has called in an application (who is not a voting member of the Planning Committee in relation to that application) / ward councillor(s);
 - e) questions and discussion by voting members of the Planning Committee, which may include seeking points of clarification.

3. Guidance relating to the application of this protocol

- 3.1 The allocation of an opportunity to speak / provide a statement to be read out at Planning Committee under this protocol is not intended as a guarantee of a right to speak / have a statement read out.
- 3.2 The Chair has absolute discretion as to how this protocol shall be applied in respect of any individual application so far as it relates to the conduct of the

meeting and as provided for in this protocol including whether in any circumstance it should be waived, added to or otherwise modified. This discretion includes the opportunity to speak (or submit a statement), varying the speaking time allowed and the number of speakers. In the event of any uncertainty as to the interpretation or application of any part of this protocol a determination by the Chair will be conclusive.

- 3.3 A failure to make a request to speak / submit a statement in accordance with any one or more of the requirements of this protocol will normally result in the request / submission of the statement not being treated as validly made and therefore not accepted.

4. Electronic facilities relating to Planning Committee

- 4.1. All electronic broadcasting and recording of a Planning Committee meeting by the Council and the provision of an opportunity to speak remotely at such a meeting is dependent upon such matters being accessible, operational and useable during the meeting. As a consequence, a meeting other than a wholly virtual meeting may proceed, including consideration of all applications relating to it, even if it cannot be electronically broadcast, recorded and/or any person is unable to speak / be heard at the time when the opportunity to do so on an application is made available.

5. Attending in person at a Planning Committee meeting / wholly virtual meetings

- 5.1. Unless otherwise stated on the Council's website and/or the agenda Planning Committee will be held as a physical (in person) meeting. A Planning Committee meeting will only be held as a wholly virtual meeting during such time as a decision has been taken by BCP Council that committee meetings of the Council may be held in this way. In the event of there being a discretion as to whether a Planning Committee meeting shall be held as a wholly virtual meeting, then the Head of Planning in consultation with the Chair shall be able to determine whether such a discretion should be applied.

6. Provisions for speaking at Planning Committee (whether in person or remotely)

- 6.1. Any applicant, objector or supporter who wishes to speak at a Planning Committee meeting must register a request to speak in writing with Democratic Services at democratic.services@bcpcouncil.gov.uk by **10.00 am of the working day before the meeting.**
- 6.2. A person registering a request to speak must:
- a) make clear as to the application(s) on which they wish to speak and whether they support or oppose the application; and
 - b) provide contact details including a telephone number and/or email address at which they can be reached / advised that they have been given an opportunity to speak.

- 6.3. There will be a maximum combined time of **five** minutes allowed for any person(s) objecting to an application to speak. A further combined **five** minute maximum will also be allowed for any supporter(s). Up to **two** people may speak during each of these allotted times (the applicant(s) and any agent for the applicant(s) will each count as separate speakers in support). No speaker may speak for more than half this time (i.e. **two and a half minutes**) unless:
- a) there is no other speaker who has also been allotted to speak for the remainder of the five minutes allowed;
 - b) or the other allotted speaker fails to be present or is unable to be heard (in the case of remote speaking), at the Planning Committee meeting at the time when the opportunity to speak on the application is made available; or
 - c) the other allotted speaker expressly agrees to the speaker using more than half of the total speaking time allowed.
- 6.4. If more than two people seek to register a wish to speak for either side, an officer from Democratic Services may ask those seeking the opportunity to speak to appoint up to two representatives to address the Planning Committee. In the absence of agreement as to representatives, entitlement to speak will normally be allocated in accordance with the order when a request was received by Democratic Services. However, in the event of an applicant(s) and / or the agent of the applicant(s) wishing to speak in support of an application such person(s) will be given the option to elect to speak in preference to any other person registered to speak in support.
- 6.5. A person registered to speak may appoint a different person to speak on their behalf. The person registered to speak should normally notify Democratic Services of this appointment prior to the time that is made available to speak on the application.
- 6.6. A person may at any time withdraw their request to speak by notifying Democratic Services by email or in person on the day of that meeting. However, where such a withdrawal is made after the deadline date for receipt of requests then the available slot will not be made available for a new speaker. In cases where more than two requests to speak within the allocated five minutes were received by the deadline, Democratic Services will, where practicable, reallocate the slot in date receipt order.
- 6.7. During consideration of a planning application at a Planning Committee meeting, no question should be put or comment made to any councillor sitting on the Planning Committee by any applicant, objector or supporter whether as part of a speech or otherwise.

7. Questions to person speaking under this protocol

- 7.1. Questions will not normally be asked of any person who has been given the opportunity to speak for the purpose of this Protocol. However, the Chair at their absolute discretion may raise points of clarification.

8. Speaking as a ward councillor or other BCP councillor (whether in person or remotely)

- 8.1. Any ward councillor shall usually be afforded an opportunity to speak on an application at the Planning Committee meeting at which it is considered. Every ward councillor who is given the opportunity to speak will have up to **five** minutes each.
- 8.2. At the discretion of the Chair, any other councillor of BCP Council not sitting as a voting member of the Planning Committee may also be given the opportunity to speak on an application being considered at Planning Committee. Every such councillor will have up to **five** minutes each.
- 8.3. Any member of the Planning Committee who has exercised their call in powers to bring an application to the Planning Committee for decision should not vote on that item but subject to any requirements of the Member Code of Conduct, may have or, at the discretion of the Chair, be given the opportunity to speak in connection with it as a ward councillor or otherwise in accordance with the speaking provisions of this protocol. Such a member will usually be invited after speaking to move themselves from the area where voting members of the Planning Committee are sitting and may be requested to leave the room until consideration of that application has been concluded.

9. Speaking as a Parish or Town Council representative (whether in person or remotely)

- 9.1. A Parish or Town Council representative who wishes to speak as a representative of that Parish or Town Council must register as an objector or supporter and the same provisions for speaking as apply to any other objector or supporter applies to them. This applies even if that representative is also a councillor of BCP Council.

10. Content of speeches (whether in person or remotely) and use of supporting material

- 10.1. Speaking must be done in the form of an oral representation. This should only refer to planning related issues as these are the only matters the Planning Committee can consider when making decisions on planning applications. Speakers should normally direct their points to reinforcing or amplifying planning representations already made to the Council in writing in relation to the application being considered. Guidance on what constitutes planning considerations is included as part of this protocol. Speakers must take care to avoid saying anything that might be libellous, slanderous, otherwise abusive to

any person or group, including the applicant, any officer or councillor or might result in the disclosure of any personal information for which express consent has not been given.

- 10.2. A speaker who wishes to provide or rely on any photograph, illustration or other visual material when speaking (in person or remotely) must submit this to Democratic Services **by 12 noon two working days before the meeting**. All such material must be in an **electronic** format to be agreed by Democratic Services and will usually be displayed on the speaker's behalf by the presenting officer. The maximum number of slides to be displayed must not exceed **five**. Material provided after this time or in a format not agreed will not be accepted. The circulation or display of hard copies of such material at the Planning Committee meeting itself will normally not be allowed. In the interests of fairness, any material to be displayed must have already been submitted to and received by the Council as part of a representation/submission in relation to the application by the date of agenda publication for that Planning Committee meeting.
- 10.3. The ability to display material on screen is wholly dependent upon the availability and operation of suitable electronic equipment at the time of the Planning Committee meeting and cannot be guaranteed. Every person making a speech should therefore ensure that it is not dependent on such information being displayed.

11. Remote speaking at Planning Committee

- 11.1. In circumstances where the Council has put in place electronic facilities which enable a member of the public to be able to speak remotely to a Planning Committee meeting, a person may request the opportunity to speak remotely via those electronic facilities using their own equipment. In circumstances other than a wholly virtual meeting this would be as an alternative to attending the meeting in person. The provisions of this protocol relating to speaking at Planning Committee shall, unless the context otherwise necessitates, equally apply to remote speaking.
- 11.2. The opportunity to speak remotely is undertaken at a person's own risk on the understanding that should any technical issues affect their ability to participate remotely the meeting may still proceed to hear the item on which they wish to speak without their participation.
- 11.3. A person attending to speak remotely may at any time be required by the Chair or the Democratic Services Officer to leave any electronic facility that may be provided.

12. Non-attendance / inability to be heard at Planning Committee

- 12.1. It is solely the responsibility of a person who has been given an opportunity to speak on an application at a Planning Committee meeting (whether in person or remotely) to ensure that they are present for that meeting at the time when an opportunity to speak is made available to them.
- 12.2. A failure / inability by any person to attend and speak in person or remotely at a Planning Committee meeting at the time made available for that person to speak on an application will normally be deemed a withdrawal of their wish to

speaking on that application. This will not therefore usually be regarded as a reason of itself to defer or prevent an application from being heard.

