

Notice of Eastern BCP Planning Committee



Date: Thursday, 29 August 2024 at 10.00 am

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

Membership:

Chair:

Cllr P Hilliard

Vice Chair:

Cllr M Le Poidevin

Cllr C Adams
Cllr J Clements
Cllr D A Flagg

Cllr M Gillett
Cllr G Martin
Cllr Dr F Rice

Cllr J Salmon
Cllr M Tarling
Cllr L Williams

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=6102>

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

20 August 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 1 August 2024.

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 on Wednesday 28 August 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.bcpccouncil.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.

6. **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.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

- | | | |
|----|--|---------|
| a) | 3 Stroud Gardens, Christchurch BH23 3QY
Burton and Grange ward

8/24/0270/FUL

Proposed change of use of a residential dwelling (Use Class C3) to a residential children's home for 4 children (Use Class 2). Amended ownership certificate received 09/05/2024. | 19 - 36 |
| b) | East Cliff Beach, Undercliff Drive, Bournemouth BH1 3BZ
Bournemouth Central ward

7-2024-5156-U

Temporary installation for the Arts by the Sea Festival which will be in place from Monday 23rd September to Monday 30th September 2024. | 37 - 52 |
| c) | Boscombe Pier, Undercliff Drive, Bournemouth BH5 1BN
Boscombe West ward

7-2024-4982-AB

Installation of a beach shower in the shape of a Jimmy's Iced Coffee Bottlecan on a stepped composite decking. | 53 - 62 |
| d) | 28 Alma Road, Bournemouth BH9 1AN
Talbot and Branksome Woods ward

7-2024-20152-B

Change of use of flat (Class C3) to office use (Class E). | 63 - 74 |

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
EASTERN BCP PLANNING COMMITTEE

Minutes of the Meeting held on 01 August 2024 at 10.00 am

Present:-

Cllr P Hilliard – Chair

Cllr M Le Poidevin – Vice-Chair

Present: Cllr S Armstrong (In place of Cllr J Salmon), Cllr D A Flagg,
Cllr M Gillett, Cllr G Martin, Cllr Dr F Rice, Cllr M Tarling and
Cllr L Williams

21. Apologies

Apologies were received from Cllr J Clements and Cllr J Salmon.

22. Substitute Members

Notice was received that Cllr S Armstrong was substituting for Cllr J Salmon for this meeting.

23. Declarations of Interests

There were no declarations of interest.

24. Confirmation of Minutes

The minutes of the meeting held on 8 July 2024 were confirmed as an accurate record for the Chair to sign.

25. Public Issues

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

26. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – C to these minutes in the Minute Book. A Committee Addendum Sheet was published on 31 July 2024 and appears as Appendix D to these minutes.

27. Royal Arcade, Christchurch Road, Bournemouth, BH1 4BT

Boscombe West Ward

7-2023-16746-AX

Change of use of the upper floors to mixed office and business startup space; a mix of retail and other commercial uses at ground floor including the creation of a food hall area with pop up eateries; loss of 4 retail units to provide lift access to upper floors and ground floor toilets; partial loss of 2 retail units to provide bin stores; replacement of external ground floor doors and windows to alley; installation of cycle parking and roof mounted photovoltaics – Regulation 3

Public Representations

Objectors

- ❖ Philip Stanley Watts

Applicant/Supporters

- ❖ None registered

Ward Councillors

- ❖ Cllr P Canavan, objecting

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, subject to power being delegated to the Head of Planning (Operations) to determine the final wording of an additional condition suggested by officers to require the commencement of works within a period of three years from the date of permission.

Voting: For – 8, Against – 0, Abstain – 1

28. Royal Arcade, Christchurch Road, Bournemouth, BH1 4BT

Boscombe West Ward

7-2023-16746-AY

Listed Building Consent for internal and external alterations, refurbishment and repairs including: loss of 4 retail units to provide lift access to upper floors and ground floor toilets; partial loss of 2 retail units to provide bin stores; changes to internal layout; replacement/repair of external ground floor doors and windows to alley; provision of cycle parking to alley; installation of roof mounted photovoltaics and Heating, Ventilation and Air Conditioning system; provision of secondary glazing; repair and redecoration of external walls; structural works and roof repairs – Regulation 3

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Philip Stanley Watts, in support

Ward Councillors

- ❖ Cllr P Canavan, with a concern about the proposed type of lifts

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, subject to power being delegated to the Head of Planning (Operations) to determine the final wording of two additional conditions suggested by the officer to deal with the contract for works and the phasing of works to be agreed by the Local Planning Authority and to determine the final wording of an additional condition suggested by officers to require the commencement of works within a period of three years from the date of permission.

Voting: For – 9, Against – 0, Abstain – 0

29. Cabbage Patch Car Park, 22 St Stephen's Road, Bournemouth, BH2 6JU

Bournemouth Central Ward

7-2024-7755-D

Minor Material Amendment to vary condition no. 2 of application 7-2021-7755-C for erection of an electricity sub station (Original description - Minor material amendment to vary condition no. 1 of application no. 7-2019-7755-B to vary the plans. Erection of a 5 storey block of 11 flats with parking, bin and cycle storage)- Regulation 3

Public Representations

No speakers registered

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, subject to power being delegated to the Head of Planning (Operations) to revise and amend the identified conditions as suggested by officers to reflect the fact that this is a retrospective application and the site is part occupied.

Voting: For – 9, Against – 0, Abstain – 0

The meeting ended at 11.50 am

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	3 Stroud Gardens Christchurch BH23 3QY
Proposal	Proposed change of use of a residential dwelling (Use Class C3) to a residential childrens home for 4 children (Use Class C2). Amended ownership certificate received 09/05/2024
Application Number	8/24/0270/FUL
Applicant	Wild Orchid Therapeutic Services Limited
Agent	Mrs Aida McManus
Ward and Ward Member(s)	Burton & Grange
Report status	Public
Meeting date	29 th August 2024
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Received 23 objections to the scheme from properties within 1 mile of the application site and Recommendation is to Approve.
Case Officer	Charlotte Haines
Is the proposal EIA development	No

Description of Proposal

1. The applicant is a company which specialises in providing care and accommodation for children and young people who have been placed into care by the Local Authority, and they are a prospective purchaser of the application property.
2. The applicant proposes the change of use from a residential dwelling to a children's home. The existing floor layout is to remain unchanged with the retention of 5 bedrooms, 2 on the ground floor and 3 at first floor.
3. The maximum number of adults and children on the premises the majority of the time would be seven. A standard domestic kitchen would still be provided with full cooking facilities.
4. The applicant's planning statement confirms that the children's home will need to be registered with Ofsted and will enable four children/young people between the ages

of 7-17 to live in a safe family environment. The children will attend school or college on a full-time basis.

5. The statement confirms that the children will be cared for by 2 carers and a Home Manager. Two members of staff would be present on site at all times when there is a maximum of 4 children in residence. Carers will work on a 24-hr shift pattern and with a changeover at both 8:30am and 8:30pm. This would mean that 2 staff members would arrive at 8:30am, one of the staff members would then leave at 8:30pm and another staff member would arrive at this time to replace them. A Manager would be present at the care home Monday to Friday between 9.00am and 5.00pm.
6. It is also confirmed that the home will need to operate in accordance with the Ofsted regulations and minimum care standards for children's homes; and it will be subject to regular inspections and continued monitoring.

Description of Site and Surroundings

7. The site comprises a detached chalet bungalow with an integral garage set within a small cul de sac of 7 properties. The bungalow has been enlarged and extended to form its present chalet style following the grant of planning permission in 2018.
8. The front of the site has been given over to hard surfacing (gravel) and includes a driveway in front of the integral garage which is accessed from the road. The remainder of the frontage is bounded by rendered wall with slatted fence. A modest sized garden is located to the rear.

Relevant Planning History

9. 8/17/3074/HOU
Rear and side extension, loft conversion creating habitable accommodation.
Granted 20/02/2018

Constraints

10. Heathland 5km Consultation Area - 0.00m

Public Sector Equalities Duty

11. 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

12. 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.
13. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council

maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

14. 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.

