

Notice of Eastern BCP Planning Committee

Date: Thursday, 9 May 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chair: To be elected

Vice Chair: To be elected

Membership of the Eastern BCP Planning Committee to be appointed at the full Council meeting on 7 May 2024.

All Members of the Eastern BCP 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=6098>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 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

30 April 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. **Election of Chair**

To elect a Chair of the Eastern BCP Planning Committee for the 2024/25 Municipal Year.

4. **Election of Vice Chair**

To elect a Vice Chair of the Eastern BCP Planning Committee for the 2024/25 Municipal Year.

5. **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.

6. **Confirmation of Minutes**

7 - 12

To confirm and sign as a correct record the minutes of the Planning Committee meeting held on 18 April 2024.

7. **Public Issues**

13 - 20

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 on Wednesday 8 May 2024 [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.bcpCouncil.gov.uk/mgCommitteeDetails.aspx?ID=613>

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.

8. Schedule of Planning Applications

To consider the planning applications as listed below.

See planning application reports 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>

a) **Land near Toft Steps, Undercliff Drive, Bournemouth BH5 1BN**

21 - 36

Boscombe West ward

7-2024-15575-G

Retention of single storey building with public toilets and space for start up businesses falling within Class E (Commercial, Business and Service uses but excluding food and drink class) (Existing building benefitted from temporary planning permission reference 7-2020-15575-E) – Regulation 3

9. Committee Protocols

37 - 44

To confirm the following local protocols adopted by the preceding BCP Planning Committee and set out as schedules in Part 6 of the Council's Constitution:

- Protocol for Speaking/Statements at Planning Committee (already circulated with Agenda Item 7)
- Planning Committee Site Visit Protocol
- Planning Committee Protocol in relation to Pre Application Presentations

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.

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
PLANNING COMMITTEE

Minutes of the Meeting held on 18 April 2024 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 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 and Cllr M Tarling

112. Apologies

There were no apologies.

113. Substitute Members

There were no substitute members.

114. Declarations of Interests

Cllr G Martin declared a non pecuniary interest in the application for Hawkwood Road Main Car Park, car park rear of 629-633 Christchurch Road and 625 Christchurch Road. She did not speak or vote and left the meeting room when the item was considered.

115. Confirmation of Minutes

The minutes of the meeting held on 14 March 2024 were confirmed as an accurate record for the Chair to sign.

116. Public Issues

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

117. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – G to these minutes in the Minute Book. A Committee Addendum Sheet was published on 17 April 2024 and appears as Appendix H to these minutes.

118. Hawkwood Road Main Car Park, car park rear of 629-633 Christchurch Road and 625 Christchurch Road, Boscombe, Bournemouth BH5 1BY

Boscombe West ward

7-2023-6706-D

Redevelopment of part of Hawkwood Road Main car park to provide a mixed-use scheme comprising 68 residential flats, a medical centre, public park and community pavilion, landscaping and public realm improvements. Proposed community centre on northern side of Hawkwood Road to rear of 629-633 Christchurch Road and a new pedestrian link and retail kiosks between Hawkwood Road and Christchurch Road following demolition of no. 625 Christchurch Road (WH Smith) - Regulation 3

Public Representations

Objectors

- ❖ Ian Redman

Applicant/Supporters

- ❖ Martha Covell, on behalf of the applicant

Ward Councillors

- ❖ Cllr George Farquhar, adjoining ward member

Resolved to GRANT permission in accordance with the recommendation and reasons set out in the officer's report, but subject to power being delegated to the Head of Planning Operations to agree details relating to the Section 106 agreement and to make alterations and/or additions to the conditions provided they do not go to the core of the decision, to include at the Committee's request:

- **CCTV scheme to cover the development to be included as part of S106 agreement;**
- **Amendment to condition 31 to remove reference to Block A and include reference to parking for non standard bicycles.**

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

Note: Cllr G Martin did not speak, vote or remain in the meeting for this item.

119. 56A and 58 Danecourt Road, Poole BH14 0PQ

Parkstone ward

APP/22/01094/F

Demolition of the existing dwellings and outbuildings and the erection of 8 dwellings with associated access and parking

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward Councillors

- ❖ None registered

RESOLVED to REFUSE permission in accordance with the recommendation and reasons set out in the officer's report:

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

120. Tayfield House, 38 Poole Road, Bournemouth BH4 9DW

Westbourne and West Cliff ward

7-2023-71-M

Demolition of existing office building and the erection of a flatted development comprising of 40 units (was 41) with associated cycle parking and landscaping. Retention of one access for servicing.

Public Representations

Objectors

- ❖ Laura Craighead
- ❖ Joshua Weller and Hannah Mazrae
- ❖ Bree Norton-Smith (see Note 1)

Applicant/Supporters

- ❖ Chris Miell, on behalf of the applicant

Ward Councillors

- ❖ None registered

RESOLVED to GRANT permission in accordance with the recommendation and reasons set out in the officer's report as updated in the Committee Addendum dated 17.04.24 but subject to power being delegated to the Head of Planning Operations to agree details relating to the following additional conditions requested by the Committee:

- **Use of roof garden to be restricted to between 07.00hrs and 21.00hrs only;**
- **Roof garden privacy screening to comprise 1.8metre obscure glaze material.**

Voting: For – 9, Against – 2, Abstain – 3

Note 1: Due to an administrative error, the Committee agreed in the circumstances to hear a third public representation from objectors, the applicant's agent raising no objection to this.

Note 2: Following this item, Cllr J Clements left the meeting due to mayoral commitments.

121. 506-508 Charminster Road, Bournemouth BH8 9SJ

Muscliff and Strouden Park ward

7-2023-19125-B

Erection of 2 x buildings consisting of 7 x flats altogether with associated access, car parking and bin storage, involving partial demolitions to components of existing 2 x dwellings.

Public Representations

Objectors

- ❖ Craig Hendry

Applicant/Supporters

- ❖ Neil McKeon, on behalf of the applicant

Ward Councillors

- ❖ Cllr Lisa Northover, in objection

RESOLVED to GRANT permission in accordance with the recommendation and reasons set out in the officer's report.

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

Note: Following this item, Cllr D Flagg and Cllr P Hilliard left the meeting.

122. Clubhouse, Christchurch Sailing Club, Wick Lane, Christchurch BH23 1BY

Christchurch Town ward

8/23/0855/FUL

Proposed solar photo-voltaic panel installation

Public Representations

Objectors

- ❖ Caroline Crockard
- ❖ Ann and Desmond Newbery

Applicant/Supporters

- ❖ Ted Sansom, on behalf of Christchurch Sailing Club

Ward Councillors

- ❖ None registered

RESOLVED to GRANT permission in accordance with the recommendation and reasons set out in the officer's report.

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

123. 98 Kitchener Crescent, Poole BH17 7AY

Creekmoor ward

APP/24/00126/F

Replace existing single storey side utility and store with new single storey side and front extension to form larger entrance hall, home office, utility/WC and larger kitchen

Public Representations – None registered

RESOLVED to GRANT permission in accordance with the recommendation and reasons set out in the officer's report.