- 12.3. This protocol includes provisions enabling the opportunity to provide a statement as an alternative to speaking in person / as a default option in the event of a person being unable to speak at the appropriate meeting time.

13. Submission of statement as an alternative to speaking / for use in default

- 13.1. A person (including a councillor of BCP Council) who has registered to speak, may submit a statement to be read out on their behalf as an alternative to speaking at a Planning Committee meeting (whether in person or remotely).
- 13.2. Further, any person speaking on an application at Planning Committee may, at their discretion, additionally submit a statement which can be read out as provided for in this protocol in the event of not being able to attend and speak in person or remotely at the time when an opportunity is made available for that person to speak on the application. The person should identify that this is the purpose of the statement.

14. Provisions relating to a statement

- 14.1 Any statement submitted for the purpose of this protocol:
- a) must not exceed **450** words in total unless the statement is provided by a ward councillor or any other councillor who is not voting on the application under consideration in which case the statement may consist of up to **900** words;
 - b) must have been received by Democratic Services by **10.00am of the working day before the meeting** by emailing democratic.services@bcpcouncil.gov.uk
 - c) when submitted by a member of the public (as opposed to a councillor of BCP Council), will be treated as amounting to **two and a half minutes** of the total time allotted for speaking notwithstanding how long it does in fact take to read out;
 - d) must not normally be modified once the deadline time and date for receipt of the statement by Democratic Services has passed unless such modification is requested by an officer from Democratic Services; and
 - e) will normally be read out aloud by an officer from Democratic Services having regard to the order of presentation identified in this protocol.
- 14.2 A person who has been given the right to speak and who has submitted a statement in accordance with this protocol may at any time withdraw that statement prior to it being read out by giving notice to Democratic Services. Where such withdrawal occurs after the deadline date for registering a request to speak has passed, then a further opportunity for a statement to be submitted will not be made available. If the statement that has been withdrawn was submitted as an alternative to speaking, then if the person

withdrawing the statement wishes instead to exercise their opportunity to speak in person they should notify Democratic Services on or before the time of withdrawing the statement.

15. Assessment of information / documentation / statement

- 15.1. BCP Council reserves the right to check any statement and any information / documentation (including any photograph, illustration or other visual material) provided to it for use at a Planning Committee meeting and to prevent the use of such information / documentation in whole or part, in particular, if it:
- a) is considered to contain information of a kind that might be libellous, slanderous, abusive to any party including an applicant or might result in the disclosure of any personal information for which express consent has not been given; and / or
 - b) is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 15.2 The Head of Planning in consultation with the Chair shall have the absolute discretion to determine whether any such statement / information / documentation should not be used / read out in whole or part. If circumstances reasonably permit, Democratic Services may seek to request a person modify such statement / information / documentation to address any issue identified.

16. Guidance on what amounts to a material planning consideration

- 16.1. As at the date of adoption of this protocol, 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#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

Note

For the purpose of this protocol:

- (a) reference to the “Chair” means the Chair of Planning Committee and shall include the Vice Chair of Planning Committee if the Chair is at any time unavailable or absent and the person presiding at the meeting of a Planning Committee at any time that both the Chair and Vice Chair of Planning Committee are unavailable or absent;
- (b) reference to the Head of Planning includes any officer nominated by them for the purposes of this protocol and if at any time the Head of Planning is unavailable, absent or the post is vacant / ceases to exist, then the Development Management Manager or if also unavailable / absent or that post is vacant/no longer exists then the next most senior officer in the development management team (or any of them if more than one) who is first contactable;
- (c) reference to ‘ward councillor’ means a councillor in whose ward the application being considered at a meeting of Planning Committee is situated in whole or part and who is not a voting member of the Planning Committee in respect of the application being considered; and
- (d) a “wholly virtual meeting” is a Planning Committee meeting where no one including officers and councillors physically attend the meeting; however, a meeting will not be held as a “wholly virtual meeting” unless legislation permits

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23



Planning Committee

Application Address	East Dorset Lawn Tennis and Croquet Club, Salterns Road, Poole, BH14 8BL
Proposal	Construction of three new Padel Tennis Courts with flood lighting and provision of storage shed
Application Number	APP/23/00374/F
Applicant	East Dorset Lawn Tennis & Croquet Club
Agent	Mr Giles Moir- Chapman Lilly Planning Ltd
Ward and Ward Member(s)	Parkstone- Councillor Crispin Goodall Councillor Emily Harman
Report Status	Public
Meeting Date	18 January 2024
Summary of Recommendation	Delegate to the Head of Planning to secure a legal agreement which prevents the implementation of permission APP/22/00830/F as well as this permission and then; Grant in accordance with the details set out below for the reasons as set out in the report.
Reason for Referral to Planning Committee	Over 20 letters of objection from residences which are believed to be within one mile of any point measured from the relevant application site red line boundary, which identify one of more issues of material planning relevance and are contrary to the recommendation to approve the application.
Case Officer	Sophie Burch
Is the proposal EIA Development?	No

Description of Proposal

1. The application seeks full planning permission for the construction of three new padel tennis courts with flood lighting and a storage shed.
2. The padel courts would be located centrally, towards the rear of the site. The padel courts would measure approximately 9.8 metres in width and 20 metres in length. Galvanized steel mesh and tempered glass would surround the courts. Floodlights around the courts are also proposed.
3. The proposed storage shed would be located towards the rear of the site. It would measure approximately 5.2m x 2.7m & 3 metres in height.

Description of Site and Surroundings

4. The application site is located on a large parcel of land which is accessed between dwellings that front onto Salterns Road. It is surrounded by residential dwellings along its west and south boundaries, the railway line to the north and Baden Powell School to the east. The club house is located close to the western boundary and serves the tennis courts and croquet fields.
5. The tennis club site is located adjacent to the Ashley Cross Conservation Area. The proposals are set towards the eastern side of the site and are in excess of 90m from the boundary of the Conservation Area at the closest point. A group tree protection order is located to the northern boundary of the site and a woodland tree protection order and two individual TPO's are located to the eastern boundary of the site.
6. It is noted that there is currently permission to construct two new Padel tennis courts at the site, granted under APP/22/00830/F.

Relevant Planning History:

7. APP/17/01863/A- To erect 1no. externally illuminated aluminium welcome sign for the East Dorset Lawn Tennis & Croquet Club- **APPROVED**
8. APP/22/00830/F- Works to construct two new Padel Tennis Courts with dome cover, including an associated storage shed. Existing grass courts to be resurfaced to an acrylic surface- **APPROVED**

Constraints

9. The application site is located adjacent to the Ashley Cross Conservation Area.
10. There is a group TPO (14/1994) located to the northern boundary of the site. There is also a woodland TPO (14/1994) located to the eastern boundary and two individual TPO's (14/1994) located to the eastern boundary.
11. The site is identified as part of a Potential Ecological Network in the Dorset Environmental Records Centre data.

Public Sector Equalities Duty

12. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

13. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations"), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.

14. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
15. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
16. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
17. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

18. **BCP Highways Authority-** No highway objections- The proposals are unlikely to give rise to significant highway safety concerns.
19. **Tree Team-** No concerns regarding the location of the padel courts. The shed is however constructed near an important group of Oak trees. The footprint of the shed is likely to impinge into the root protection area (RPA) of one of the Oaks. Details/specifications and plans of the foundations to be used should be forwarded to assess suitability.
20. Following receipt of tree reports, no objection to the application, subject to the attachment of conditions to ensure development is carried out in accordance with submitted Arboricultural Method Statement.
21. **Environmental Health Team-** Initial concerns associated with noise raised. Following this, an amended site plan and amended acoustic report were submitted to include more mitigation measures such as the provision of a screening barrier to reduce lateral noise emissions from the west side of the court, location of the courts as far to the east side as possible to the non residential boundary. The Environmental Health Officer was consulted on these amendments and has advised that they are content with the scheme.

No objection in relation to impact of proposed floodlights.

22. **Biodiversity Officer-** With regards to the floodlights, the Biodiversity Officer advised that the colour temperature of the lights is higher than preferable to avoid impact on bats and the colour temperature should ideally be less than 3000K. Following this, the agent then provided further details on the floodlights, however these did not provide information on colour temperature. As such, details of floodlights will be conditioned with any approval to ensure the colour temperature is less than 3000K.
23. **Network Rail-** No comments received.

24. **ECPS Contaminated Land**- No comments received.