Consultations

Natural England

15. No comments to make on this application.

Christchurch Town Council

16. No response received.

BCP Highways - Minor Dev

17. No objections to the proposed change of use following the submission of amended plans.

Dorset Police Crime Prevention Design Advisor

18. No response received.

BCP Building Control

19. No response received.

Representations

20. 23 objections received in which the following summarised concerns were raised:
- Inappropriate intensity of use over and above the existing use as a single-family home. The dwelling is unsuitable for use as a children's home; it having a very small garden and large bifold doors allowing for noise to be projected to all the surrounding properties. Disruption could result from comings and goings throughout the day to the property and conversations from inside house when doors and windows are open and from within garden would be clearly heard by neighbours;
 - The extended property overlooks neighbouring houses; including a side first floor window that already overlooks neighbours' property and will serve as the sole outlook to a bedroom. This window was shown on the approved plans for the first-floor extension as an obscure glazed window serving a dressing room (a non-habitable room)
 - Concerns over proposed facility which caters to children with behavioural issues and the potential for anti-social behaviour;
 - No need for a childrens home in the Christchurch area
 - Proposal would undermine the efforts to maintain a diverse and inclusive community;
 - It is not clear how many staff would attend premises on any given day;
 - Site is within a small and narrow cul de sac (Stroud Gardens) where minimal space for on-street parking and there is insufficient parking for the cars required

- for carers and visitors, exacerbating existing on-street parking issues within Stroud Gardens leading to potential access issues for emergency services;;
 - No information in the submission as to where there is an unmet need for the childrens home;
 - Extra noise and traffic use would generate;
 - Noise and disturbance to neighbouring properties;
 - Concern over any potential increase in number of children at the care home to sustain the running of it;
 - Loss of viable housing stock;
 - Incompatible with local authority's housing plans and it would result in a loss of viable housing stock;
 - Larger building within town centre would be more appropriate location for the proposed use;
 - There are two rooms at first floor with access to bathroom which are not marked and is unclear what they are to be used for;
 - Existing house is a cramped space/environment for children to live in;
 - Plans do not show if sufficient head height for first floor rooms and no section provided.
21. 1 letter of support received in which the following summarised points were raised:
- High accommodation standards for good children's home with good sized rooms.
 - Children homes are in demand.
 - No change to character of the property which will resemble a standard domestic setting.
 - House of good size to accommodate 4 children.
 - Good/outstanding schools in walking distance of site.
 - Good off-road parking provided within the site.
 - Safe neighbourhood.
 - Noise disturbance is no different to domestic house setting as children will be in school.
 - Children desire a thriving upbringing and location which this location would offer.
22. 2 letters were also received raising concerns over potential risk of crime and safety issues to the neighbourhood.

Key Issues

23. The key issues involved with this proposal are:
- Principle of development
 - Impact on Character and Appearance
 - Impact on residential amenity enjoyed by nearby residents,
 - Impact on access, highways safety & parking
24. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the Christchurch Local Plan 2001.

26. Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014

- KS1: Presumption in favour of sustainable development
- KS2: Settlement Hierarchy
- KS11: Transport and Development
- KS12: Parking Provision
- HE2: Design of new development
- LN1: The Size and Type of New Dwellings
- LN6: Housing Accommodation Proposals for Vulnerable People

27. Saved Policies of the Christchurch Local Plan 2001

- H12: Residential Infill
- H16: Crime prevention and design

28. National Planning Policy Framework ("NPPF"/"Framework")

The Policies in the National Planning Policy Framework are a material consideration which should be taken into account in dealing with applications.

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 12 – Achieving well-designed places.

Planning Assessment

Principle of development

- 29. The existing property is located in a residential area within the main settlement of Christchurch where Policy KS2 advises the major focus of development will be.
- 30. The site lies within the urban area in a highly accessible location, well-served by public transport routes along Somerford Road and Mudeford Lane and within walking distance of facilities including local schools.
- 31. The site is in a sustainable location where the site can be accessed via a variety of travel modes.

32. The proposal will result in the loss of open market housing. However, there are no policies contained within the Christchurch Core Strategy or Saved Policies of the Local Plan which seek to resist the loss of existing C3 residential dwellings through the change of use to other uses.
33. The local plan does not contain any specific policies relating to the provision of C2 accommodation other than Policy LN6 which advises that such accommodation will not be subject to Policy LN3 which deals with the provision of affordable housing by residential development. However, they will be required to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against. Given the modest scale and nature of the proposed C2 accommodation, it is not considered there would be a significant impact on these services.
34. The pre-amble to Policy LN6 states that larger scale developments and new neighbourhoods should make provision for older and vulnerable people in both the market and affordable housing sectors. This should include, but not be limited to older and younger people and people with physical or learning disabilities. Whilst not specifically relevant to this case, this does demonstrate there is a clear need to provide care and housing for a range of vulnerable people in the community, including younger people and people with physical or learning disabilities which this proposal seeks to do.
35. The property will still remain as a form of residential accommodation albeit for children as a home. Smaller children's units such as this with the appropriate management create a less sterile environment for the children where they can hopefully feel they can better reintegrate back into the wider community and feel safer. It is therefore considered that such small integrated units do provide wider community benefits that may not necessarily be achieved by other means, such as large institutions.
36. Furthermore, the LPA is required to meet the housing needs of all members of the community (Policy LN1). This is consistent with the NPPF paragraph 63 which states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. It is therefore considered that this proposal will not conflict with Policy LN1.
37. Given the proposal will not result in any physical changes to the property itself, it will retain the appearance and similar functionality of a normal family dwelling, should the use cease it could very easily revert back to a normal dwelling house. The proposal does not seek to create additional rooms but proposes to utilise the existing 5 bedrooms for 4 children and 2 adults which in terms of intensification could not be reasonably argued to be materially different to a family household.
38. The proposal is considered to be broadly consistent with Policies LN1 and LN6 of the Core Strategy and the NPPF.
39. The proposed change of use is therefore considered to be acceptable in principle subject to no adverse impact on the street scene and character of the area, amenity of neighbouring occupiers and highway safety. These issues are addressed in the following sections of this report.

Impact on Character and Appearance

40. The application does not include any extensions or additions to the existing property and thus the external appearance of the dwelling will remain unaltered. It is therefore considered that on the basis of no external works the property will remain of the same character and appearance as other properties within the street and thus would comply with policy HE2 of the Core Strategy and saved policy H12 of the Local Plan.

Impact on Residential Amenity

41. The site is located within a predominantly residential area, surrounded on all sides by residential uses. Whilst the wider area comprises a mix of uses including small retail areas and industrial estates fronting Somerford Road, the area immediately surrounding the application site is wholly residential, with Stroud Gardens comprising a small cul de sac of 7 detached bungalows. Due to it being a small cul de sac, Stroud Gardens is particularly quiet with no through traffic. The application site is situated at the head of the cul de sac and adjoins properties within the close on either side as well as properties within residential roads to the north.
42. Policy HE2 sets out that the development will be permitted if it is compatible with or improves its surroundings in respect of a number of matters including the relationship to nearby properties including minimising general disturbance to amenity. Saved Policy H12 also states that proposals for private or institutional residential development will be permitted provided it meets a number of criteria including residential amenities of existing and future occupiers of dwellings are not adversely affected by noise or disturbance or by the loss of light or privacy.
43. A number of neighbouring residents in objecting to the application have raised concerns about potential noise and disturbance that would be created by occupiers of the childrens care home. The main entrance to the property is at the front of the site and therefore set away from the rear elevations and gardens of neighbouring properties including those to the rear. A number of concerns have also been raised in respect of the enlarged property which has a Juliette balcony on the rear elevation. There would be staff on site at all times operating a 24 hour shift pattern and a manager will also be on site between the hours of 09:00 and 17:00 hours Monday to Friday.
44. The concerns raised by neighbours in respect of the impact on their residential amenity are acknowledged that residential amenity. However, the applicant has confirmed that the premises will house a maximum of 4 children between the ages of 7-17 (as confirmed in their Planning Statement) and that they will be cared for by two carers overnight on a 24-hour shift pattern. A manager will also be attendance during the day between the hours of 9am and 5pm. It is also confirmed that the children will attend school and/or college on a full-time basis. The number of children and carers who will be at the property is not dissimilar to that of a single-family household with 4 children that can already occupy this residential property. The level of occupancy proposed can be reasonably secured by condition and therefore it is considered that this will not be dissimilar to a normal family who may have 4 children within a single household. As such the proposed change of use would not give rise to any material or harmful increase in noise and disturbance.
45. A number of residents are concerned about the potential disturbance associated with the comings and goings of 10 members of staff. The submitted planning statement explains that this is the maximum number of staff that the proposal would offer employment for. However, it goes onto state that this would be on a shift rota basis with a maximum of 2 carers at the property for a 24-hour period and one manager being at the property between the hours of 9am and 5pm. The maximum number of persons attending the property at any one time would therefore be 3.

46. Concerns have been raised with regards to potential increase in additional visits by other professionals that may visit the premises resulting in an increase in traffic generation; however, this is likely to remain limited given the number of children that would live at the premises. It would therefore be difficult to evidence on the basis of the number of occupants that the likely increase in traffic generation would adversely affect the residential amenities of local residents. The community information document submitted by the applicant sets out that there would be 10-14 planned visits each year of which the associated vehicular movements would not be significant and consistent with that could be reasonably expected for the existing residential property.
47. The concerns raised in terms of the potential for noise and disturbance from this change of use to a children's home are not supported by evidence. To address the concerns over the number of children being increased the LPA can impose a condition restricting the number of children that can reside at the site to four. It is therefore considered there is insufficient evidence to suggest this change of use would adversely impact upon the neighbouring residents living conditions to warrant a reason for refusal.
48. A number of those persons objecting to the use of this dwelling as a children's care home have expressed concerns that the occupants could be disruptive and there could be antisocial behaviour. However, the children will be supervised and the site managed and there is no reason to object to this proposed use on the basis of an unsubstantiated perception of future activity associated with the use.
49. A number of concerns have also been raised in respect of the potential for occupants to overlook neighbouring properties from the upper floor windows in the existing. In this regard, it is noted that planning permission was granted in 2017 (under reference: - 8/17/3074/HOU) to enlarge the bungalow including raising its height to have a first-floor accommodation in the roof. A set of double doors with a Juliette balcony was introduced on the rear elevation of which the officer report for the application concluded would not result in any significant overlooking to the neighbours to the east or west. Whilst these first-floor doors face towards the property to the rear (at 4 Rosedale Close), the officer report concluded that there would be a distance of approximately 25 metres from the rear wall of the proposed extension and as a result would be unlikely to be any significant overlooking resulting from this window. It was also acknowledged that a neighbour to the north-east (at 2 Rosedale Close) would be closer however there would be oblique views towards this neighbour and would not cause significant overlooking of this neighbour.
50. However, a condition was attached to planning permission for the enlargement of the bungalow which required the window in the dormer to be glazed with obscure glass and to either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking. This window was shown to serve a dressing room on the approved plans. However, the existing plans submitted with the application show it as being used as bedroom instead. The proposed plans show that this room is to remain as a bedroom. The window in question overlooks the side and rear of the neighbouring property at 5 Stroud Gardens and therefore, the condition was imposed to prevent this overlooking in the interests of preserving the privacy of the occupiers of this neighbouring property but not complied with. It is therefore considered necessary to re-impose this condition in relation to the proposed change of use with a requirement for the window to be obscure glazed and fixed in such a way as to prevent overlooking prior to the children home being first brought into use. Given the window would now serve a bedroom, this is less than ideal as there would

be no outlook from this habitable room. However, this concern is outweighed by the need to preserve the privacy of this neighbour.