Voting: For – 10, Against – 0, Abstain – 0

Note: Cllr Dr F Rice left the meeting during this item before the vote was taken.

The meeting ended at 3.25 pm

CHAIR

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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	Land near Toft Steps, Undercliff Drive, Bournemouth, BH5 1BN.
Proposal	Retention of single storey building with public toilets and space for start-up businesses falling within Class E (Commercial, Business and Service uses but excluding food and drink class) (Existing building benefited from temporary planning permission ref: 7-2020-15575-E) – Regulation 3
Application Number	7-2024-15575-G
Applicant	Bournemouth, Christchurch and Poole Council
Agent	Bournemouth, Christchurch and Poole Council
Ward and Ward Member(s)	Boscombe West Cllr Patrick Canavan and Cllr Gillian Martin
Report Status	Public
Meeting Date	9 May 2024
Recommendation	GRANT planning permission in accordance with the details set out below for the reasons as set out in the report subject to confirmation from the Environment Agency that the Flood Risk Assessment is acceptable.
Reason for Referral to Planning Committee	Referred for consideration by the Director of Planning & Transport as BCP Council is the applicant.
Case Officer	Steve Davies
Is the proposal EIA Development?	No

Description of Proposal

1. Planning permission is sought for Retention of single storey building with public toilets and space for start-up businesses falling within Class E (Commercial, Business and Service uses but excluding food and drink class) (Existing original building benefited from temporary planning permission ref: 7-2020-15575-E) – Regulation 3.

- 2 The building comprises 3 shipping containers measuring 12.2m long and 2.47m deep but they are conjoined and externally clad so that the building looks like a single structure. The two containers at either end are to be used for business space the central unit is used as a public toilet. The public toilets have previously been located on this site and would separately in themselves constitute permitted development. Therefore, the report focuses on the commercial uses.
- 3 The applicant has described the commercial uses as follows: -

The other two spaces will be used for business-start-up spaces for well-being and retail activities. They are being funded by the Bournemouth Towns Fund Better Boscombe Regeneration initiative and seek to provide affordable workspace for new enterprises setting up in this deprived area of BCP. Business operators need to either live or work in the Bournemouth Towns Fund area and are being offered highly discounted leases for 12 months to trial out new businesses in health and well-being. The businesses will change after 12 months, and will have business support during that time to support them in their growth and potential move to more permanent accommodation. They will be selected by BCP Seafront team and applicants will be assessed under a number of criteria.

Description of Site and Surroundings

- 4 Seafront and beach location. The application site lies just to the east of the Toft Steps zig-zag path. See the location shown below which is also below the Albany block of flats.



Relevant Planning History:

- 5 7-2008-15575-A - Erection of 3 temporary portacabins - Regulation 3 – granted with conditions for a period of 3 years.
- 6 Various renewals since.
- 7 7-2020-15575-E – Retention of site for and replacement of 3 temporary module buildings - Regulation 3 - Regulation 3 - granted with conditions for a period of 3 years. This consent sought to replace the long standing portable buildings with 3 new container type structures.

Constraints

8 The following constraints have been identified.

- Flood zone 1;
- The beach has an open space allocation and falls within the remit of policy CS31.

Public Sector Equalities Duty

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

Other relevant duties

- 10 For the purposes of this application, in accordance with 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. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.
- 11 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.
- 12 For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.

Consultations

- 13 Council Tourism Team – no response.
- 14 Flood and Coastal Erosion Risk Management – no response but long established portable buildings in this location.
- 15 Highway Officer – no objection.
- 16 Environment Agency – awaiting Environment Agency response.
- 17 Biodiversity – as the buildings are existing having been approved under the previous permission there is no requirement to consult. However, a condition regarding lighting is added to control future issues.

Representations

- 18 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 12/4/24.

19 No representations have been received from the general public.

Key Issues

20 The main considerations involved with this application are:

- Impact on character and appearance of the area;
- Loss of open space;
- Impact on amenity;
- Flood risk;
- Noise.

Planning Policy Context

21 **Bournemouth Local Plan Core Strategy (2012)**

CS1: NPPF and Sustainable Development
CS4: Surface Water Flooding
CS6: Delivering Sustainable Communities
CS18: Increasing Opportunities for Cycling and Walking
CS29: Protecting Tourism and Cultural Facilities
CS30: Green Infrastructure
CS31: Recreation, Play and Sports
CS38: Minimising Pollution
CS41: Quality Design

22 **Bournemouth District Wide Local Plan (2002)**

Policy 3.28: Flooding
Policy 5.1: Job Creation
Policy 5.2 Small businesses
Policy 5.3 New B1 uses

23 **Supplementary Planning Documents:**

Public Realm Strategy: Guiding Principles – SPD

24 **Other:**

The Seafront Strategy is a corporate policy. It does not form part of the Statutory Development Plan but is a key Council objective. It supports the visitor experience stretching between the West Cliff and Boscombe Pier by developing a coherent and consistent linear promenade space to create an ultimate vibrant beachfront and also supports investment in utilities, public toilets and infrastructure to support the development of new pop-up leisure, cafes, restaurants, bars, cultural attractions and eventing space between Bournemouth and Boscombe Piers.

The Seafront Visitor Survey (2023) supports the public views around investment in food & drink offers.

25 **The National Planning Policy Framework (2023)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.

Including the following relevant paragraphs:

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 6 – Building a strong, competitive economy;

Section 7 – Ensuring the vitality of town centres;

Section 8 – Promoting healthy and safe communities;

Section 12 – Achieving well-designed spaces;

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

Section 15 – Conserving and enhancing the natural environment.

Planning Assessment

Principle of development

- 26 A key objective of the Bournemouth Core Strategy through the policies as set out above seek to ensure sustainable communities through good quality development, supporting tourism and protecting spaces for recreation, walking and general enjoyment. Policies in the District Wide Local Plan support job creation, small businesses. Another matter of principle relates to the protection of public open space. The proposal for portable buildings has previously been approved. The relevance for the proposed uses is discussed in more detail below.
- 27 On the basis of the above, and notwithstanding the issue of the specific location and details and open space as discussed below, the proposal is considered generally acceptable in principle and in accordance with policy 5.1-5.3 of the District Wide Local Plan relating to support for the jobs and the economy.

Impact on character and appearance of the area

- 28 The portable building are relatively discreet and non-descript and as they are set at the back of the promenade, they are not intrusive. Also, similar buildings have been in place for many

years now albeit they are now clad with boarding. The buildings now have French doors and will have a more open aspect to the promenade. However, this will add some interest to their appearance. The proposed business uses will add some activity to the area, but this will not be out of place. Only small amounts of waste are likely to be generated from the commercial uses however, a condition will be added to ensure that this is managed properly. The toilets will be managed in accordance with the other public toilets along the promenade.

- 29 On the basis of the above, it is considered that the proposals are in accordance with planning policy CS41 in respect of design and visual amenity.

Loss of Open space

- 30 The loss of open space was raised as an issue in respect of the previous refusal reason for the Beach Shack/Sandpiper on the West Cliff promenade. This was because the public beach area was being restricted to the café customers only. However, this proposal is different as it is not the public beach and there are many similar buildings against the undercliff such as cafes and even beach huts themselves that are privately occupied.
- 31 The main issue to consider is whether a commercial use is appropriate in this location. The original approval was for a surf school, and this was a use that supported the activities on the beach. The applicant has said that the proposed commercial uses will be selected having regard to the following criteria.