Representations

25. A site notice was erected on 21st April 2023 with an expiry date of 15th May 2023. Following the submission of amended plans and additional information, a new site notice was erected on 4th October, with an expiry date of 28th October.
26. In total, 52 representations have been received, 42 are in objection, 8 are in support and 2 are neither in objection or support. Commenting on the following:
- Padel courts will be a boost for the club
 - More accessible for people with limited mobility
 - Benefit local community
 - If clubs disappears land will be developed for housing
 - Great initiative
 - In support subject to sound and lighting levels not creating a nuisance
 - Boost for membership
 - Noise nuisance as a result of the courts
 - Light pollution from flood lights
 - Impact on mental health
 - Impact on local wildlife
 - No site notices erected locally
 - No mention of noise from trains passing
 - Tennis will be played all year round with these courts- resulting in disturbance
 - If approval given, acoustic fence should be conditioned
 - Various queries on application asked including will it be a condition of approval for noise survey to be carried out when padel courts are in use, request for guidance and consideration of operating times, queries regarding protection from light pollution.
 - In accuracies in acoustic report
 - Reference to article on padel tennis
 - Concerns regarding highway safety and increased traffic
 - Impact to mature landscaping bordering the site
 - Commercialism is not in keeping with area
 - Scheme will impact open feel of Worthington Crescent
 - Proposed fence is inadequate
 - Suggestion BCP Council do not want padel tennis courts on their public sport areas
 - Reference to impact on human rights from noise
 - Reference to refused scheme in Bournemouth
 - Use of bad language
 - Reference to other locations where padel courts are not in residential locations
 - Noise starts early with leaf blowing
 - Not suitable location for padel tennis
 - Object as the courts are buildings with floors, walls and possible ceilings, noise pollution and impact on wildlife. Query regarding what measures taken to inform neighbours.
 - Proposal seeks to provide additional sporting facilities, provided that sound and lighting levels are properly monitored. It is stressed that blue-rich LEDs (and similar light sources) are known to create a health hazard for insects and the public.

Key Issue(s)

27. The key issue(s) involved with this proposal are:

- Principle of development
- Impact on character and appearance of area
- Impact on adjacent Conservation Area
- Impact on residential amenities
- Impact on highways and parking
- Other Matters

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

Policy context

29. Local documents:

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP26 Sports, recreation and community facilities
- PP27 Design
- PP30 Heritage Assets
- PP33 Biodiversity and Geodiversity
- PP34 Transport strategy
- PP35 A safe, connected and accessibly transport network
- PP37 Building sustainable homes and businesses
- PP38 Managing flood risk

Other Plan Documents

- SPD7 BCP Parking Standards SPD (Adopted January 2021)
- SPD2 Heritage Assets SPD (Adopted 2013)
- Ashley Cross Conservation Area Character Appraisal and Management Plan (2012)

30. National Planning Policy Framework 2023 (“NPPF” / “Framework”)

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

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

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Planning Assessment

Principle of Development

- 31. Policy PP26 of the Poole Local Plan (2018) states that ‘The Council supports proposals for new sports, recreation and community facilities or the enhancement/expansion of existing facilities if they are located in areas that are easily accessible by the local community through public transport and/or safe and convenient walking and cycling routes.’
- 32. The proposal seeks to enhance an existing sports facility. The site is located within a sustainable transport corridor and is within walking distance from the district centre of Ashley Cross, Parkstone station and high frequency bus routes along Commercial Road along with services along Salterns Road and Sandbanks Road. As such, its location is considered to be easily accessible, meeting the requirements of PP26. The principle of development is therefore considered acceptable.
- 33. It should be noted that there is an existing permission (APP/22/00830/F) to construct two padel tennis courts on the site. This permission has not yet been implemented.

Impact on character and appearance of the area

- 34. Policy PP27 of the Poole Local Plan (2018) states that development will be permitted where it reflects or enhances local patterns of development in terms of layout, height, scale, massing, materials, landscaping and visual impact.
- 35. The proposal seeks to construct three padel tennis courts. The padel courts would replace two existing grass tennis courts. The padel courts would be slightly smaller than the existing courts, measuring approximately 9.8 metres in width and 20 metres in length. Galvanized steel mesh and tempered glass would surround the courts, with a maximum height of 4 metres. An acoustic screen is proposed to the west of the courts. The agent has advised that this screen would be the same height as the steel mesh and glass structure surrounding the courts.

36. The proposed padel courts with acoustic screen are located centrally, towards the rear of the site some 130 metres away from Salterns Road. As such, the courts would be visible in passing views when travelling along Salterns Road, however, given the intervening properties, club house and car park, the proposals would not be prominent and would appear as a logical part of the existing structures and enclosures within the site. Dense tree coverage and hedging would minimise the views from the neighbouring school. The courts are located approximately 50 metres from the rear of the properties along Worthington Crescent and will be viewed in the context of existing courts which sit along the boundary of the site. Such separation distances, coupled with existing tennis related paraphernalia would mean the proposed padel courts would have a negligible impact on the street scene when viewed from Worthington Crescent. It is noted that details relating to the colour and finish of the acoustic screen would be conditioned in the event of an approval.
37. With regards to the proposed floodlight columns, four columns are proposed, surrounding each court, with each measuring 5.5 metres in height. The principle of floodlight columns is well established within this site and there are no objections to the proposed columns in terms of their visual impact.
38. In relation to the proposed storage shed, given its small scale and position to the rear of the site, against a backdrop of dense tree coverage and hedging, it would have minimal impact on the character and appearance of the area. A largely identical structure was approved under APP/22/00830/F although in a different location further south adjoining the boundary with 5 Worthington Crescent. As such, it is considered acceptable.
39. For the reasons discussed above, it is considered that the proposed scheme would have an acceptable impact on the character and appearance of the area, in accordance with PP27 of the Poole Local Plan 2018.

Impact on adjacent Conservation Area

40. The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
41. The National Planning Policy Framework provides the overarching guidance for development and identifies a conservation area as a designated heritage asset. It is the Local Planning Authority's duty to ensure that through careful decision making, development should maintain and manage change in a way that sustains, and where appropriate, enhances its significance.
42. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
43. Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
44. Local Plan Policy PP30 echoes the NPPF by expecting development to preserve or enhance Poole's heritage assets. In all cases, proposals will be supported where they preserve or enhance the historic, architectural and archaeological significance of heritage assets, and their settings, in a manner that is proportionate with their significance.
45. The application site is outside of the Ashley Cross Conservation Area but is adjacent to the boundary of the Ashley Cross Conservation Area. The works themselves are set approximately 90m into the site and do not physically affect the heritage asset itself. Therefore, it is necessary to consider the impact the proposed development would have on the setting of the Conservation Area. The NPPF defines setting of a heritage asset (in this case a conservation area) to be:

“...The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral...”

46. The part of the Conservation Area which borders the site is identified as the residential streets to the south of the Railway embankment within the Ashley Cross Conservation Area Character Appraisal and Management Plan. This did not initially form part of the Conservation Area. The appraisal discusses how the properties here date from the Victorian era and comprise short terraces, detached or semi detached dwellings. There is no mention of the tennis club in the plan.
47. Public views of the development from within the CA are largely restricted to the narrow gap between properties on Salterns Road which serves as the vehicular entrance to the tennis club. Here the proposal will form a logical part of the existing structures within the site and is not considered to result in harm to the setting of the heritage asset. Private views will be possible from the rear of the dwellings adjoining the site. However, again due to the limited scale of the development and its consistency with the existing appearance of the site, again the proposals are not considered to result in harm to the setting of the CA.
48. The proposed storage shed would similarly have limited visibility from the Conservation Area given separation distances, intervening properties, existing courts and its small scale. Such paraphernalia would reasonably be expected in such a location. As such, it is also considered that the shed would not negatively affect the setting of the Ashley Cross Conservation Area.
49. Taking NPPF 199 into account it is considered the proposed development would have a negligible effect on the significance of the Ashley Cross Conservation Area. The development will have limited prominence in views from the Conservation Area and would be somewhat expected in the context of a tennis club. As such, it can be concluded that the scheme would not result in harm to the setting of the Conservation Area.
50. For the above reasons, it can be concluded that the scheme is in accordance with PP30 of the Poole Local Plan and the provisions of the NPPF.

Impact on residential and neighbouring amenities

51. Policy PP27 outlines that development should not result in a harmful impact upon amenity for local residents or future occupiers in terms of levels of sunlight and daylight, privacy, noise and vibration, emissions, artificial light intrusion and whether the development is overbearing or oppressive.
52. Given the separation distances from nearby residential dwellings, the proposed padel courts with acoustic fence are unlikely to impact the dwellings along Salterns Road (around 90m) or those along Worthington Crescent (approx.. 50m) by way of overshadowing, overlooking or appearing oppressive or overbearing. Given dense tree coverage and hedging they are also considered to have an acceptable impact on the school located to the east.
53. Given the small scale of the proposed shed, and its separation from the nearest residential property (approx.. 45m), it is also considered to have an acceptable impact on the dwellings along Salterns Road and Worthington Crescent in terms of its visual impact. Given dense tree coverage and hedging it is also considered to have an acceptable impact on the school located to the east. In addition, the extant approval for two covered courts grants a roofed building up to 9.6m high approximately 8m north of the boundary with 5 Worthington Crescent. The current proposal is set further into the site, with an open court design and will have a significantly lesser physical and visual impact on this neighbour.