51. Concerns have also been raised in respect of the potential for a rise in anti-social behaviour and crime in the area as a result of the proposed use of the residential property as a childrens home. In this regard the submitted planning statement sets out that “the children are very closely monitored and assessed before being placed in any of the homes to ensure that they themselves are placed in a safe homely environment”. The residents’ concerns are noted however these amount to perceived fear of crime and there is no evidence to indicate that the children being provided care and accommodation would be the perpetrators of crime. In fact, the applicant in their supporting information sets out that due to their vulnerability, their children are far more likely to be victims of crime than perpetrators and for this reason they conduct a thorough risk assessment of the area and continue to monitor all reported crime on a monthly basis, via our on-line updates from the police and our relationship with our local (police) liaison officer. It is acknowledged that the care home would provide a family/home environment that allows the children to develop skills, preparing them for life when they leave the home and move into adulthood to become valued members of society. This type of support within a family environment has been found to be the most effective way in helping these children to successfully navigate positive change and have a normal life without experiencing problems in later life.
52. It should be noted that the existing property has the same number of bedrooms and as such presently could provide a home for a family of 2 adults and 4 children. The proposed use of the property is similar, as a childrens’ home for a maximum of 4 children with 2 carers. As the proposed use would be of a similar character and occupancy level to the current residential use of the property, the existing amenity space is considered acceptable in terms of meeting the need of the number of occupants i.e. a maximum of 4 children.
53. As such it is not considered that the development would result in a detrimental effect on the amenities of the residents of the neighbouring properties and it would be in accordance with Policy HE2 of the Core Strategy and Saved Policy H12 of the Local Plan in respect of the impact on amenity.

Impact on access, highways safety & parking

54. The Parking Standards SPD sets out the parking requirement for the proposed use of the property as a children’s home (Use Class C2). 0.25 spaces are required per each full-time equivalent member of staff on site. In addition, 0.25 spaces are required per bed space within the C2 use.
55. The submitted information with this application states that there will be one member of staff who would be present on site at all times operating a 24-hr shift pattern with staff arriving and departing (shift change over) at 8.30am and 8:30pm. A Manager would be present Monday to Friday between 9.00am and 5.00pm. Based on the number of staff on site for the C2 use and the number of bedrooms within the building, the parking demand for this change of use is 2 parking spaces.
56. The original site plan submitted with the application showed 4 parking spaces at the front of the property. This amounted to an over provision of parking on the site which would have led to a cramped and substandard parking arrangement with vehicles overhanging onto the footway.

57. An amended site plan was submitted during the course of the application to show the provision of two parking spaces at the front of the property. These parking spaces would measure 5m by 3m in dimension. The Highways Officer has considered the revised parking arrangement and advised that they are satisfied with the level of on-site parking proposed and that they are considered to meet the requirements of the Parking SPD.
58. The proposed parking would utilise an existing access and parking area and it is not considered there would be a detrimental impact on existing traffic flows or highway safety.
59. There is space on site to store a cycle if a member of staff chooses to cycle. The cycle demand requirement is 0.25 per FTE. The cycle parking demand is below 1 and as such the Highways Officer raises no objection to the lack of formal cycle parking being provided on site.
60. Given the details of how the premises will be managed and staffed, it is anticipated that it will operate in a similar manner to a normal residential dwelling not resulting in any highway safety issues. The change of use would therefore not result in a greater use than that of a normal dwelling, it would not have an adverse impact on highway safety.
61. The site is close to a local shopping area and is situated near to main routes where there is a regular bus services with a stop a short distance from the property and as such is in an accessible location that is well linked to existing communities by walking, cycling and public transport routes. allow for other modes of transport.
62. The proposal would therefore comply with Policies KS11 and KS12 of the Core Strategy.

Planning Balance/Conclusion

63. The application site is located within a sustainable location close to public transport links and schools. Consideration has been given to the impact upon the character of the area, amenity and transport matters. Since the proposed change of use to a childrens homes would not result in a scale of use dissimilar to any other dwelling, and as no external changes and alterations are proposed, it would not result in an adverse impact on the character and appearance of the dwelling itself or the amenities of the residents of the neighbouring properties, or on highway safety.
64. Having regard to the above, whilst a loss of a residential unit would result if the scheme is approved, there are no policies contained within the Christchurch Core Strategy or Saved Policies of the Local Plan which seek to resist the loss of existing C3 residential dwellings through the change of use to other uses. Furthermore, the proposal would result in a community benefit through contributing towards meeting the needs of providing accommodation and care to vulnerable persons within the community. It is therefore considered that subject to the recommended conditions the proposed development complies with Policies KS1, KS11, KS12 LN1, LN6 and HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014) and Saved Policies H12 and H16 of the Christchurch Local Plan (2001) and the NPPF. It is also will meet the requirements set out in the Parking Standards SPD.

Recommendation

Grant, subject to the following:

Conditions

1. The development to which this permission relates must 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 Section 91 of the Town and Country Planning Act 1990.

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

Location Plan received on 24/04/2024

Proposed Floor Plans – Drawing Number 105821 Rev 02 received on 24/04/2024

Parking Layout Plan received on 08/07/2024

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

3. The premises shall be used for purposes as a children's residential care home only and for no other purpose whatsoever, (including any other purpose in Class C2) of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal.

4. The use of the premises as a children's residential care home shall be limited to a maximum of four children in residence at the premises at any one time.

Reason: In the interests of neighbour amenity and the amenity of the area.

5. The premises shall not be occupied as a children's care home until the turning and parking shown on the approved parking layout plan has been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of road safety.

6. Prior to the premises being first brought into use as a children's care home and upon all subsequent occasions, the window on the west elevation serving a bedroom shall be glazed with obscure glass and shall be hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking.

Reason: To preserve the amenity and privacy of the adjoining property.

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. Notes: This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 19. Planning reference 8/24/0270/FUL