Number	Question
Q1	How long has the business been operating? * 2 years and under considered 'Start-up' and will score a 5
Q2	Is the Business located in BCP? * Preference is Boscombe or Springbourne and will score a 5.
Q3	Type of Business. * Health and Wellbeing preferred. * No catering offers.
Q4	Is the business a good fit for the Seafront?
Q5	Hours of Operation * Preference, minimum of 5 Days * Maximum allowed 06:00am to 22:00pm
Q6	Power Requirements. * No excessive power draw.
Q7	Jobs Created. * Minimum 2 Full Time required

- 32 Questions 3 and 4 are most relevant to the beach front. Also, this will ensure a bespoke start up business type and the project clearly has significant regeneration and philanthropic benefits for the Council. Given the amount of beach area available and as there are already other concessions on the beach it is considered that it would be difficult to sustain an objection to the proposal in the current circumstances. It is considered that the proposal is a “one off” and would not be seen as precedent for further commercial uses on the beach front without strong justification. Policy CS31 deals with this matter and suggests that open space shouldn’t be lost *“except where it is demonstrated to be underused and surplus to requirements and except where the benefits arising from development outweigh the loss of the space”*. The space is not prime beach space and is located at the rear of the road and car parking area; within the context of the remaining public beach areas the open space area utilised represents a very tiny percentage of open space used in this manner.
- 33 On the basis of the above, the proposal is considered to be in general accordance with policy CS31 in so far as loss of open space. Whilst the proposal has an impact on the open space it is considered that the impact on the space is not significant and would not result in the proposal being contrary to this policy.

Impact on amenity

- 34 The proposal is unlikely to significantly increase activity in the area due to the relatively small floor area involved and in any event the beach front is generally busy. Any additional parking will be absorbed into the large seafront car park along the promenade. Also, there are no immediate residential properties, and the use would operate when the seafront area is often busy during normal daytime and evening hours. The nearest residential properties are an acceptable distance away that they would not be directly affected by noise and disturbance in this location, and the development would not be visually intrusive or overbearing to them. On this basis, it is considered that the proposal wouldn’t cause harm to amenity and would accord with policies CS38 and CS41 of the Bournemouth Core Strategy.

Flood risk

- 35 The application site is located in flood zone 1. This is the lowest category but given the potentially volatile seafront location the applicant has submitted a flood risk assessment and measures have been highlighted to deal with any emergency evacuation.
- 36 On the basis of the above and subject to the Environment Agency approval, the proposal would be compliant with policy CS4 of the Bournemouth Core Strategy document.

Planning Balance / Conclusion

- 37 As set out above it is considered that the proposal is acceptable in terms of design and impact. The main issue is the use of the buildings for a commercial use rather than being wholly ancillary to the seafront. Whilst some of the uses could potentially be sited elsewhere and do not specifically need to be beach side the regeneration and economic benefits for this specific funded project will help new start-up businesses at the early stage of their development.
- 38 Many of the core strategy policies and specifically CS6 and CS31 seek to ensure sustainable communities through good quality development, supporting tourism and protecting spaces for recreation, walking and general enjoyment. Whilst it is located on open space it also contributes to the seafront character and its appearance at present does not downgrade the seafront. The provision of commercial uses in this location is very small scale and the

possible concerns with establishing a business can be weighed against the clear benefits of the regeneration project.

- 39 Given the temporary and portable nature of the proposal compared with a brick structure it is recommended that a 10 year temporary permission is granted. This is a longer period than the previous permission however, it is now clear that the containers are robust, and a longer period is justified on this basis. This will give the Council the opportunity to review the appearance and impact in the future.
- 40 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

- 41 **GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and subject to confirmation from the Environment Agency that the Flood Risk Assessment is acceptable:

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

The development hereby permitted shall be carried out in accordance with the following approved plans: 87.GA.01, 02, 03

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

2. Temporary permission expiring

On or before the period of 10 years from the date of this permission the portable buildings and any ancillary structures hereby permitted as shown by the submitted 1.100 floor plans and elevations and the 1.200 scale site layout plan, shall be removed in their entirety and the land restored to its condition before the development hereby permitted took place (as part of the open beach promenade).

Reason: The temporary nature of the materials used in the construction of the structures make it unsuitable for permanent permission and in accordance with policies CS31 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and policy D4 of the Bournemouth Town Centre Area Action Plan (March 2013).

3. External Lighting

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modification) no floodlighting shall be installed on any part of the application site as shown on the approved plans. Any external lighting shall be directional to only illuminate the portable buildings and lighting to be compliant with 'GN08/23 Bats and Artificial Lighting at Night' by Institution of Lighting Professionals, that is: luminaires to have colour temperature less than 2700 K, with peak wavelengths greater than 550nm.

Reason: In the interests of visual amenity and given the site location on the seafront all to accord with policies CS31 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and in accordance with the NPPF (2023).

4. Flood risk management and emergency evacuation plan

No part of the development hereby permitted shall be used or operated unless:

- (a) all the measures identified in the approved Flood Risk Management Plan submitted with the application have first been provided in full and the development shall at all times only be used and operated in accordance with the provisions identified in the approved Flood Risk Management Plan; and
- (b) following consultation with the Environmental Agency on the required content of a Flood Emergency Evacuation Plan ("FEEP"), a FEEP has first been submitted to and approved in writing by the local planning authority. The submission shall be accompanied with full details of the consultation with the Environment Agency including in particular, any express requirements and any issues of concern raised by them. The approved FEEP shall be accorded with at all times.

Reason: To ensure the safety of customers and staff and in accordance with saved Policy 3.28 of the Bournemouth District Wide Local Plan (2002).

5. Hours of Use

The use hereby permitted shall not be used outside the following times: 06.00 hours and 22.00 hours.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. Waste condition

Prior to the use commencing, a waste management plan including a plan for litter management shall be submitted to and approved in writing by the Local Planning Authority. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7. Restrictions on Class E uses

The Class E uses of the premises hereby permitted shall at all times be restricted only to businesses that have been selected by the "Bournemouth Towns Fund project or any similar BCP Council initiative" and shall accord with the criteria set out in the "Toft Box Park Application Questions" document submitted with the application.

Reason: Permission has been granted only having regard to the special circumstances of this case in view of the applicant's proposed use of the property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. Delivery and Service Plan

Within 3 months of the date consent is hereby granted details of a delivery and servicing plan (DSP) detailing servicing arrangement including the location, times and frequency shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter operate strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the heavy goods vehicles for journeys to and from the site and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Informative Note: This permission does not convey consent in respect of any advertising on the premises, for which a separate application under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 (or any subsequent Order or Regulations revoking or re-enacting these Regulations with without modification) may be necessary.

Statement required by National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

the applicant was not provided with pre-application advice, but the application was dealt with following discussions with the applicant and subsequent amendments.