54. In terms of noise impact, the Environmental Health Officer initially raised concerns associated with noise, making specific reference to the possibility of all three courts being played at one time. As such, more mitigation was requested. In response to this, a technical note was submitted by the planning agent. However, following assessment of this, the Environmental Health Officer again raised concerns regarding the change to the existing noise climate and the potential frequency and duration of the noise. As such, they advised that they could not support the application.
55. Following this, a further technical note was submitted and the Environmental Health Officer advised that having three courts and possibly 12 players at one time would increase the frequency of the loudest noise which could result in a nuisance. Subsequently, an amended site plan and amended acoustic report were submitted to include more mitigation measures such as the provision of a screening barrier to reduce lateral noise emissions from the west side of the court and location of the courts as far to the east side as possible to maximise the distance to residential properties. The Environmental Health Officer was again consulted on these amendments and has now advised that they are content with the scheme.
56. They have stated that they were concerned with the applicant's ability to build all five courts (given the existing approval for two courts – para. 8 above). In order to restrict the ability to implement the existing planning permission as well as the current proposal, a legal agreement will be required to ensure both permissions are not implemented together. This will ensure the number of padel courts on site will not exceed 3, in line with the noise assessment. It is therefore considered that with the attachment of a condition to ensure the implementation of the measures outlined in the acoustic report, and an agreement to prevent both schemes being implemented, any noise as a result of the scheme would have acceptable impacts on the living conditions of neighbouring residents. It should be noted that should there be noise disturbance which constitutes a statutory nuisance at the site, action can still be taken against this under separate legislation.
57. With regards to the impact of the floodlights on neighbouring amenity, the Environmental Health Officer has advised they are satisfied with the lighting report and have advised that the lights should be sited on the east and west site (as shown on the plans), to ensure the protection of neighbouring amenity. The use of the courts will be restricted to 08:00 – 21:00 via a planning condition.
58. It should also be noted that the existing approval for two courts as discussed in para. 53 above represents a fall back position. Given the location of the courts under this application, situated further away from residential properties, this application will have a significantly lesser visual and physical impact on the properties in Worthington Crescent.
59. The impact on the residential amenities of the surrounding properties has been carefully considered and the representations referring to these issues are recognised and acknowledged. However, it is considered that the scheme is acceptable and compliant with the provisions of Policy PP27 of the Poole Local Plan (November 2018).

Impact on highways and parking

60. BCP Highways Authority have been consulted on the scheme and confirmed that the proposals would be unlikely to give rise to significant highways safety concerns. As such they have no objections from a highways perspective. Bearing in mind the limited numbers of people who could use the courts at any one time, it is considered that any additional traffic movements could be safely accommodated on the existing transport network and that the existing parking facilities are adequate to serve the proposed development.
61. It can therefore be concluded that the scheme is in accordance with PP34 and PP35 of the Poole Local Plan 2018.

Impact on protected trees

62. Initially the Tree Team advised that they had no concerns regarding the proposed padel courts however they advised that the proposed shed would be constructed near an important group of protected trees. They stated that the shed was likely to impinge into the root protected areas of one of the Trees. As such, they requested details/specifications of the foundations to be used.
63. Following this, tree reports were submitted and the Tree Team advised they have no objection to the scheme, subject to the attachment of a condition to ensure all works are in accordance with the approved Arboricultural Method Statement.
64. As such, with the attachment of a condition, it is considered that the scheme will not detrimentally impact protected trees, in accordance with PP27 of the Poole local Plan 2018.

Biodiversity

65. There are no bat records located on the site. Nonetheless, Article 12 of the European Commission's Habitats Directive (which forms part of the Conservation of Habitats and Species Regulations 2010) places a duty on governments to have in place measures that prohibit... *(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;* and "...*(d) deterioration or destruction of breeding sites or resting places.*"
66. The Council's Biodiversity Officer has been consulted on the scheme, in particular the impact of the floodlights on wildlife. He advised that the colour temperature of lights is higher than preferable to avoid impact on bats- which should ideally be less than 3000K.
67. Following receipt of this response, further details of the proposed flood lights were provided, however these did not specify the colour temperature. As such, a condition to ensure the specification of the floodlights, to not exceed 3000K , will be attached to any approval.

Other Matters

68. A number of objections have made reference to the loss of property value. This is however not considered to be a material consideration in the determination of this application.
69. A number of objections have raised concerns that they were not notified of the proposal. Site notices were however erected in accordance with statutory requirements on 21st April 2023. Following amended plans and additional information, new site notices were erected on 4th October 2023, again in accordance with statutory requirements. Officers are satisfied that the publicity exercise has followed the necessary requirements and evidently 3rd parties were sufficiently aware of the proposals to comment directly to the Local Planning Authority. Fewer 3rd party responses were submitted in relation to the earlier application.
70. A number of representations have also made reference to the impacts on drainage. Given the site is located within flood zone 1, and the increase in the amount of hardstanding would not be excessive, there are no significant concerns associated with flooding. PP38 of the Poole Local Plan 2018 explains how sustainable drainage systems will be required for all major developments, the scheme is however not major development.
71. Objections have also queried whether the application seeks to extend opening hours. The application does not seek to extend existing opening hours. The operating hours of the padel court will be controlled by condition to ensure they are only used between 8am and 9pm.
72. It is also noted that a number of objections have made numerous queries regarding the application. The Statement of Community Involvement and the Council's website sets out that it is not possible

to respond to specific points raised in representations due to the large volume of correspondence received on planning applications.

Planning Balance / Conclusion

73. The Council encourages sustainable development. To ensure that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.
74. The scheme would allow for the enhancement of an existing sporting facility located in an easily accessible area. It would provide economic benefits during construction and in sustaining the tennis club and also result in social benefits for the same reason. It would not result in material harm to the character and appearance of the area of the wider area or the setting of the adjacent Conservation Area. It would have acceptable impacts on neighbouring living conditions and would not detrimentally impact highway safety or protected trees.
75. Having recognised the collective benefits of the proposed scheme it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
76. The scheme is therefore recommended for approval.

Recommendation

77. **Delegate to the Head of Planning to secure a legal agreement which prevents the implementation of permission APP/22/00830/F as well as this permission and then;**

Grant with the following conditions.

Conditions

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

Block, Location Plan & Existing Plans, Drg No. FB8249/201 A, received 21st March 2023
Site Plan, Drg No. FB8249/200 D received 20th October 2023
Proposed Shed Floor Plan & Elevations, Drg No. FB8249/203 A received 20th June 2023
Padel Court Proposed Floor Plans & Elevations, Drg No. FB8249/202 A received 21st March 2023
Tree Protection Plan, Drg No. GH23107B received 20th October 2023
Arboricultural Method Statement, Drg No. GH23107 received 20th October 2023
Addendum to Application APP/23/00374/F: Noise mitigation, Ref 12543.230822.TN3 received 29th November 2023

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

3. The materials to be used shall match those as specified on the approved plans and in the application form.

Reason - To ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. Prior to the commencement of development, details of the colour and finish of the proposed acoustic screen to the west of the courts shall be submitted to, and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the details approved.

Reason - To ensure the visual amenity of the surrounding area, in accordance with PP27 of the Poole Local Plan.

5. The proposal hereby approved, shall be carried out in accordance with the submitted Arboricultural Method Statement; Ref: GH2307 and Tree Protection Plan; Ref: GH2307b, undertaken by Gwydion's Tree Consultancy.

Reason - To prevent trees that are to be retained on-site from being damaged during the construction works, in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. The padel courts hereby approved shall only be used between the hours of 08:00 – 21.00.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

7. The floodlighting hereby approved shall not be switched on outside the times the padel courts are in use.

Reason: In the interests of the living conditions of neighbouring occupiers and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

8. Within three months of commencement of development, flood light specifications to not exceed 3000K shall be submitted to, and approved in writing by the Local Planning Authority. The floodlights shall be erected in accordance with the details approved.

Reason: To ensure bats are not detrimentally impacted by the development, in accordance with PP33 of the Poole Local Plan (November 2018).