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Location Plan

Site Address: 3, Stroud Gardens, Christchurch, BH23 3QY

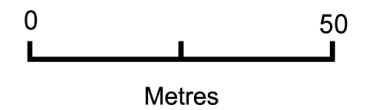
Date Produced: 23-Apr-2024

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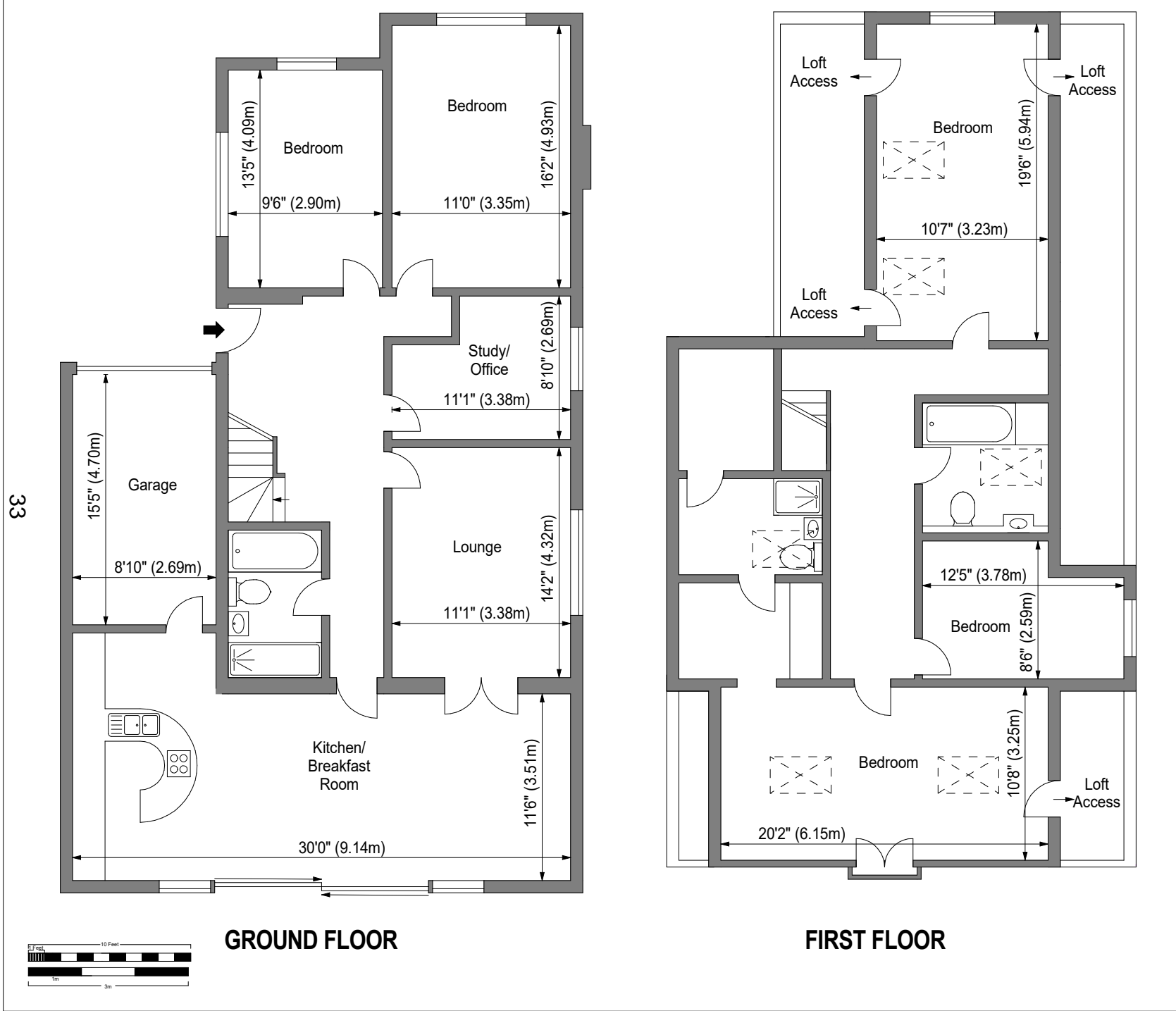
31



Planning Portal Reference: PP-12982563v1



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GENERAL NOTE

This drawing is to be read in conjunction with all other relevant drawings, schedules and specifications issued by BKR Floorplans.

All interior dimensions including ceiling heights are taken to and from finished surfaces unless otherwise stated. All levels and dimensions must be checked on site.

Any discrepancies with the information depicted in this drawing must be reported in writing to BKR Floorplans. Responsibility can not be accepted for alterations made to this drawing without prior permission from BKR Floorplans.

This drawing must not be photocopied, scaled or reproduced otherwise scale accuracy can not be guaranteed.

This drawing should not be used in any circumstances for any structural calculation or building construction / demolition work.

REV.	DESCRIPTION	BY	DATE
01	Existing Floor Plans	TB	22/04/2024
02	Proposed Floor Plans	TB	22/04/2024

SITE	
3 STROUD GARDENS MUDEFORD CHRISTCHURCH DORSET BH23 3QY	
TITLE	
PROPOSED FLOOR PLANS	
REFERENCE NUMBER	
105821	
APPROX. FLOOR AREA	
G.I.A.: 214.60 SQ M / 2310 SQ FT	
SCALE ON A4	DATE
1:100	22/04/2024

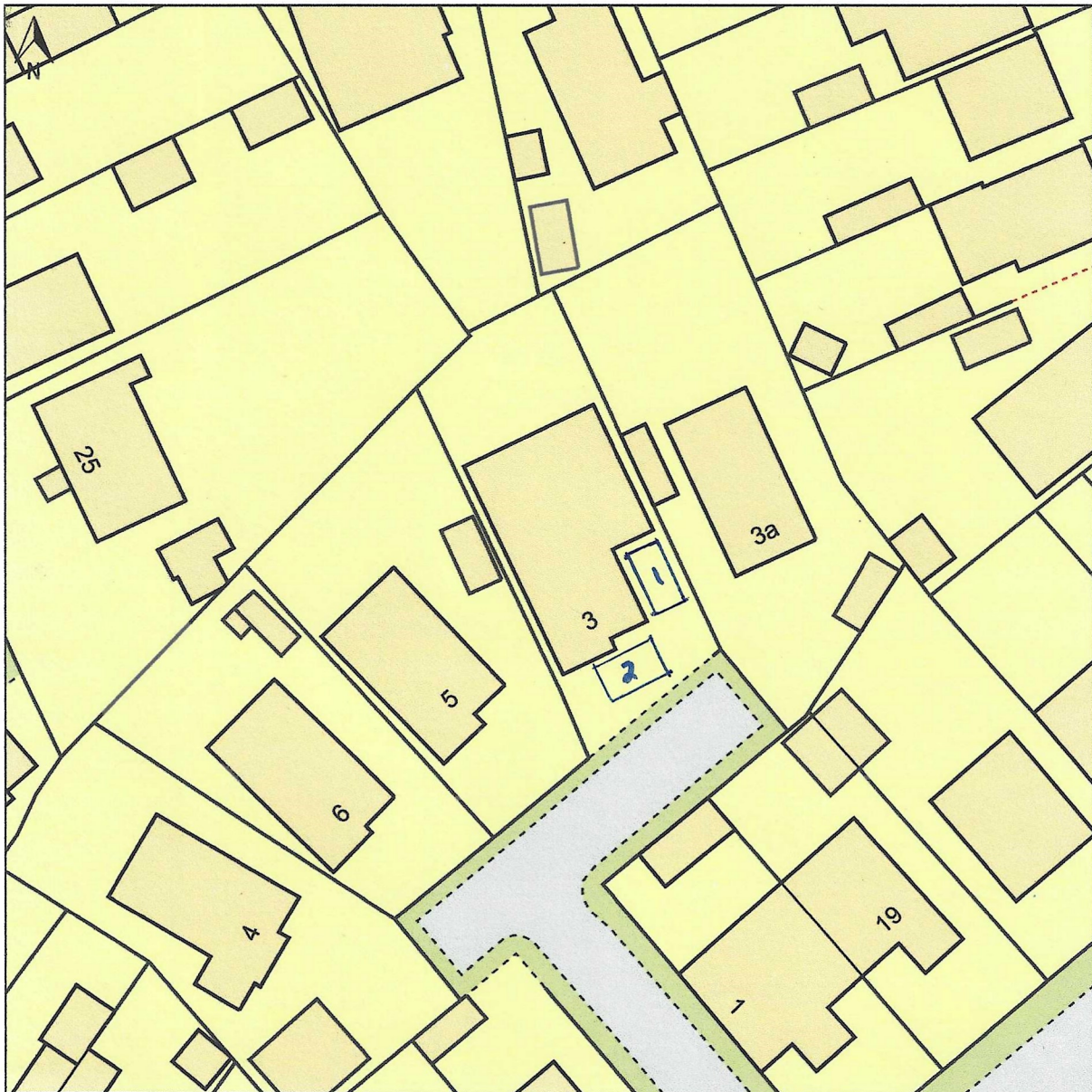


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T : 0345 257 2023

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3, STROUD GARDENS, CHRISTCHURCH, BOURNEMOUTH CHRISTCHURCH POOLE, BH23 3QY



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0100031673 Created using Plans by Emapsite

0m 5m 10m 15m 20m 25m 30m 35m 40m

Site Plan

Scale: 1:500

Paper Size: A4

both parking spaces
are 5m x 3m.

Notes:



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Planning Committee

Application Address	East Cliff Beach, Undercliff Drive, Bournemouth, BH1 3BZ
Proposal	Temporary installation for the Arts by the Sea Festival which will be in place from Monday 23rd September to Monday 30th September 2024.
Application Number	7-2024-5156-U
Applicant	BCP Council
Agent	BCP Council
Ward and Ward Member(s)	Bournemouth Central Councillor Hazel Allen Councillor Jamie Martin
Report Status	Public
Meeting Date	29 August 2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report.
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. The proposal is for a temporary installation for the Arts by the Sea Festival which will be in place from Monday 23 September to Monday 30th September 2024. It is in the form of a metal framed honeypot. It will measure 5.4m high with a radius of 6m and it will sit on a hexagonal 7m wide platform on the beach. As can be seen the display is only for a short period and the intention is to set it on fire on the last day as a finale.
2. The structure has been designed to be structurally safe. As is standard practice for events on the beach the applicant has prepared a risk assessment to ensure that appropriate measures are in place during the display. The schedule for the event is set out below.

- 3 Tuesday 24th September 2024 - Sculpture is loaded at the Pyrite Creative workshop and the crew drive to site.

Wednesday 25th September Pyrite Crew will arrive at site for installation

Thursday 26th September Any final bit of dressing to be completed. Management to include all stewarding and overnight security as well as provision of suitable fire extinguishers/ bins/ sand wheelchairs etc.

Sunday 29th September Pyrite crew will arrive on site at midday. Pallets to be loaded into the sculpture by Pyrite. The setting and igniting of the fire are the responsibility of Two Tigers with Pyrite crew assisting where required. After the burn the fire should be soaked down to ensure it does not burn all night. Cordon to remain in place throughout the night.

Monday 30th September AM Skip to be delivered to site to begin the clear up.

- 4 See image below.