Background Documents:

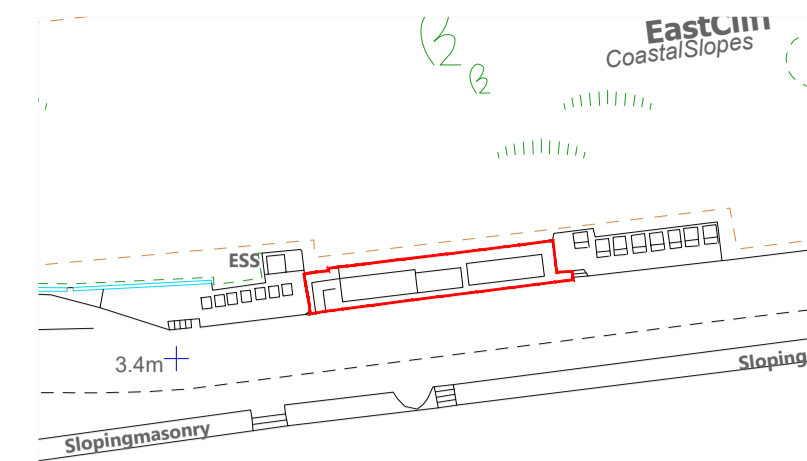
Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

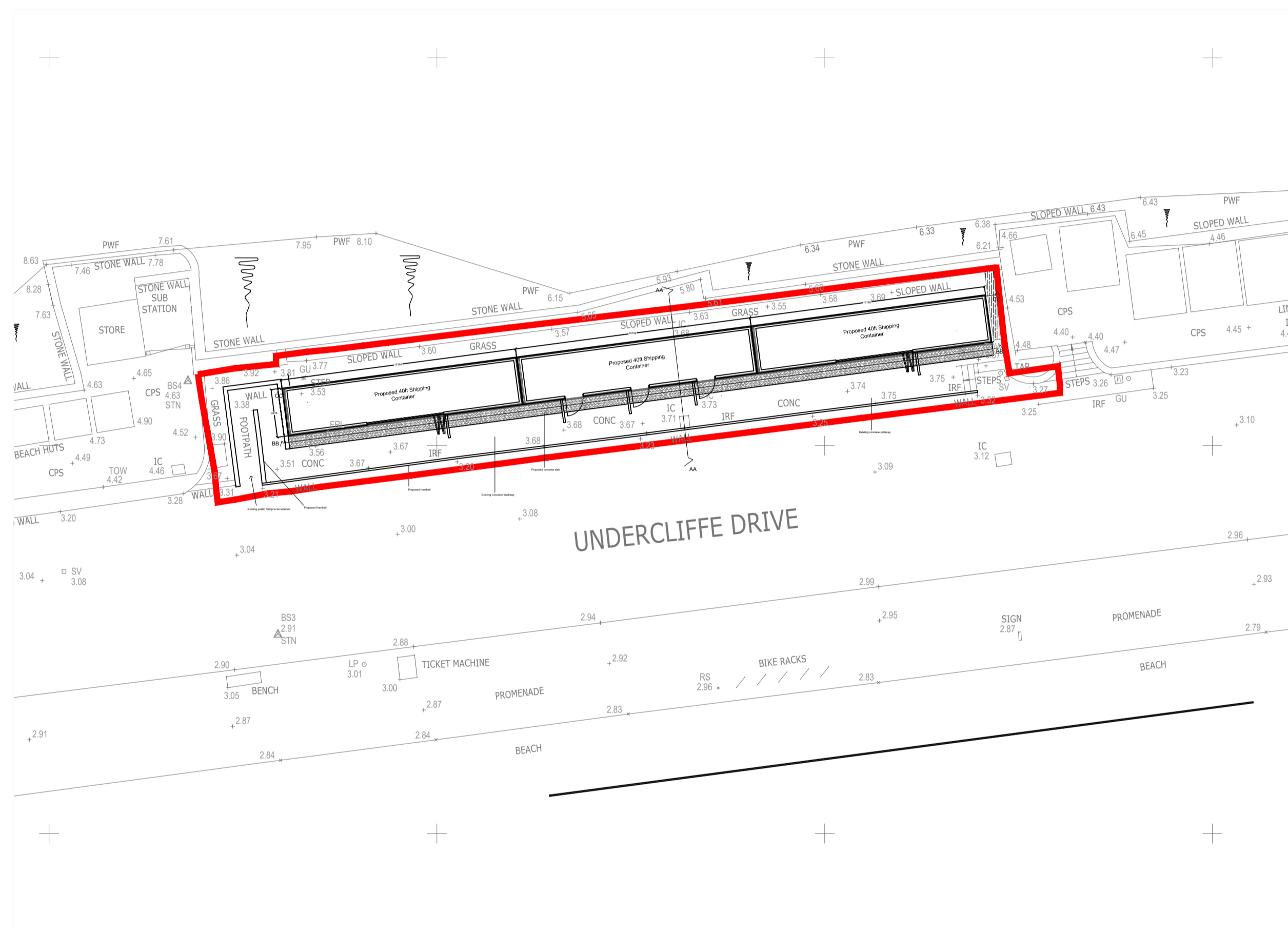
This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.

Location Plan
Scale 1:1250 @ A1



Location Plan
Scale 1:1250



Proposed Site Plan
Scale 1:200 @ A1

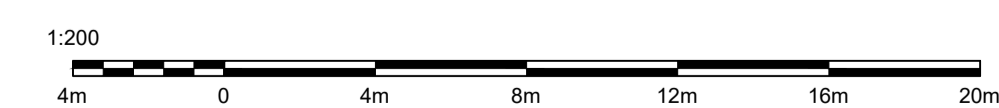
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Client.	BCP
Drawing Title.	Block & Location Plan and Proposed Site Plan
Scale.	1:1250 & 1:200 @ A1
Drawing No.	87.GA.01

SHORE

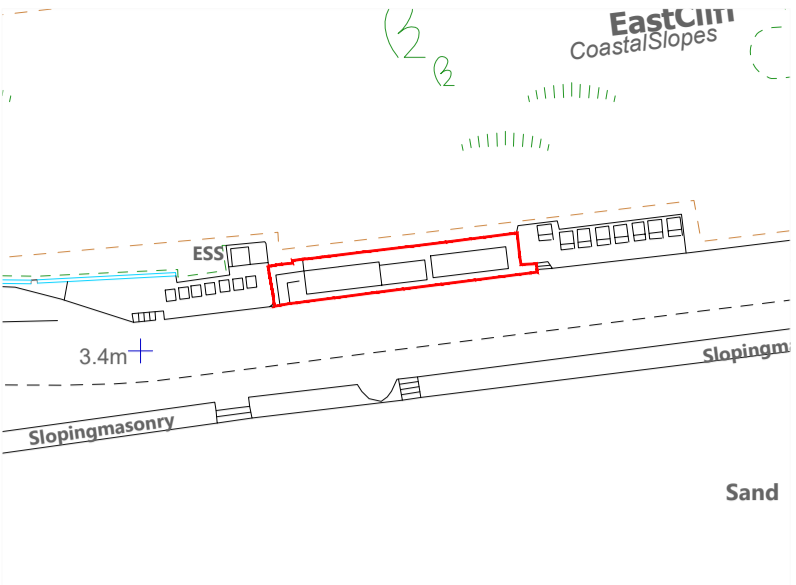
Ether House, 23a Worthington Crescent,
Poole, BH14 8BW