Informatives

1. In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

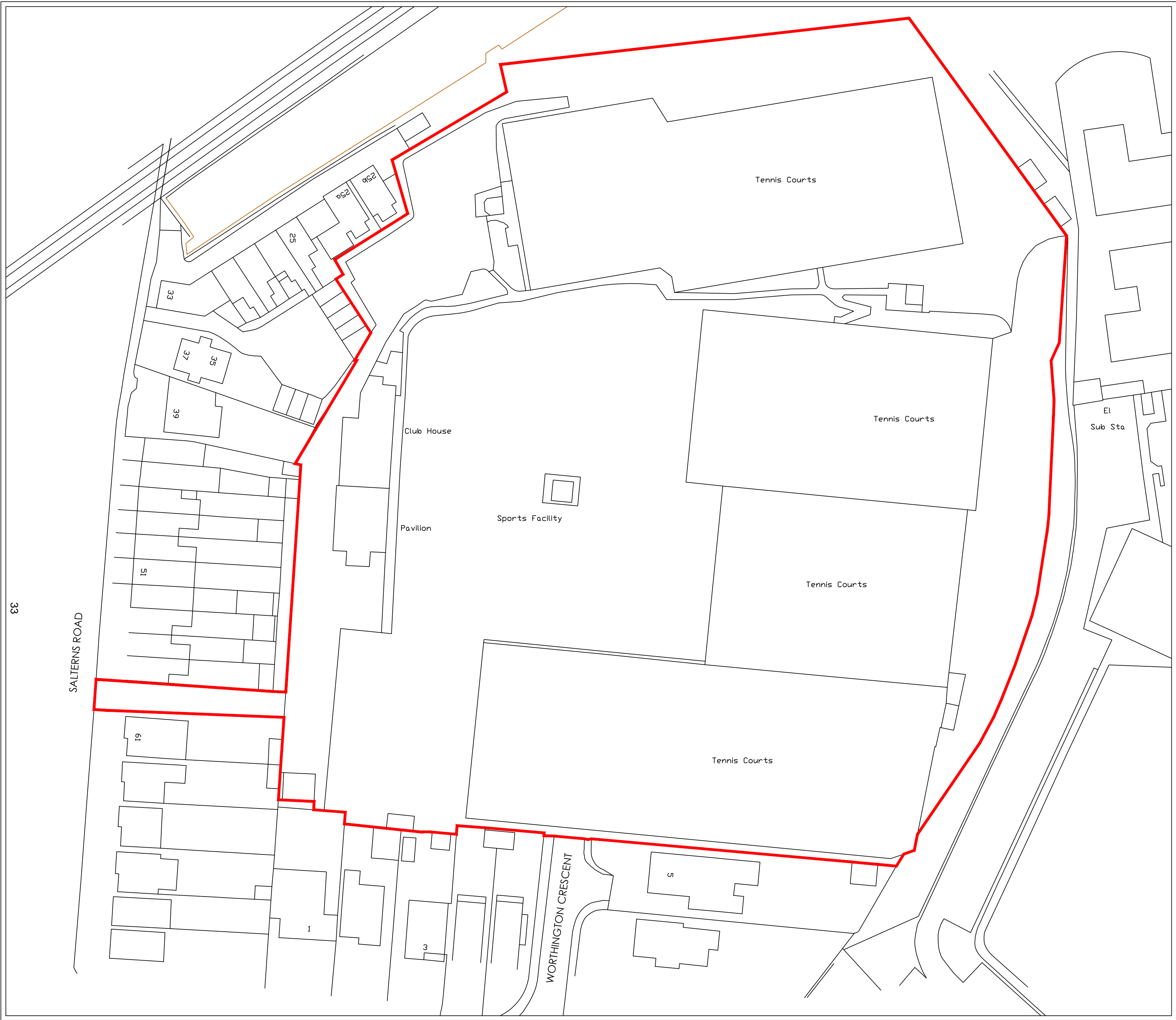
Also

- in this case the applicant was advised of issues after the initial site visit
- in this case the applicant was afforded an opportunity to submit amendments to the scheme which addressed issues that had been identified.
- the application was considered and approved without delay.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application.

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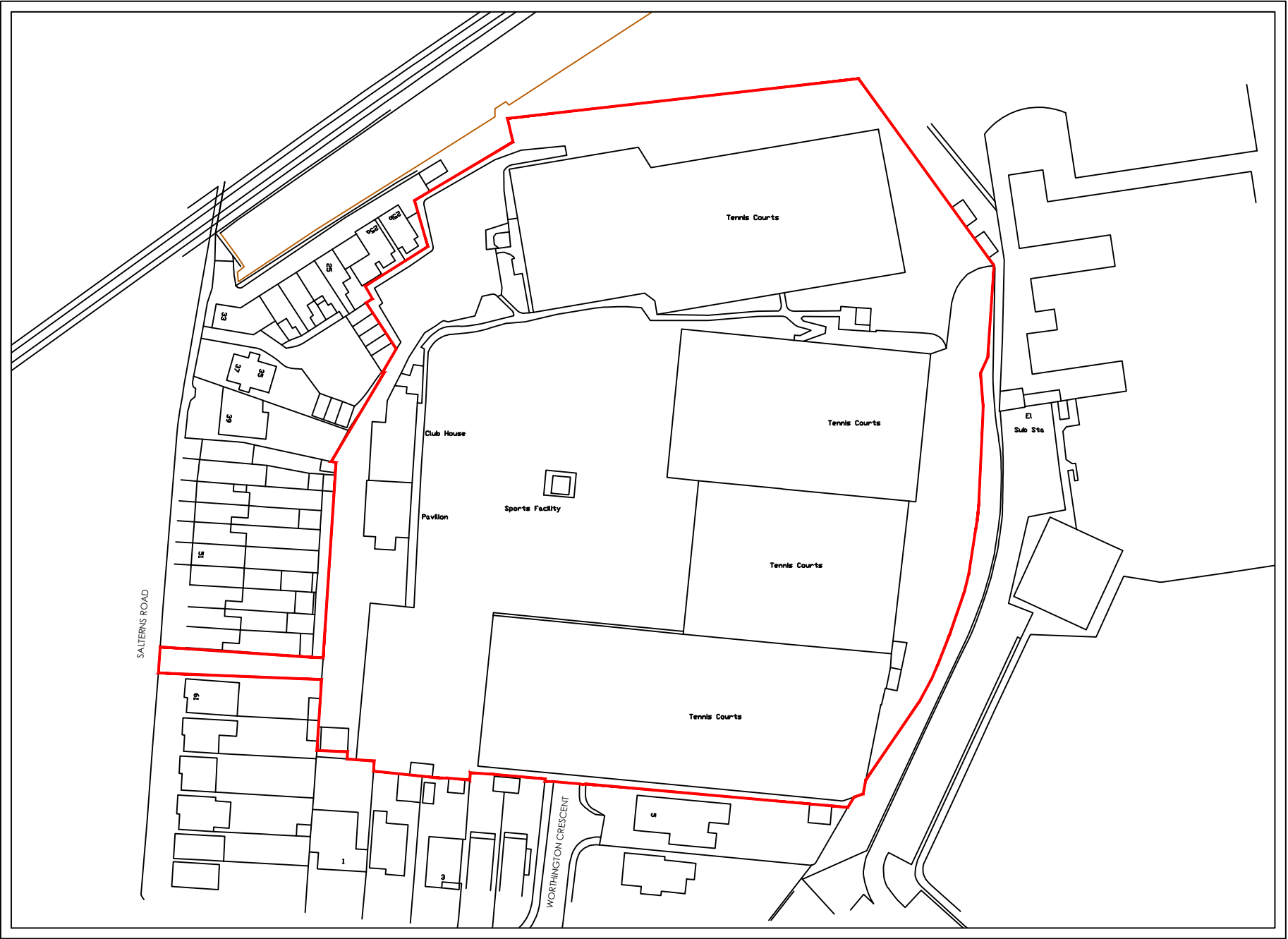
PROPOSED BLOCK PLAN
SCALE 1:500
BASED ON ORDNANCE SURVEY EXTRACT
(OS LICENCE NUMBER: 100007080)

25m @ 1:500



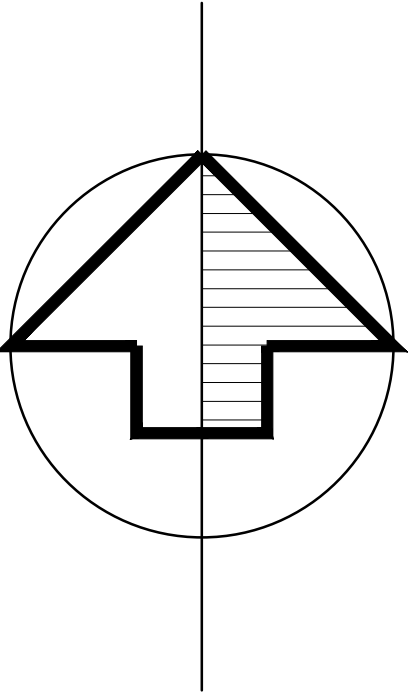
EXISTING SHED TO BE DEMOLISHED
SCALE 1:100