Description of Site and Surroundings

- 5 The location on the beach is about 500m east of the Pier midway between two groins and midway between the Russel Coates and the East Cliff zigzag. This part of the beach is relatively open and there are no other events or pop ups.

Relevant Planning History:

- 6 Nothing specific to this part of the beach. Nearby to the east the El Murrino Beach Restaurant was approved for the summer period and the Who Dare Gym was approved but not implemented.

Constraints

- 7 The following constraints have been identified.
- Flood zone 3;
 - The beach has an open space allocation and falls within the remit of policy CS31 of the Core Strategy and Policy D7 of the Area Action Plan.

Public Sector Equalities Duty

- 8 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

- 9 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.
- 10 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.
- 11 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

- 12 Highway Officer – no objection.
- 13 Biodiversity – The PPG guidance on Biodiversity net gain gives exemption for de minimis proposals. The guidance indicates that it does not need to be considered where the impact is

less than 25 square metres (e.g. 5m by 5m) **of onsite habitat** and where less than 25sqm of habitat is affected. The Biodiversity Officer has confirmed that the proposal is “exempt from BNG, as no vegetation on this part of beach”.

- 14 Flood and Coastal Management Team - The Flood Risk Assessment is acceptable for this event. I'd only note that the installation period 25-30 Sept is just after the equinox spring tides so the beach may alter further up the profile than normal just prior to installation as those tide levels are a bit higher than average; something to be aware of in case the beach is not as expected when you go to install. The installation period is actually occurring as tides move into neaps.
- 15 Environment Agency – No objection

Representations

- 16 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 31/7/24.
- 17 No representations have been received from the general public.

Key Issues

- 18 The following matters are relevant.
- Impact on character and appearance of the area
 - Impact on residential amenity/living conditions
 - Impact on Open space
 - Flood Risk
 - Biodiversity

Planning Policy Context

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

CS1:	NPPF and Sustainable Development
CS6:	Delivering Sustainable Communities
CS7:	Bournemouth Town Centre
CS18:	Increasing Opportunities for Cycling and Walking
CS29:	Protecting Tourism and Cultural Facilities
CS30:	Green Infrastructure
CS31:	Recreation, Play and Sports
CS38:	Minimising Pollution
CS39:	Heritage assets
CS41:	Quality Design

20 **Supplementary Planning Documents:**

Public Realm Strategy: Guiding Principles – SPD

21 **Area Action Plan**

Policy D4:	Design Quality
Policy D7:	Improved Public Space

22 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.

23 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 15 – Conserving and enhancing the natural environment.

Section 16 – Conserving and enhancing the historic environment.

Planning Assessment

Principle of development

- 24 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.
- 25 On the basis of the above the proposal is considered generally acceptable in principle and in accordance with policies to support tourism and culture and policy U8 of the AAP - Leisure, Culture and Entertainment

Impact on character and appearance of the area

- 26 This is a key issue as the proposed installation will clearly be a noticeable feature within the otherwise open sandy beach. At present there are various Lifeguard Stations dotted along the beach but this will be much larger. In scale and prominence it will probably be similar to the bouncy castle/inflatable slide that has been located on the west cliff beach in the past. Also last year a large glazed portal of similar scale was erected for the festival closer to Bournemouth Pier.
- 27 However, it will only be in position for a relatively short period and at a time when the beach is busy with visitors. In the summer period entertainment and visitor attractions are an expected and commonplace happening within the busy parts of the town centre and tourism areas. It will attract large crowds hopefully especially for the finale. However, this would be no different to the firework display on Friday evening during the summer.
- 28 On the basis of the above, it is considered that the proposals are acceptable and comply with planning policies policy U8 of the AAP and CS41 of the Core Strategy in respect of design including the design of spaces and visual amenity when considering the positive tourism benefits.

Impact on amenity

- 29 The proposal is likely to increase activity in the area however, in this busy area and given the location which is not close to residential property there is unlikely to be any residential amenity concerns. The nearest residential properties are an acceptable distance away and they would not be directly affected by noise and disturbance in this location. 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.

Impact on Open space

- 30 The loss of open space was raised as an issue in respect of the previous applications for pop up proposals on the beach. This was because when those decking's were in place during the summer and the premises were trading the areas were only available to the patrons. However, in this case this is not a permanent loss and any loss of open space is only for a very short period.

- 31 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. Policy CS31 deals with this matter and suggests that open space shouldn't be lost *"except where the benefits arising from development outweigh the loss of the space"*. As set out above, the space will not be permanently lost. Further, beach users would benefit from this art display which is for public benefit. In any event in 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.
- 32 On the basis of the above, the proposal is considered to be in accordance with policy CS31 in so far as loss of open space.

Impact on the coastal engineering and flood risk

- 33 The application site is located in flood zone 3. The proposal would be classed as a 'Water Compatible' use (NPPF Annex 3) (outdoor sports and recreation) and on this basis would not require the submission of a Flood Risk Sequential Test to determine alternative sites. The NPPF in paragraph 174 states – *"Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59"*. There is some conjecture about whether the structure is a building although as it is clearly temporary and are easily moveable it is not considered that they need to follow the sequential test. However, a Flood Risk Assessment is required. It is also noted that buildings for restaurants and cafes are potentially similar to the art installation, as persons will be visiting for short periods of time and are classified as a less vulnerable use. Such uses are considered appropriate development in flood zone 3a.
- 34 The applicant has submitted a flood risk assessment and measures have been highlighted to deal with any emergency evacuation.
- 35 The Council's engineers have been consulted and have indicated that the Applicant, would as part of the licence agreement, have to meet the standard requirements as per the agreement at other beach sites where there is concern with any attachment and potential damage to the sea wall ect.
- 36 The Environment Agency have also confirmed they have no objection. On the basis of the above, the proposal would be compliant with policy CS4 of the Bournemouth Core Strategy document.

Biodiversity

- 37 As set out above the Biodiversity Officer does not object in principle to this proposal as no vegetation is concerned. See comments in paragraph 13 above.

Summary

- 38 As set out above it is considered that for this short period the proposal is acceptable in terms of design and impact. It contributes towards tourism in a similar manner to the airshow and fireworks and there are no significant amenity concerns.

Planning Balance / Conclusion

- 39 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 tourism offer and its appearance at present does not downgrade the seafront for this short period.
- 40 The current officer recommendation for the Art Installation is consistent with the previous recommendation for similar summer pop ups elsewhere on the beach and promenade. 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** with the following conditions;

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: 1.1250 scale sit location plan and drawing numbers 01, 02, 03, 04

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

2. Temporary permission expiring

On or before the 1 October 2024 the use and structure including (including decking and supporting structures), containers, fencing and any other temporary structures hereby permitted, as shown by the submitted plans and elevations, hereby permitted shall cease and be removed in its entirety and the land restored to its condition before the development hereby permitted took place (as part of the open beach).

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. Flood risk management and emergency evacuation plan

The flood risk management plan submitted to the Council and as amended shall be adopted in full and prior to the use commencing a Flood Emergency Evacuation Plan shall be prepared in consultation with the Environment Agency and the Council Flood Management Team and this shall be followed 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).

Informative Note:

The applicant is advised that as per the standing guidance, it is the owners responsibility to clear any damage that may arise to their structures as part of storms, and that if they do fix any part to the seawall (See Condition 6: Fixings to Seawall above) that they are liable for repairs in the event of any damage (during installation, operation, removal or through storm damage from this fixing).

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 or without modification) may be necessary.

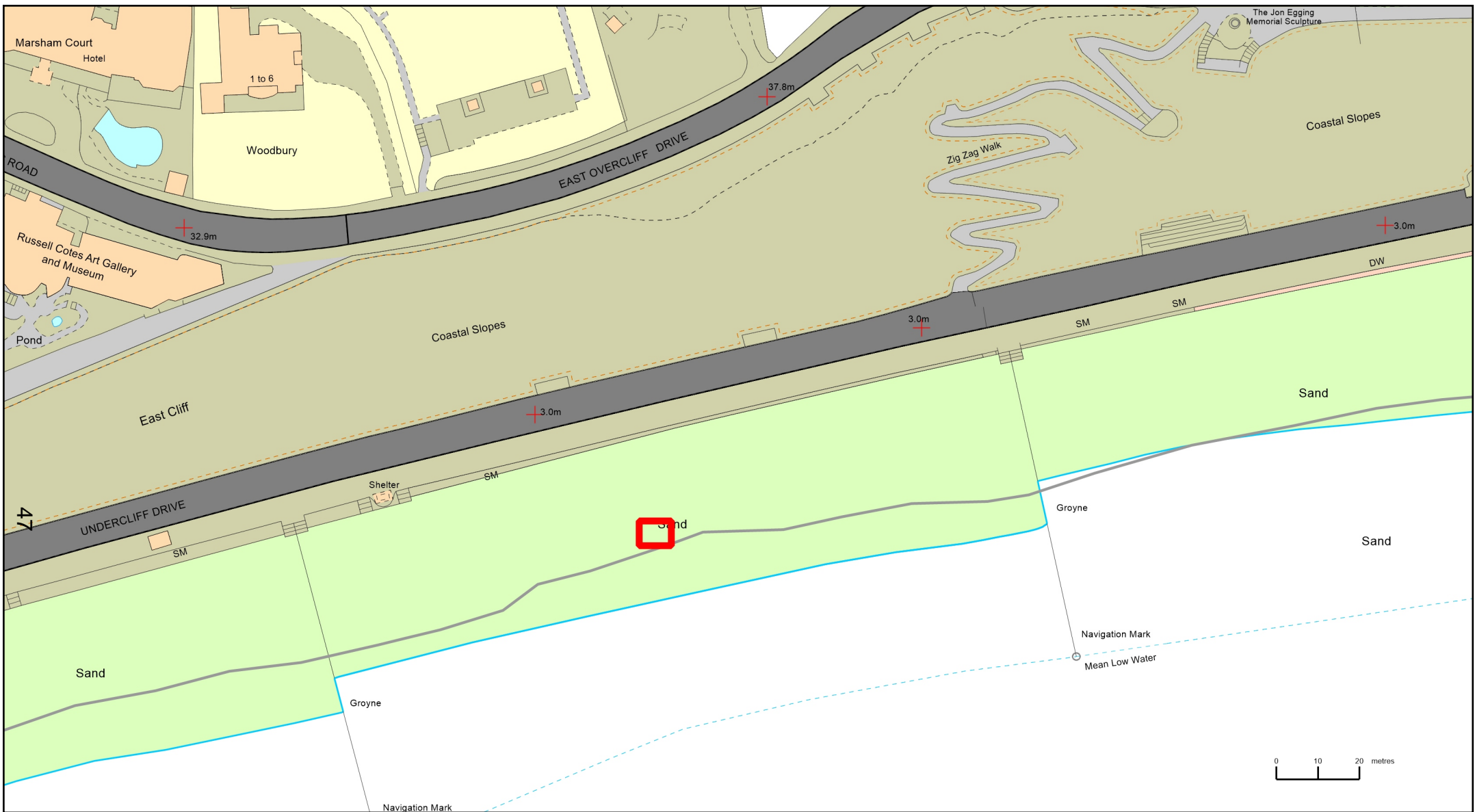
Background Documents:

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. Planning reference 7-2024-5156-U.

Notes.

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

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Proposed Site for Arts By The Sea Installation

Scale: 1:1250 @ A4
Date: 04 July 2024
Creator: USER NAME

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C R E A T I V E



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Notes:

A representative render of how the final piece might look in situ.

Project: **The Honeypot**

Client: **Arts by the Sea / Kambe Events**

Drawing title: **Render**

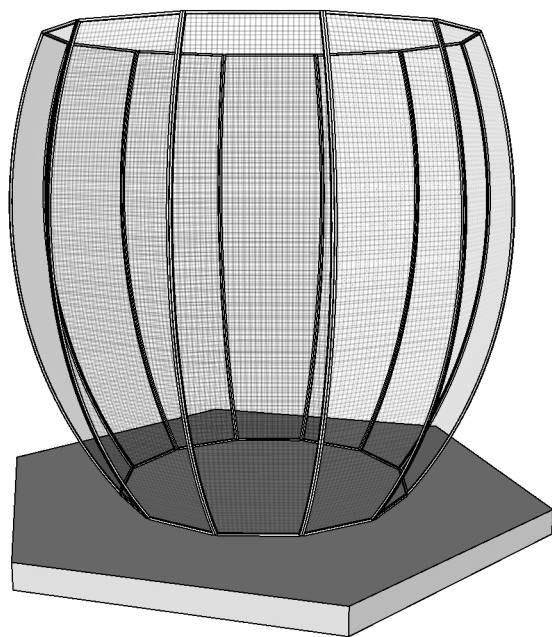
Date: **10-Jun-24**

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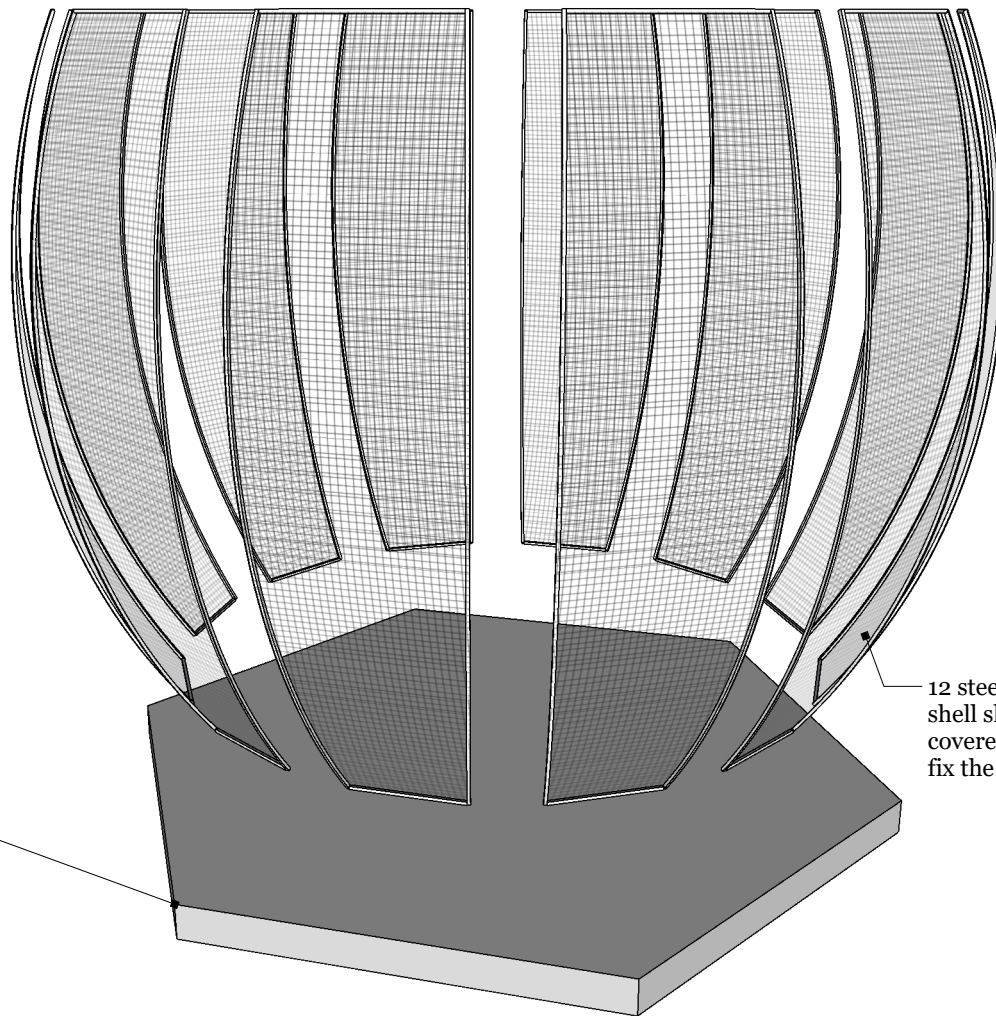
Drawn by: **JS**

Sheet number: **01**

Contact: **hello@pyritecreative.com**



Wooden plinth housing the supporting cantilever structure and required ballast as specified by structural calculations



12 steel segments make up the shell shape of the piece, each covered in a fine mesh to fix the honeycomb pieces to

PYRITE
CREATIVE



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Notes:

A wireframe view of the underlying skeleton and supporting plinth with an exploded view of the parts.