Web - www.shorearchitecture.co.uk
Email - office@shorearchitecture.co.uk

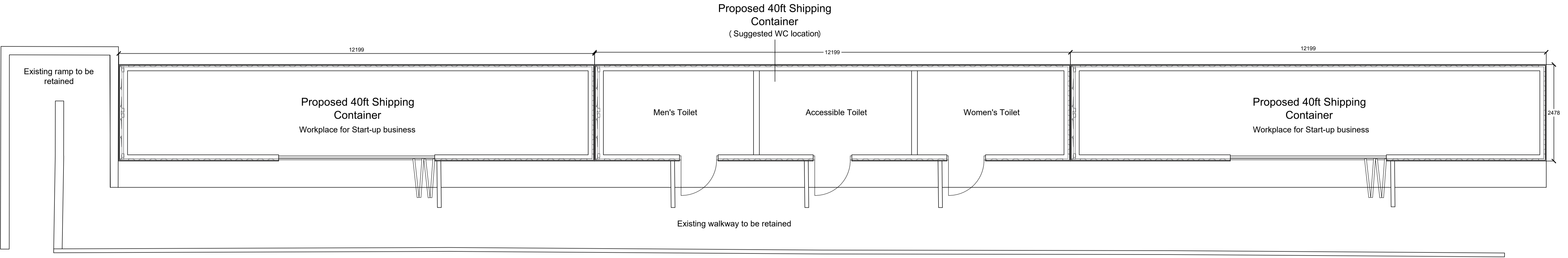
These drawings are for planning application purposes only and may require additional details prior to a Building regs application. All the dimensions to be checked on site prior to commencement of work. Do not scale from drawing.



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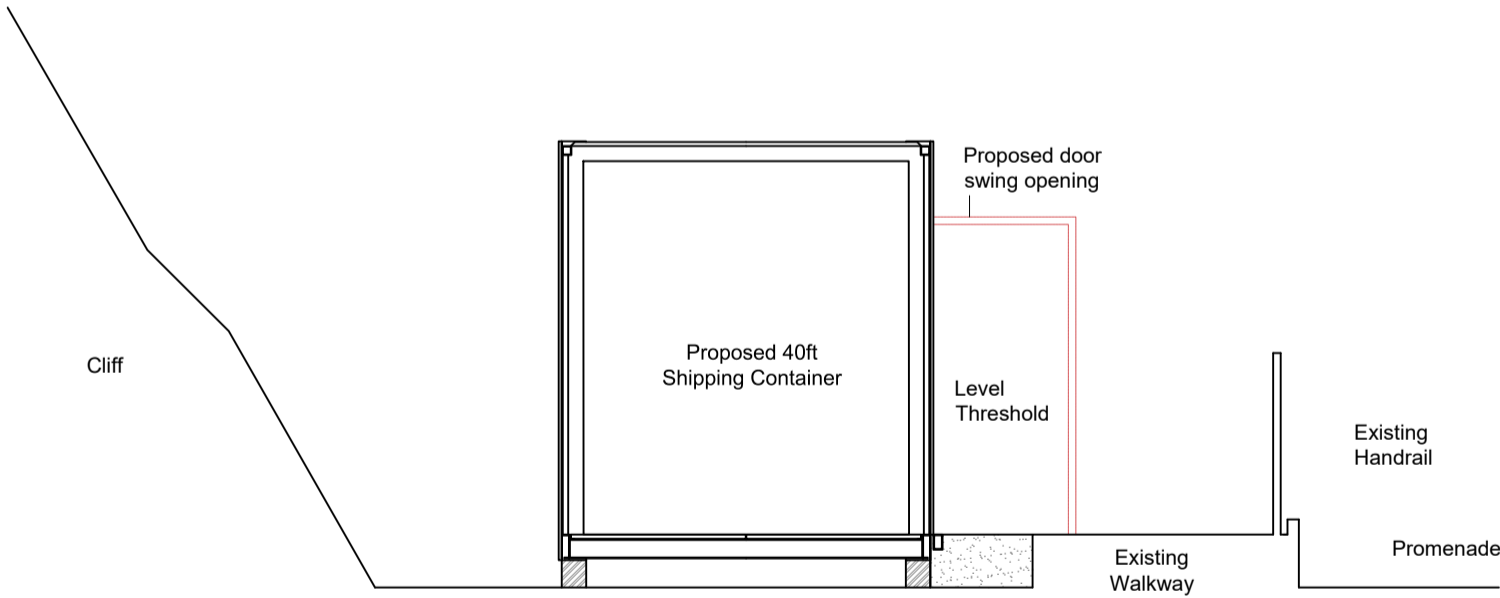


Location Plan
Scale 1:1250



Proposed ground floor plan
Scale 1:50 @ A1

33



Proposed planning section
Scale 1:50 @ A1

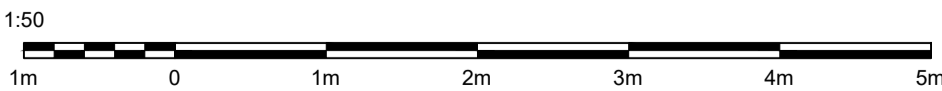
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Client.	BCP
Drawing Title.	Proposed Floor Plans & Section
Scale.	1:50 @ A1
Drawing No.	87.GA.02