10m @ 1:100



LOCATION PLAN
SCALE 1:1250
BASED ON ORDNANCE SURVEY EXTRACT
(OS LICENCE NUMBER: 100007080)

20m @ 1:250



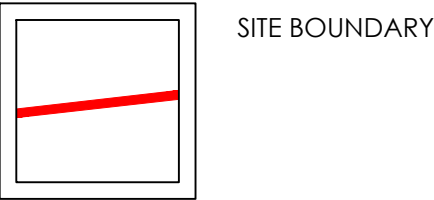
NOTES-PLANNING

rev-19-05-22

- The contents of this drawing are copyright.
- Planning drawings are only to be used for planning purposes & no reliance on compliance with Building regulations should be assumed.
- Do not scale. Figured dimensions only to be used.
- Contractors must verify all dimensions and report any discrepancies before putting work in hand or making any shop drawings.
- All flat roofs to be fitted with a man safe system to satisfy CDM 2015 regulations unless written confirmation from Principle Designer/ Principle Contractor is provided to show alternative compliance has been sought and approved.
- Slab design to be independently checked by slab fabricator for regs. compliance and sizing, prior to construction/ ordering. Dimensions to be checked before fabrication.
- Macleanman waterproofing specialists (or similar company with relevant PI insurance) to be instructed and detail of basement waterproofing designs - ARC carry no responsibility or PI cover for basement designs in terms of waterproofing or structure in any way.
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- All Cladding & building attachments externally to be all A1 fire rated.
- FFC: We do NOT take any responsibility and do not carry any PI cover in relation to any matters relating to fire safety, Part B building regulations, BS 9991 for fire or EWS1 and drawings in no way form a fire strategy report. All design details relating to Fire Safety are shown for indicative purposes only and should be read in conjunction with the latest version of the Appointed Fire Consultant Fire Strategy Document/ Report - all information contained in such a report supersedes ARC drawings in all aspects. No assumption of any responsibility is accepted. If you are unaware who the appointed fire consultant is or don't have a copy of the latest version of the report please contact arc in writing immediately.
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Note: Subject to topo survey

LEGEND



TOTAL EXISTING TO BE DEMOLISHED : 36 SQM /

A	EXISTING TO BE REMOVED UPDATED	07/03/23	FG
No.	Revision.	date	by

EAST DORSET TENNIS CLUB
SALTURNS RD,
POOLE,
BH14 8BL

BLOCK ,LOCATION PLAN &
EXISTING PLANS

scale	AS SHOWN @ A1	checked	//
date	MAY 2022	drawn	FG
FB8249 / 201		A	

ARC Architecture ltd.

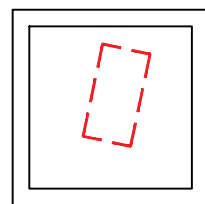
Chapel Studios, 14 Purewell,
Christchurch, Dorset, BH23 1EP

Tel: +44 (0)1202 479919
E-mail: enquiries@andersrobertscheer.co.uk
Web: www.andersrobertscheer.co.uk

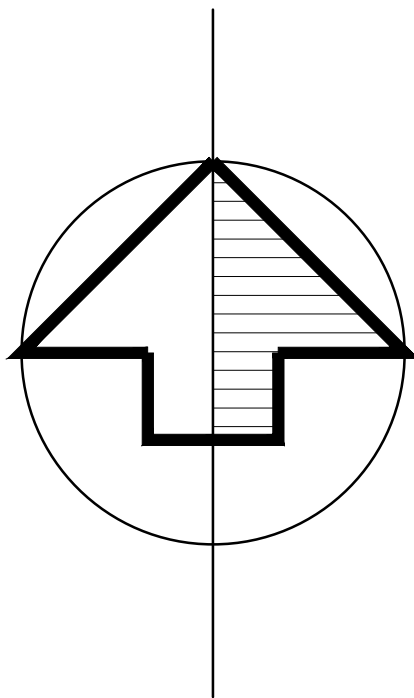


- Note: Subject to topo survey**

SITE BOUNDARY



EXISTING TO BE REMOVED



WITH FLOOD LIGHTS BASED ON 360 LITE, ICOMPLUS. PADEL COURT BASED ON: AFP ALUMINUM POSTED COURT

PROPOSED STORAGE SHED

D.	PADEL COURTS POSITION ADJUSTED	12/10/23	FG
C.	PADEL COURTS POSITION ADJUSTED	11/08/23	FG
B.	SMALLER SHED & SOUTHERN BOUNDARY TREATMENT SHOWN	19/06/23	FG
A.	EXISTING TO BE REMOVED ADDED AND COURT LIGHTING POSITION UPDATED	07/03/23	FG
No.	Revision.	date	by

EAST DORSET TENNIS CLUB
SALTERNS RD,
POOLE,
BH14 8BL

scale AS SHOWN @ A1

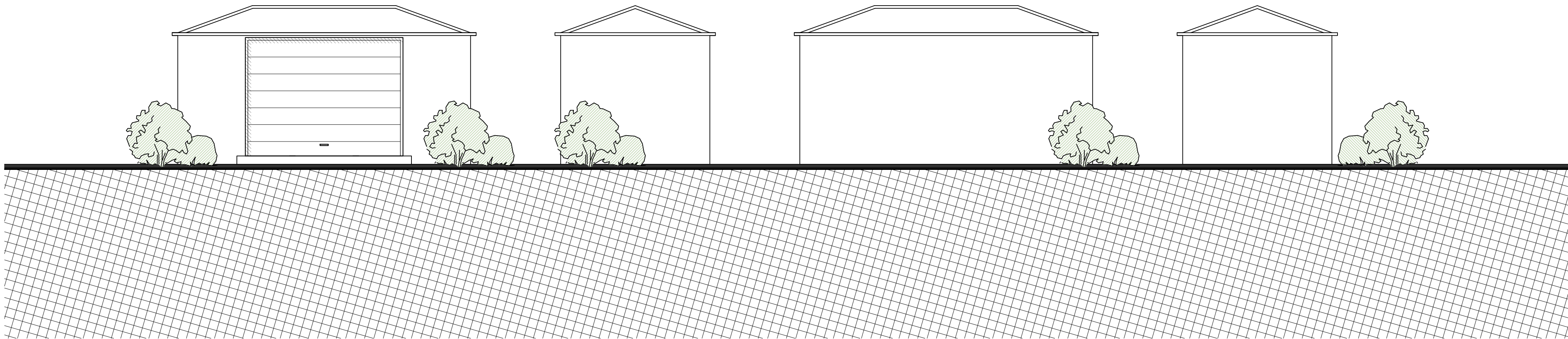
scale	AS SHOWN @ A1				checked	//
date	MAY 2022				drawn	FG
FB8249 / 200				A	B	C
				D		

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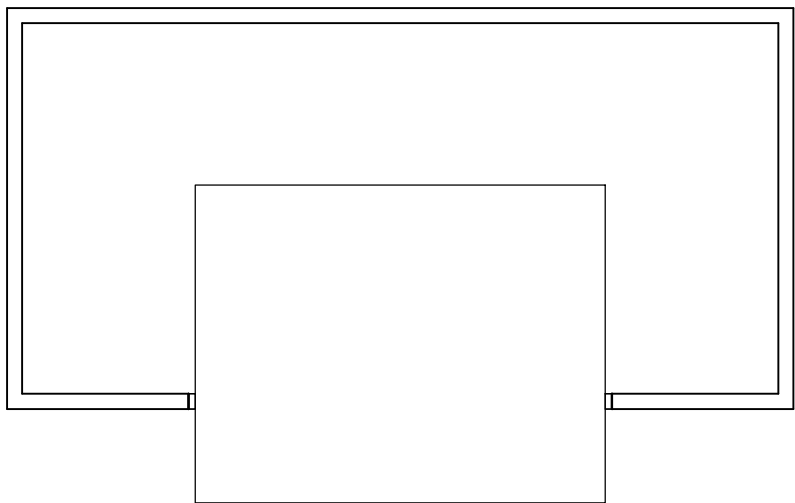