Project: **The Honeypot**

Client: **Arts by the Sea / Kambe Events**

Drawing title: **Wireframe**

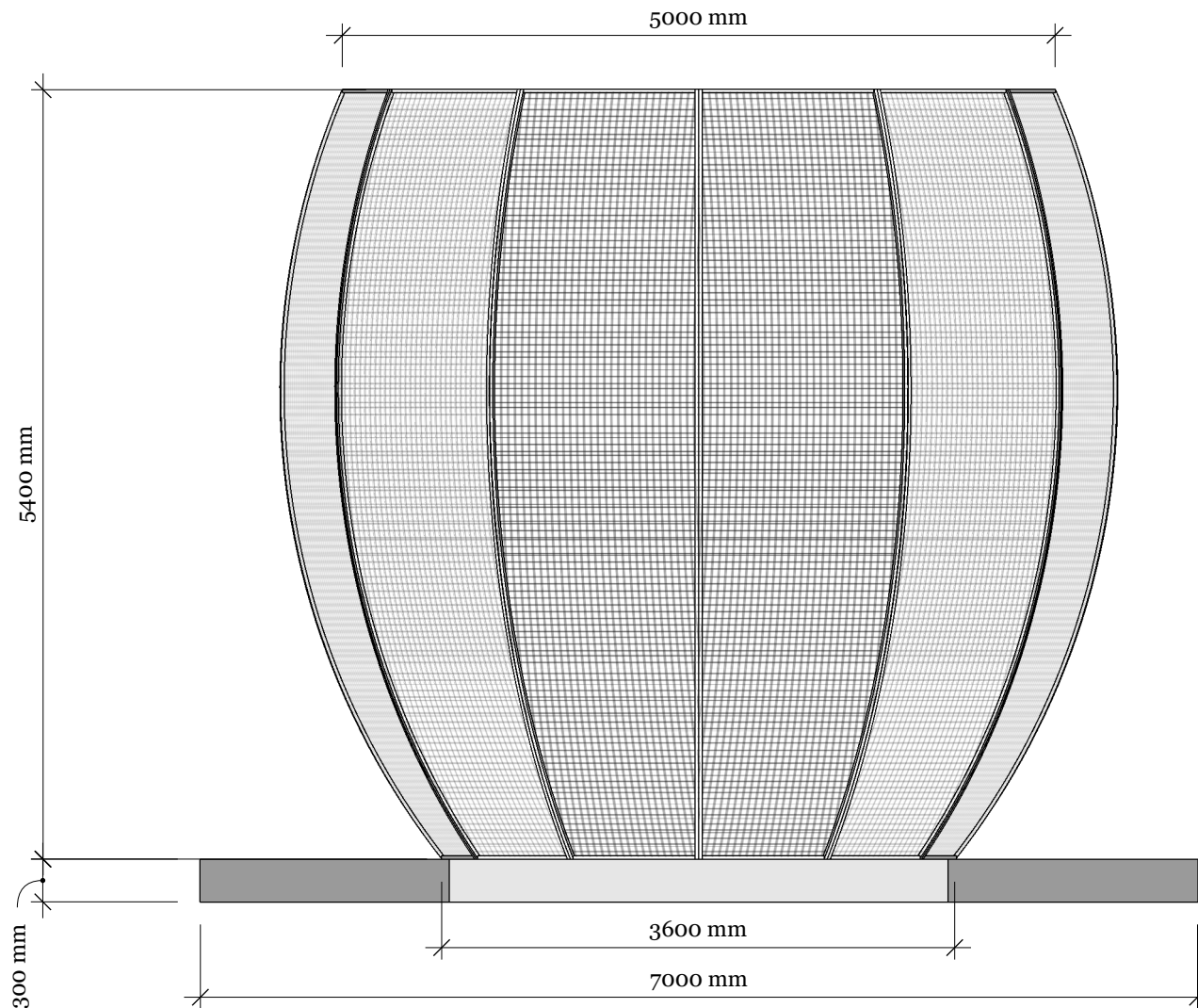
Date: **10-Jun-24**

Scale at A4: **n/a**

Drawn by: **JS**

Sheet number: **02**

Contact: **hello@pyritecreative.com**



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Notes:

Project: **The Honey Pot**

Client: **Arts by the Sea / Kambe Events**

Drawing title: **Side View Dimensions**

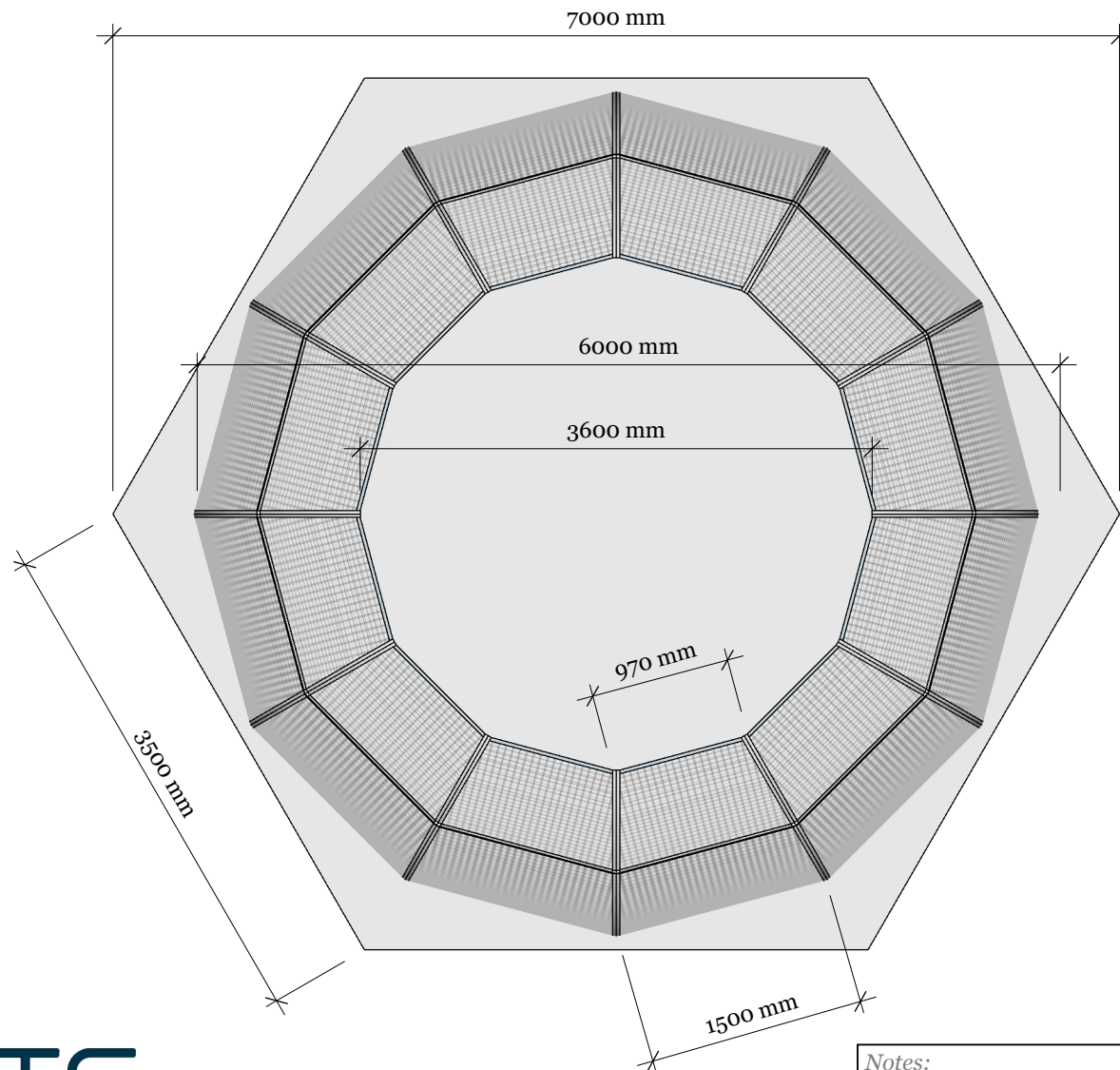
Date: **10-Jun-24**

Scale at A4: **1:50**

Drawn by: **JS**

Sheet number: **03**

Contact: **hello@pyritecreative.com**



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Notes:

Project: **The HoneyPot**

Client: **Arts by the Sea / Kambe Events**

Drawing title: **Top View Dimensions**

Date: **10-Jun-24**

Scale at A4: **1:50**

Drawn by: **JS**

Sheet number: **04**

Contact: **hello@pyritecreative.com**



Planning Committee

Application address	Boscombe Pier, Undercliff Drive, Bournemouth, BH5 1BN
Proposal	Installation of a beach shower in the shape of a Jimmy's Iced Coffee Bottlecan on a stepped composite decking
Application Number	7-2024-4982-AB
Applicant	Jimmy's Iced Coffee
Agent	Jimmy's Iced Coffee
Ward and Ward Member(s)	Boscombe West Councillor Patrick Canavan Councillor Gillian Martin
Report Status	Public report
Meeting Date	29 August 2024
Summary of Recommendation	GRANT subject to conditions
Reason for Referral to Planning Committee	BCP Council is the landowner
Case Officer	Eden Evans
Is the proposal EIA Development?	No

Description of Proposal

1. This application proposes the installation of a beach shower in the shape of a Jimmy's Iced Coffee Bottlecan on a stepped composite decking. The shower structure measures 2.84m in height by 2.75m in width. The decking area surrounds the shower and measures 0.35m in height to the higher step which has a footprint of 2.251m by 3.234m. The lower step occupies a larger footprint of 2.817 by 3.8m and measures 0.175m in height. The application is retrospective as the shower has already been installed.

Description of Site and Surroundings

2. The application site is located on the seafront, to the east of Boscombe pier. This section of the seafront is characterised by public facilities and commercial uses. The application site is in close proximity to indoor public showers, toilets and barbecues as well as the Urban Reef café and restaurant. The structure is proposed between the promenade and the sand on a curved area of hardstanding with railings separating this area from the beach

Relevant Planning History:

3. There is a concurrent advertisement consent application for the structure:

7-2024-4982-AA Advertisement Consent: Installation of a beach shower in the shape of a Jimmy's Iced Coffee Bottlecan on a stepped composite decking – Outstanding

Constraints

6. There are no relevant site constraints.

Public Sector Equalities Duty

7. 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.

Consultations

8. Local Highway Authority – no objection

Representations

9. Site notices were posted in the vicinity of the site on 08/07/2024 with an expiry date for public consultation of 29/07/2024. No representations have been received.