SHORE

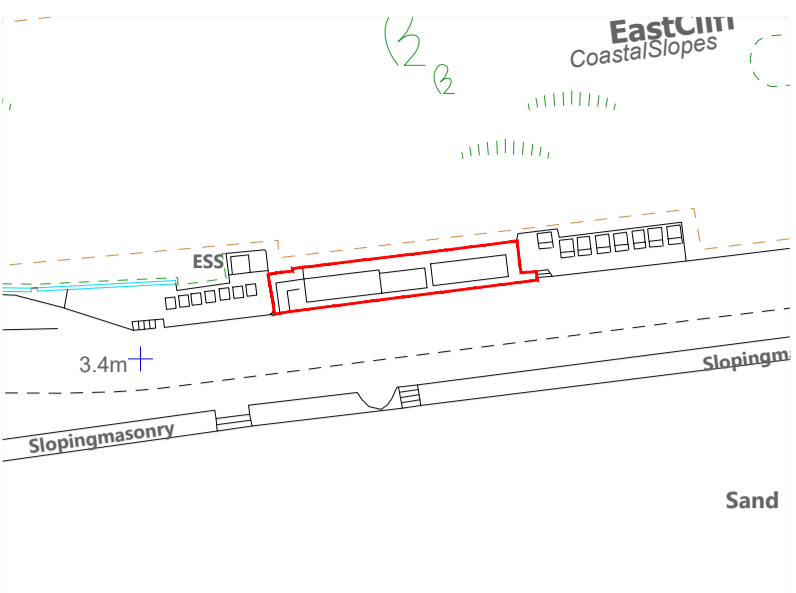
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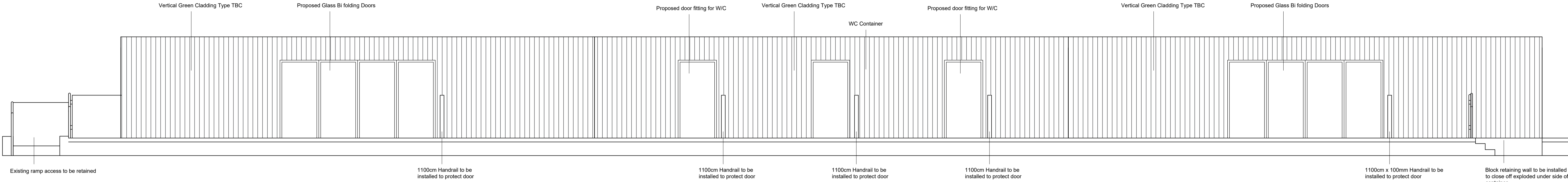
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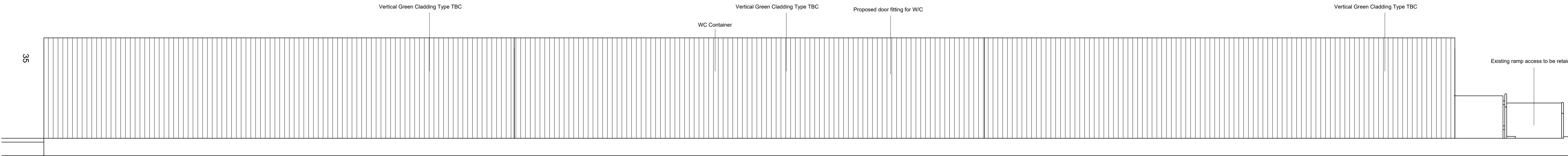
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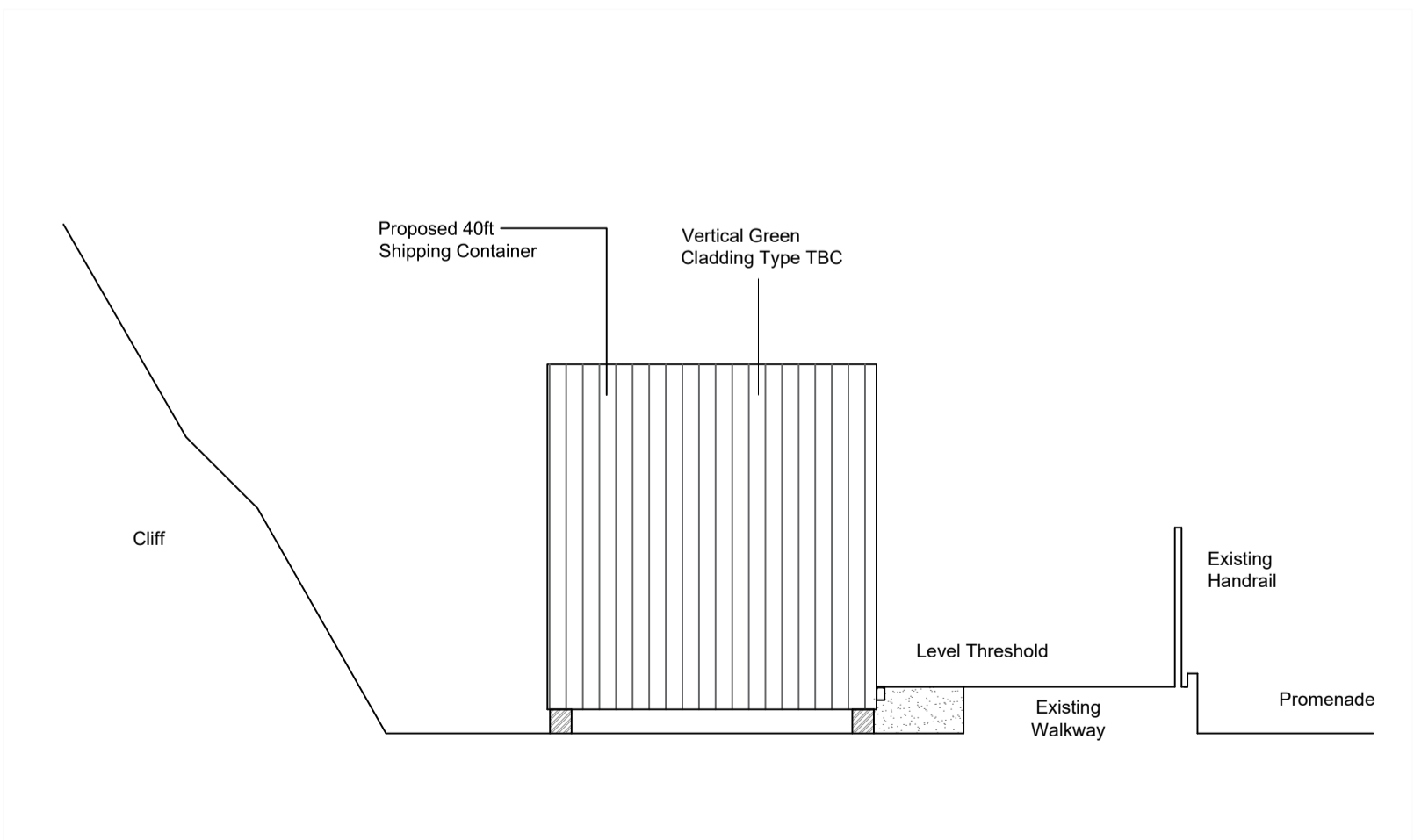
Location Plan
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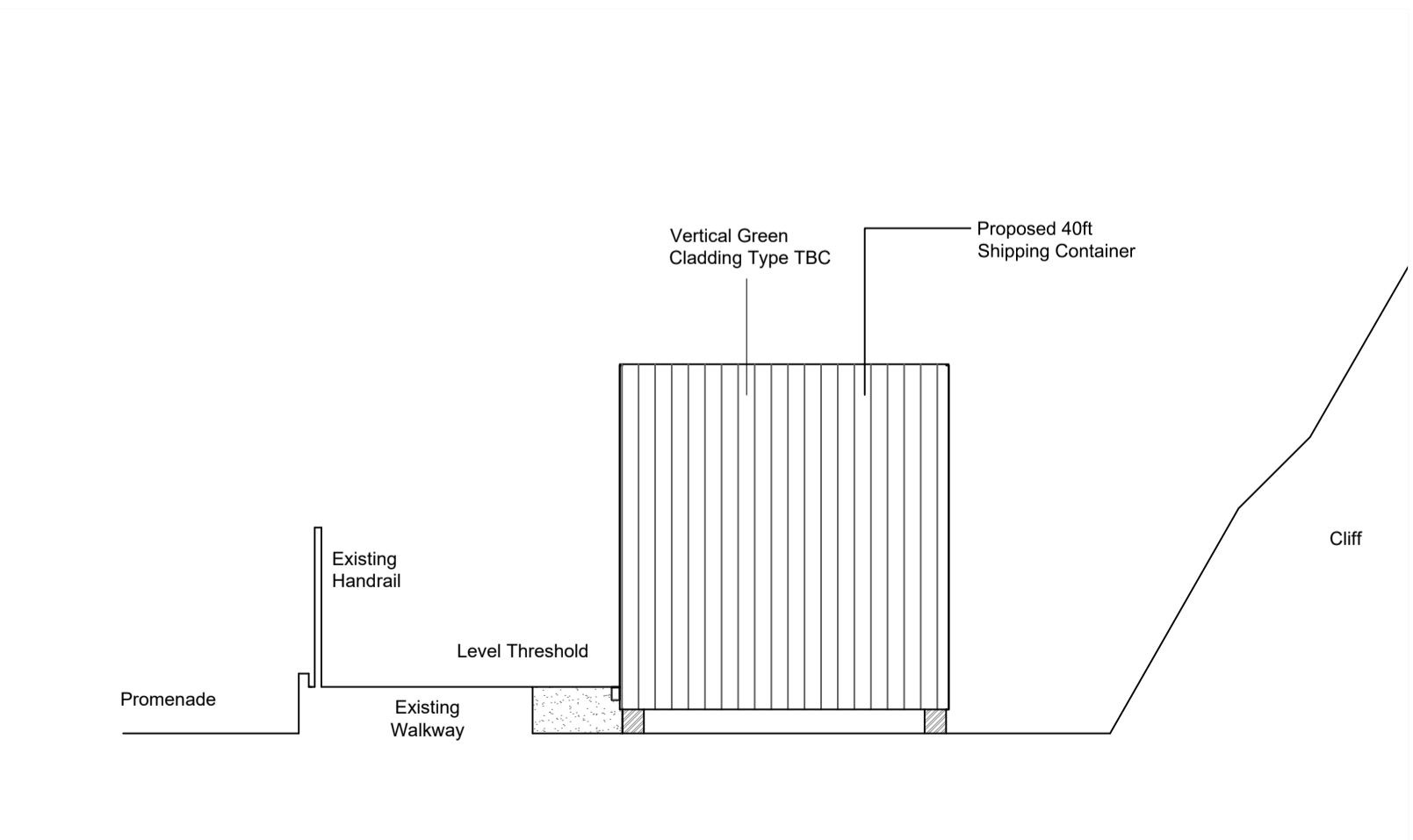
Proposed Front (South) elevation
Scale 1:50 @ A1