WEST ELEVATION
SCALE 1:50

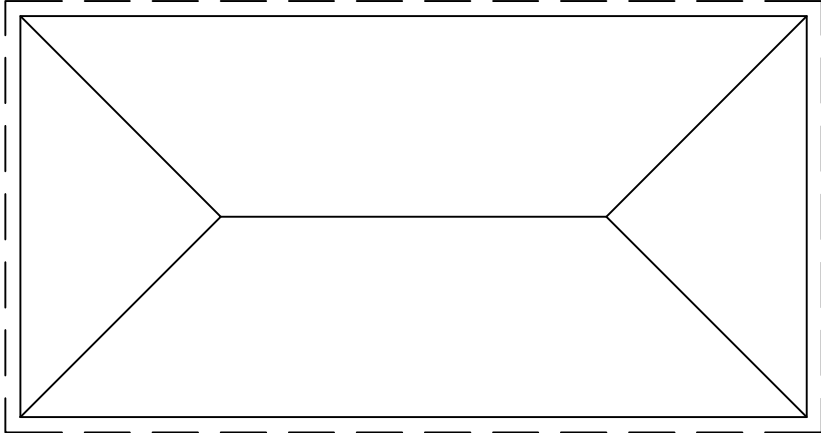
SOUTH ELEVATION
SCALE 1:50

EAST ELEVATION
SCALE 1:50

NORTH ELEVATION
SCALE 1:50



GROUND FLOOR
SCALE 1:50



ROOF PLAN
SCALE 1:50

NOTES-PLANNING

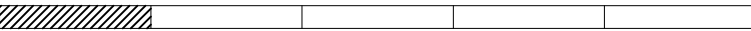
rev-19-05-22

- The contents of this drawing are copyright.
- Planning drawings are only to be used for planning purposes & no reliance on compliance with Building regulations should be assumed.
- Do not scale. Figured dimensions only to be used.
- Contractors must verify all dimensions and report any discrepancies before putting work in hand or making any shop drawings.
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Note: Subject to topo survey

LEGEND

5m @ 1:50



A . REDUCED TO EXISTING FOOTPRINT 19-06-23 FG

No.	Revision.	date	by
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EAST DORSET TENNIS CLUB
SALTURNS RD,
POOLE,
BH14 8BL

PROPOSED SHED FLOOR PLAN & ELEVATIONS

scale	AS SHOWN @ A1	checked	//
date	MAY 2022	drawn	FG
FB8249 / 203		A	

ARC Architecture Ltd.

Chapel Studios, 14 Purewell,
Christchurch, Dorset, BH23 1EP

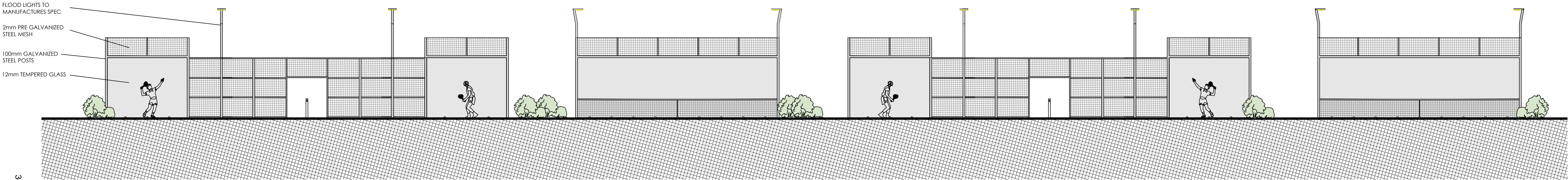
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E-mail: enquiries@andersrobertscheer.co.uk
Web: www.andersrobertscheer.co.uk



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6. Stair design to be independently checked by stair fabricator for regs. compliance and sizing, prior to construction/ ordering. Dimensions to be checked before fabrication.
7. Maclellan waterproofing specialists (or similar company with relevant PI insurance) to be instructed and detail of basement waterproofing designs - ARC carry no responsibility or PI cover for basement designs in terms of waterproofing or structure in any way.
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Note: Subject to topo survey

LEGEND

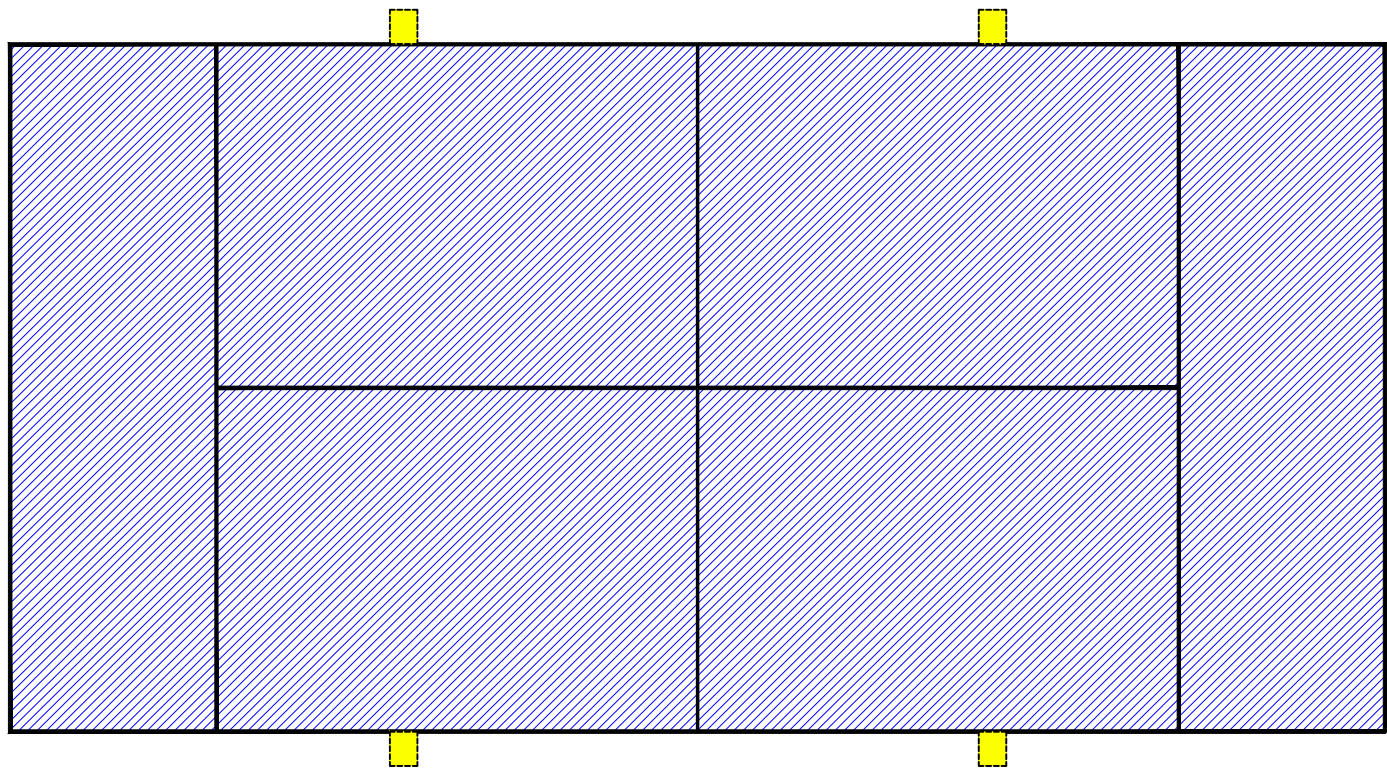


FRONT ELEVATION
SCALE 1:100

SIDE ELEVATION
SCALE 1:100

BACK ELEVATION
SCALE 1:100

SIDE ELEVATION
SCALE 1:100



PADEL COURT
FLOOR PLAN
SCALE 1:100

10m @ 1:100



A LIGHTING POSITION MOVED 07/03/23 FG

No.	Revision.	date	by
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EAST DORSET TENNIS CLUB
SALTURNS RD,
POOLE,
BH14 8BL

PADEL COURT PROPOSED FLOOR PLANS
& ELEVATIONS

scale	AS SHOWN @ A1	checked	//
date	MAY 2022	drawn	FG

FB8249 / 202

A					

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PLANNING COMMITTEE



Report subject	Update to members in relation to application APP/22/01455/F Land South of Gillett Road, Talbot Village, Poole, BH3 7AH
Meeting date	18 th January 2024
Status	Public
Executive summary	<p>On 2nd October 2023 councillors determined to refuse a planning application, against officer recommendation, as identified below. As part of the recommendation, power was delegated to Head of Planning to sort out final wording.</p> <p>The Applicant has now appealed the planning application on the grounds of non-determination before the Local Planning Authority issued the decision notice. This report updates Members on the current position and seeks confirmation from councillors as to how they wish the Council to proceed in relation to the appeal.</p>
Recommendations	That members determine how they wish the Council to proceed in relation to the appeal.
Reason for recommendations	To provide clarification as to the approach that the Council will adopt in relation to the appeal

Portfolio Holder(s):	Councillor Millie Earl
Corporate Director	Wendy Lane
Report Authors	Wendy Lane/ Simon Gould /Rob Firth
Wards	Talbot and Branksome Woods: Councillor Philip Broadhead, Councillor Matthew Gillett and Councillor Karen Rampton
Classification	For update and decision

Background

1. On 2nd October 2023 Planning Committee considered a planning application:

“Major hybrid application for: Full application for the construction of a new 11,606 sq. metre Nuffield Health Hospital with provision of access, servicing and car parking, cycle and pedestrian provision and landscaping, Outline planning application for the provision of 13,394 sq. metre of employment, healthcare and university-related floorspace, including ancillary uses and a Growing Hub, and Change of Use of 12 hectares of grazing land to create a Heathland Support Area for the lifetime of the Innovation Quarter.in relation to the above planning application where it was resolved to refuse planning permission and delegate the final wording for the reason for refusal to Officers.”