Proposed Rear (North) Elevation
Scale 1:50 @ A1



Proposed side (West) elevation
Scale 1:50 @ A1



Proposed side (East) elevation
Scale 1:50 @ A1



Project.	Toft Steps Box Park
Client.	BCP
Drawing Title.	Proposed Elevations
Scale.	1:50 @ A1
Drawing No.	87.GA.03

SHORE

Ether House, 23a Worthington Crescent,
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Email - office@shorearchitecture.co.uk

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PLANNING COMMITTEE - SITE VISIT PROTOCOL

1. Purpose of the site visit

- 1.1. It is presumed that members of the Planning Committee will have familiarised themselves with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 1.2. In exceptional cases (such as the impact of the proposal is difficult to visualize from the plans and any supporting material, including photographs, as being unable to see the site from a public vantage point, or that there are other substantial benefits in carrying out a site visit), members of the Committee may suggest that the Planning Committee visit the site, or adjoining sites if relevant.

1. How decisions on a site visit are reached

- 1.1. Where prior to the Committee, and following release of the Planning Committee agenda papers, members of the Committee consider that exceptionally a site visit of the Planning Committee is necessary such requests should be made to Democratic Services prior to Chair's briefing. At the briefing the Chair, in consultation with officers, will consider whether this exceptional case is made, or alternatively seek further visual information from the officers to support the Committee in the absence of a formal Planning Committee site visit.
- 1.2. Where a site visit has not occurred prior to the Planning Committee meeting members of the Planning Committee can during the debate seek to adjourn or defer the decision on any given application until a site visit of the Planning Committee is arranged. In these cases, members of the Planning Committee will need to clearly set out firstly why a site visit is considered necessary when this was not identified prior to the Planning Committee meeting and secondly whether an adjournment or deferral can allow for officers to source additional information that would negate the need for a site visit.
- 1.3. The site visit by members of the Planning Committee forms part of the Planning Committee process, allowing Planning Committee members to view the site and where appropriate adjoining properties.

2. Arranging the Visit

- 2.1. Where a site visit has been agreed to be undertaken following the Chair's briefing this will be arranged to precede the Planning Committee and a schedule for the visit will be agreed between the Chair and officers. This will identify the timetable for the meeting and invited attendees.
- 2.2. Planning Services will then notify the applicant or their agent of the time and date of the proposed site visit and seek their authority for Members of the Planning Committee, Ward Councillors and officers to visit the site, where this cannot be achieved from a public point of access. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
- 2.3. All members of the Planning Committee will be invited to attend the site visit.

- 2.4. On occasion, officers of other services such as Transportation Services will be invited to attend a site visit to clarify factual matters.
- 2.5. Councillors have no right of entry to private land except by permission of the owner and they should not enter a private site until all are present and an officer has made contact on the site visit with the landowner/operator/applicant.
- 2.6. In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from the public highway or from other adjacent land with the owner's permission.
- 2.7. Where the Planning Committee adjourn or defer the decision on the application until a site visit is arranged any visit will be organised immediately prior to the next Planning Committee in accordance with the above criteria.

3. Conduct of the Visit

- 3.1. The purpose of the site visit is to enable members of the Planning Committee to familiarise themselves with the site and its surroundings in order to understand the issues more clearly when considering the application at the Planning Committee. It is presumed that members of the Planning Committee will have familiarised themselves prior to the site visit with the location and context of an application to be considered, in so far as this can be done from adjacent roads and public spaces and the relevant officer report to the Planning Committee.
- 3.2. Whilst it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party (including Ward Councillors and other Councillors) should be avoided and they will be advised that lobbying of members of the Planning Committee is unacceptable. Presentations by applicants will not be permitted.
- 3.3. As the site visit is part of the process of the Planning Committee considering an application, it is chaired by the Chair and formally opened and closed. This will provide clarity as to when the site visit has formally commenced. Until the Chair closes the site visit this protocol and procedures will be adhered to.
- 3.4. At the request of the Chair, the planning officer will describe the application to the assembled Councillors and display appropriate plans or drawings of the proposal. (It is expected that Councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land, which will be material once the proposal, is debated.
- 3.5. Questions from Planning Committee members should be addressed to the planning officer and be of a factual nature, for example distances to adjoining or objectors' properties or the landscape features to be retained. If during the site visit it is necessary to seek information from the applicant or agent, at the discretion of the Chair an officer will undertake this.
- 3.6. At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal.

- 3.7. The role of the Ward Councillors (if not a member of the Planning Committee) will be limited to drawing attention to features of the site that he/she considers relevant to the committee in understanding the site, its surroundings and the proposal. The Councillors will not be permitted to make representations on the merits or otherwise of the application.
- 3.8. If members of the public attend the site visit they can only be allowed on the land with the permission of the land owner. Presentation or lobbying by members of the public will not be permitted.