2. Contrary to the officer recommendation, members resolved to refuse the application. The minuted reasons were as follows:

“RESOLVED that planning permission be REFUSED contrary to the Officer’s recommendation for the following reasons (final wording of reasons to be delegated to the Head of Planning to agree in consultation with the Chair):

Contrary to the following Policies of the Poole Local Plan (2018):

PP32 Poole’s nationally, European and internationally important sites which states that ‘Development will only be permitted where it would not lead to an adverse effect upon the integrity, either alone or in combination, directly or indirectly, on nationally, European and internationally important sites’.

The Committee was concerned that the development could attract new people to/within close range of the protected heathland.

PP35 A safe, connected and accessible transport network

There is an overprovision of car parking to that stated in the current adopted BCP Parking Standards Supplementary Planning Document (SPD) and thereby the development is not in accordance with Policy PP35 which requires that developments accord with the Parking & Highway Layout in New Development SPD. The Parking SPD is a material consideration and a departure needs to be justified.

The Committee did not find that there was adequate justification for departing from the SPD in relation to this application.

PP24 (2) (b) and (c) Green infrastructure

‘(2) New development New development should protect and strengthen the green infrastructure network by:

(b) connecting together and enrich biodiversity and wildlife habitats;

(c) improving connections, green corridors and links between different components of the green infrastructure network;’

The Committee agreed that the development did not sufficiently protect green infrastructure in relation to the above sections of the Policy.

PP21 3(c) Talbot Village

3) Transport

Development at Talbot Village will help to deliver significant improvement of transport and movement to the area by, where appropriate:

c) providing a level of car parking designed to encourage access to the campus by walking, cycling and public transport

The Committee agreed that the development did not encourage this section of the policy

The Committee agreed that there should also be included reasons for refusal to address the absence of any s106 agreement to secure the planning obligations identified as necessary in the report.”

3. Following that resolution and whilst officers were in the process of considering issues relating to the final wording of the reasons identified, on 4th December 2023, the Council’s Overview and Scrutiny Board considered the Council’s emerging draft local plan as a preliminary to its subsequent consideration by Cabinet and Full Council. The draft local plan proposes a material change to the size of the current allocation to which this application relates. Prior to this date, the applicant had indicated a potential intention to appeal the application. By way of an appeal form dated 5th December 2023, the applicant (now appellant) lodged an appeal for non-determination.
4. The consequence of the lodging of an appeal against non-determination is that jurisdiction for the determination of the application has now passed to the Secretary of State who has appointed an inspector to deal with the matter. Had the Council issued a decision notice, that could have also been appealed in a similar way.
5. As part of the procedural process relating to appeals, the Planning Inspectorate (“PINS”), determines the format that the appeal will take and issue a formal start date. The start date has been confirmed as 8th January 2024 and PINS have currently determined that the appeal should be heard by way of a public inquiry which is presently programmed to start on 30th April 2024 and last for 4 days. The Council will need to progress arrangements for a venue. The timetable within the start date letter identifies that the Council must produce full details of its case by 12th February 2024 and within the same timeframe seek to agree a Statement of Common Ground. This deadline is also relevant to interested parties who wish to submit additional representations to PINS in relation to the

appeal. For the main parties to the appeal, witness statements are currently timetabled to be produced by 2nd April 2024.

6. Irrespective of whether an appeal results from an appeal against a formal refusal of planning permission or an appeal against non-determination it is a sensible part of an appeal process for the Council to review its position in relation to it, including reasons as to why the Council considers an appeal should be dismissed. In the case of a non-determination appeal, the starting assumption is that the local planning authority decided to refuse the application; however, for the purposes of preparing its statement of case and for presenting its case at inquiry, the Council needs to be as clear as possible regarding its position.
7. As a basic matter of fact, the Council can have an award of costs made against it in relation to an appeal should the Secretary of State's appointed inspector consider that the Council has acted unreasonably. This includes defending reasons that could not be reasonably justified. However, it can also relate to procedural conduct. As such, both from the point of view of appeal preparation and also generally seeking to act reasonably, it is important that the Council seeks to clarify its position relating to the appeal as soon as is reasonably practicable.

The Council's appeal position and reasons for refusal

8. Since members resolved to refuse the application, first in accordance with the resolution and now as a result of the lodging of the appeal, officers have been considering the reasons for refusal initially identified by members on 2nd October and potential final wording in relation to them. This has been on the assumption that, for the purposes of the appeal, members may wish to maintain the majority position as indicated at the October Planning Committee.
9. In considering how they wish to approach the appeal, it would assist if members could reflect on the reasons as originally identified, including from the point of view of giving any further clarification as to their extent, reasons for concern and if they remain reasons on which members will wish to rely. This, in particular, is one area that officers anticipate will be a subject on which they will seek to provide further clarification at the meeting.

Options Appraisal

10. As highlighted above, the resolution of members did not ultimately result in a decision notice being issued. A range of options are potentially now available to members having regard to the appeal for non-determination. These include:
 - 10.1 maintaining the position as currently appears i.e. that the appeal should be dismissed for the reasons as identified at the October 2023 Planning Committee meeting (albeit possibly with certain clarification relating to the reasons);
 - 10.2 identifying different / reducing the number of reasons in respect of which it is considered the appeal should be dismissed; and
 - 10.3 revising their position in opposing the application.
11. However, in this respect, it is important to stress that any position that members may adopt will give rise to risks, in particular in relation to cost implications for the Council, especially if those actions cannot be reasonably justified.

Summary of financial implications

12. In dealing with an appeal of this nature, the Council will inevitably incur costs in relation to related administrative activities and for the purposes of presenting its case to the Secretary of State or their appointed inspector. The extent of such costs will be impacted depending on the position that the Council adopts.
13. As has already been identified, an award of costs can also be made a party at appeal in the event that they are considered to have acted unreasonably.
14. At this stage, it is a matter of speculation as to the total costs that might be incurred by the Council in relation to this appeal but it is likely to be significant and could be very substantial if it included an award of costs against Council (multiple six figures).

Summary of legal implications

15. As a result of an appeal being lodged, the Council is in a position where it will need to clarify its position to the Secretary of State's appointed inspector.
16. An award of costs can be made against any party at an appeal should it be considered to have acted unreasonably.
17. It is important to stress that the fact an application has gone to appeal and might incur expenditure is not in itself a good planning reason as to whether the application should be granted or refused. Nevertheless, as has already been identified, an award of costs can be made against the Council if it is considered it has acted unreasonably. This includes being unable to reasonably support any one or more reasons as to why it considers an appeal should be dismissed. Equally, it can apply to other behaviour as well if that was considered to be unreasonable under the circumstances. The amount of any costs that might ultimately be incurred will also likely be impacted by the approach that the Council adopts.
18. Any decision by the Council is potentially at risk of a legal challenge. Whether such a challenge is taken and the likelihood of its success would very much depend on the basis of challenge and the decision made. Any such challenge might itself give rise to cost issues.

Summary of human resources implications

19. Any appeal will inevitably have an appreciable resource impact on officers though the extent of impact will vary depending on the format of the appeal and the position the Council adopts. The Council will be responsible for making arrangements for a suitable venue for any appeal.

Summary of sustainability impact

20. Sustainability issues are relevant to the planning appeal to which this report relates and any appeal /legal challenge that might arise in relation to it. As previously indicated, the jurisdiction for determining the application to which this appeal relates now rests with the Secretary of State via their appointed inspector. At its most general, decisions relating to this report might have implications on general funding available to the Council for other purposes.

Summary of public health implications

21. No specific public health impacts have been identified with this report. However, public health are relevant to the planning appeal to which this report relates and any appeal / legal challenge that might arise in relation to it. At its most general, decisions relating to this report might have implications on general funding available to the Council for other purposes.

Summary of equality implications

22. No specific equality impact issues have been identified as directly associated with this report. However, it should be noted that equality impact issues are relevant to the planning appeal to which this report relates and any appeal / legal challenge that might arise in relation to it. At its most general, decisions relating to this report might have implications on general funding available to the Council for other purposes.

Summary of risk assessment

23. As identified in this report there are a variety of clear risks associated with the decision of members in relation to this report.

Background papers

Original committee report and published minutes

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