4. General

- 4.1. Members of the Planning Committee should keep together, and it is essential that they should not allow themselves to be lobbied by anyone or enter into a discussion about the application or express any opinion about the application.
- 4.2. Members of the Planning Committee should ensure that they have seen all aspects of the site suggested by the accompanying officer or the Chair during the visit.
- 4.3. The Planning Committee will not make any formal decision at the site visit and no individual member of the Planning Committee should express a view of the merits of the application during the site visit.
- 4.4. The application will usually be one of the first items on the Agenda of the following Planning Committee meeting where the merits of the application will be debated.
- 4.5. Where it is considered that a site visit is necessary it is essential that all members of the Planning Committee are present and where members of the Planning Committee are unable to attend the site visit they will be unable to take part in the debate or vote on the application.
- 4.6. The decision of the Chair, (in consultation with the planning officer where appropriate), on all matters concerning site visit protocol is final.

5. Record of the Visit

- 5.1. A record of the visit will be made by an officer and retained on the planning application file. The record will include the timetable for the meeting, attendees and what was viewed on site.

6. Notes:

- 6.1. Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- 6.2. Where appropriate, protective clothing e.g. high visibility jackets, hard hats will be provided for Councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- 6.3. In the interests of sustainability and highway safety, car-sharing will be available, and members are encouraged to make use of this.

- 6.4. If a Councillor attending the site visit has special access requirements or wishes the Committee to visit other addresses (eg. an objector's home), early notification to the case officer will allow arrangements to be made.

Adopted by the Planning Committee on 30 May 2019

PLANNING COMMITTEE - PROTOCOL IN RELATION TO PRE-APPLICATION PRESENTATIONS

1. Introduction

- 1.1. The early engagement of councillors in relation to a potential planning application can be a positive contributor to seeking to ensure the provision of sustainable development within the area that best meets the aspirations and needs of the community.
- 1.2. The purpose of this protocol is to provide guidelines and a framework within which the Planning Committee will entertain and consider a presentation prepared for councillors by a potential applicant relating to a possible planning application that has not yet been submitted to the Council ("pre-application presentation").

2. Guidelines for identifying a pre-application presentation that might be taken to Planning Committee

- 2.1. The focus for pre-application presentations is limited to significant proposals. In considering any request for a pre-application presentation regard should be had to the following criteria for the purposes of determining those that may be suitable i.e. whether the relevant senior planning officer considers that the proposal:
 - (a) is of strategic importance to the whole or part of the Council area;
 - (b) involves a matter of significant national importance that has not previously been the subject of consideration within the Council area;
 - (c) may have a significant impact on a wide number of businesses/people and/or more than one Council ward;
 - (d) is on an extant Development Plan allocation and is important to securing one or more key Development Plan objectives;
 - (e) would provide a major development of significant importance to its locality and relates to a planning application previously refused by the Planning Committee; and/or
 - (f) any other proposal whose special circumstances the Head of Planning considers would justify a pre-application presentation being allowed.

3. General principles relating to a pre-application presentation

- 3.1. No part of a pre-application presentation or subsequent consideration / questions raised in relation to it is binding on the Council. Every observation / opinion given by any councillor or officer should be treated as provisional and no question asked should be taken as an indication of pre-determination with regard to the consideration of any planning application.
- 3.2. As a pre-application presentation is not part of an extant planning application, there is no requirement for any councillor to attend or participate in the pre-

application presentation in order to be able to vote on any related planning application that may subsequently be submitted.

- 3.3. The Protocol for Speaking / Statements at Planning Committee does not apply to a pre-application presentation. Neither questions nor statements by members of the public will normally be permitted.

4. Proceedings relating to the consideration of a pre-application presentation at Planning Committee

- 4.1. A pre-application presentation should normally consist of a presentation only. No other documents should be provided to councillors for the purposes of the pre-application presentation without the prior agreement of the Head of Planning and an officer from Democratic Services.
- 4.2. Documentation provided as part of the pre-application presentation should include:
- (a) a description of the site location,
 - (b) a plan sufficient to enable councillors to easily identify its location; and
 - (c) a description of the proposal to which the pre-application presentation relates that clearly enables councillors to understand the nature and extent of the proposal.
- 4.3. An electronic copy of any documentation produced for the purposes of the pre-application presentation (including any slides to be used as part of the presentation itself), should be provided to and accepted by both the Head of Planning (or any officer nominated by the Head of Planning for the purpose), and the Democratic Services Unit at least five clear working days prior to the date of publication of the Planning Committee meeting agenda to which it relates. All such documentation will normally form, and be made public as, part of the publication of the agenda for the meeting at which the pre-application presentation is scheduled to occur.
- 4.4. A pre-application presentation may be accompanied by such other information as the Head of Planning considers of assistance to councillors in relation to the presentation.
- 4.5. No part of the pre-application presentation, whether visual, written or verbal, should contain information of a kind that might be libellous, slanderous, abusive to any party or might result in the disclosure of any personal information for which express consent has not been given. Electronic information provided to the Council will not be accepted if it is identified as having anything on it that is considered could be an electronic virus, malware or similar.
- 4.6. The Council's adopted Access to Information Procedure Rules apply to a pre-application presentation. The expectation is that a pre-application presentation will usually be presented in public. However, subject as provided for in the Council's adopted Local Code of Best Practice relating to Planning Matters and in accordance with the Access to Information Procedure Rules, may be held wholly or partly as part of a meeting at which the public are excluded.

- 4.7. A pre-application presentation will normally take place prior to the consideration of any planning application at the Planning Committee meeting at which it is to be presented.
- 4.8. A pre-application presentation should not exceed more than twenty minutes (excluding any time taken by the Chair and/or any officer to introduce the presentation). An additional period of up to forty minutes will normally be allowed for questions to be asked. Such timings may be varied at the discretion of the Chair.
- 4.9. Any BCP councillor whether appointed to the Planning Committee or otherwise will usually be given the opportunity to attend a pre-application presentation and ask questions.
- 4.10. A councillor who wishes to speak should aim to confine themselves to only asking questions that raise issues relevant to the pre-application presentation. No speeches, statements or expressions of opinion will normally be permitted.
- 4.11. The order of asking questions is at the discretion of the Chair. However, where more than one councillor wishes to ask questions, the Chair will usually aim to give initial priority to members sitting on the Planning Committee followed by any councillor in whose ward the land to which the pre-application presentation relates is situated. In the event that there is insufficient time for all questions to be asked, councillors will be invited to send their questions to the Head of Planning for consideration and referral on as appropriate.
- 4.12. A pre-application presentation to the Planning Committee may be deferred/withdrawn:
 - (a) from a published agenda in accordance with any relevant provision in the Constitution; and/or by a decision of the Planning Committee; or
 - (b) in advance of publication of an agenda at the absolute discretion of the Head of Planning.
- 4.13. Failure to comply with the requirements of this protocol may in particular result in a pre-application presentation being withdrawn or deferred.
- 4.14. For the purposes of this protocol, references to the “Chair” and “Head of Planning” shall, unless the context otherwise requires, have the same meanings as in the Protocol for Speaking/Statements at Planning Committee.

Adopted by the Planning Committee on 17 November 2022

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