Key Issue(s)

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

- Impact on character and appearance of the area
- Impact on residential amenity
- Impact on highways/footways

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

Policy context

12. Local documents:

Core Strategy (2012)

CS18: Opportunities for cycling and walking
CS41: Quality Design

Supplementary Planning Documents:
Bournemouth Public Realm Strategy Guiding Principles (2013)

13. National Planning Policy Framework (“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 12 – Achieving well-designed places

Planning Assessment

Impact on character and appearance of the area

- 13. Policy CS41 of the Core Strategy (2012) promotes quality design which has a positive impact on the appearance of the public realm and enhances character.
- 14. This is a retrospective application with the structure as proposed installed in 2022. It replaces a previous shower which was a BCP maintained and funded aluminium structure. This structure was smaller and more inconspicuous than the proposed.
- 15. The proposal comprises two showers concealed by a larger structure in the shape of a coffee can and straws, with a lower foot wash tap towards the base. The materials proposed are a polyurea outer bottle over a fibre glass structure on a wooden frame. A gloss finish is proposed, with dark brown lettering over a cream and blue background. It is noted that there is a concurrent advert consent application.
- 16. Considering the character of the area, this is a built-up section of the seafront with a mix of architectural and aesthetic styles much of it modern in appearance. Both the pier and this section of the promenade is characterised by commercial offerings which are conspicuous and have associated adverts. It is accordingly considered that, whilst the design is striking, it

would not be of keeping with the colourful and commercial character of this section of the seafront.

17. The decking footprint and height is considered modest and appropriate to the use. It is located on an existing tarmacked area and does not therefore impinge on the sanded beach area.
18. Overall the proposal is considered to be in keeping with the character of this section of the seafront and is accordingly compliant with Policy CS41.

Impact on residential amenity

19. CS41 of the Core Strategy (2012) also promotes quality development which respects neighbouring residential amenity. The proposed development is located approximately 70m from the nearest residences at Honeycombe Chine and is not considered to materially impact on residential amenity. There is therefore not considered to be any conflict with Policy CS41 in this regard.

Impact on highways

20. Policy CS18 of the Core Strategy (2012) denotes that development should not compromise any existing or proposed cycling or walking network. The proposed decking area is modest and is not considered to impact on the use of the promenade. The Local Highway Authority has assessed the application and raised no objection. There is therefore not considered to be any conflict with Policy CS18.

Planning Balance / Conclusion

21. There is a clear public benefit with an outdoor beach shower facility though it is noted that the proposal replaces an existing shower in this location. The proposed shower and decking, although larger and more conspicuous than the previous facility, is not considered out of keeping with this area of the seafront which is characterised by commercial uses. It is accordingly not considered harmful to the character and appearance of the area. No harm has been identified in relation to other issues including residential amenity or highways. The proposal is accordingly recommended for approval.

Recommendation

22. GRANT subject to conditions.

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:

Location plan; dwg no. PP-13108582v1

Figure 1 Proposed elevations and section; as submitted on 04/06/2024

Figure 2 Proposed floorplan; as submitted on 06/08/2024

Figure 3 Decking elevations; as submitted on 06/08/2024

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

2. Materials as specified

The materials to be used on the external surfaces of the proposed development shall be as specified on the application form/plan unless otherwise agreed in writing by the Local Planning Authority.

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

Statement required by the National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance:

The application was acceptable as submitted and no further assistance was required.

Background Documents:

Case file: 7-2024-4982-AB

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

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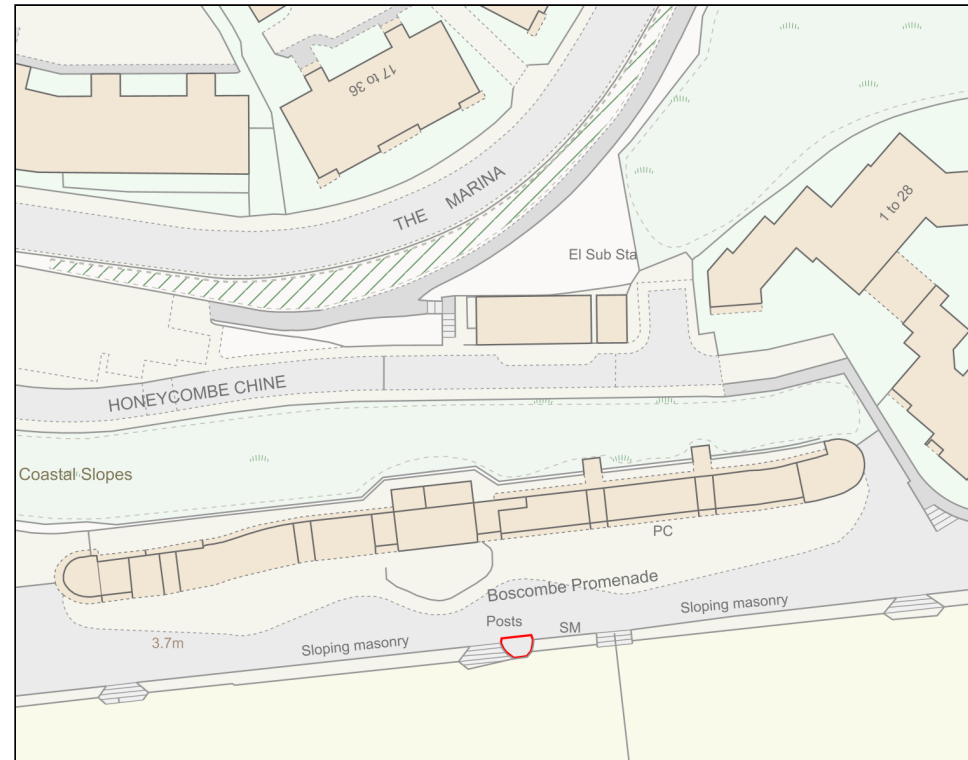
Location Plan

Site Address: Boscombe Pier, Undercliff Drive, Bournemouth, BH5 1BN

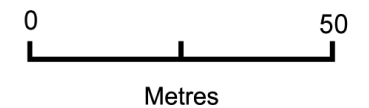
Date Produced: 04-Jun-2024

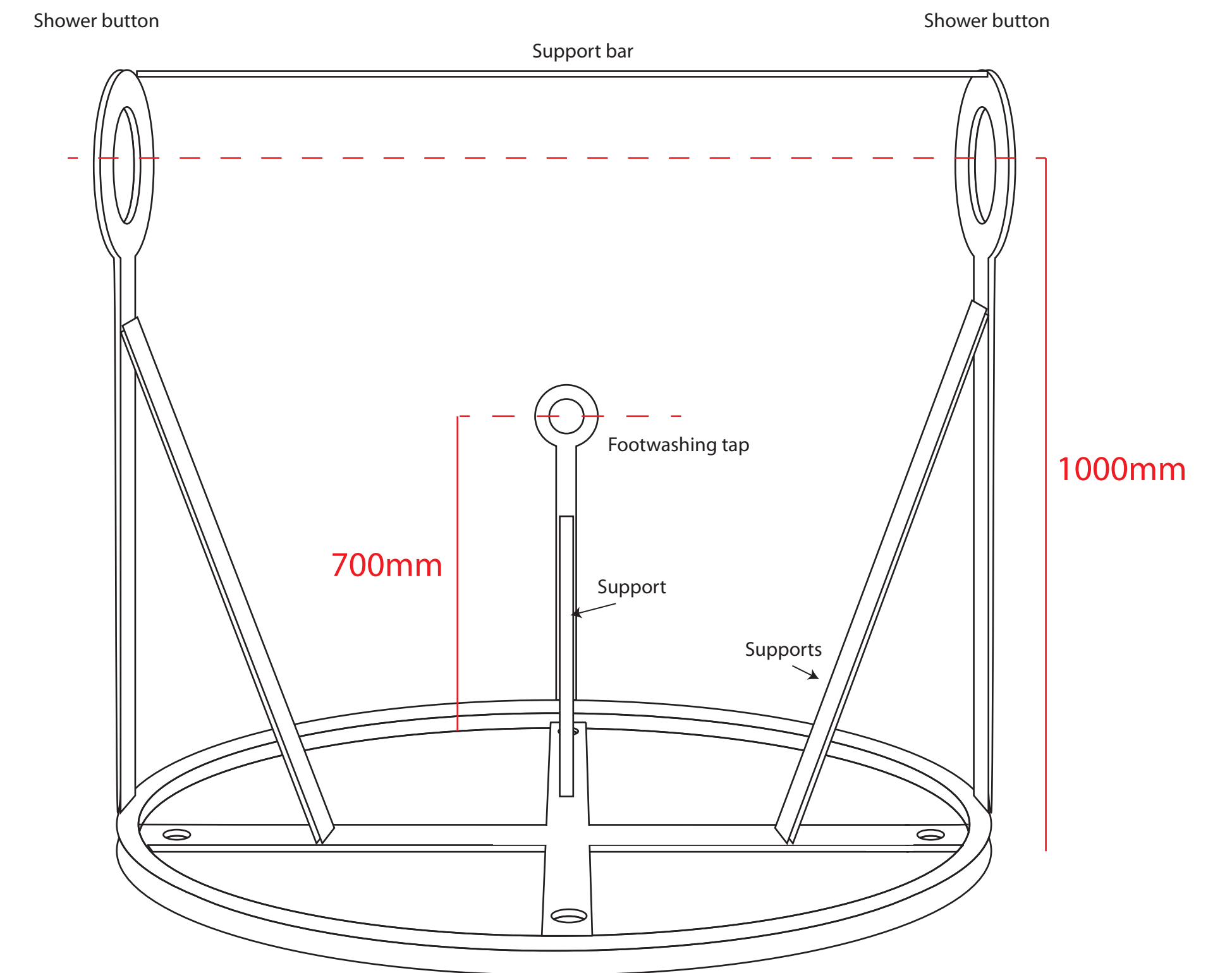
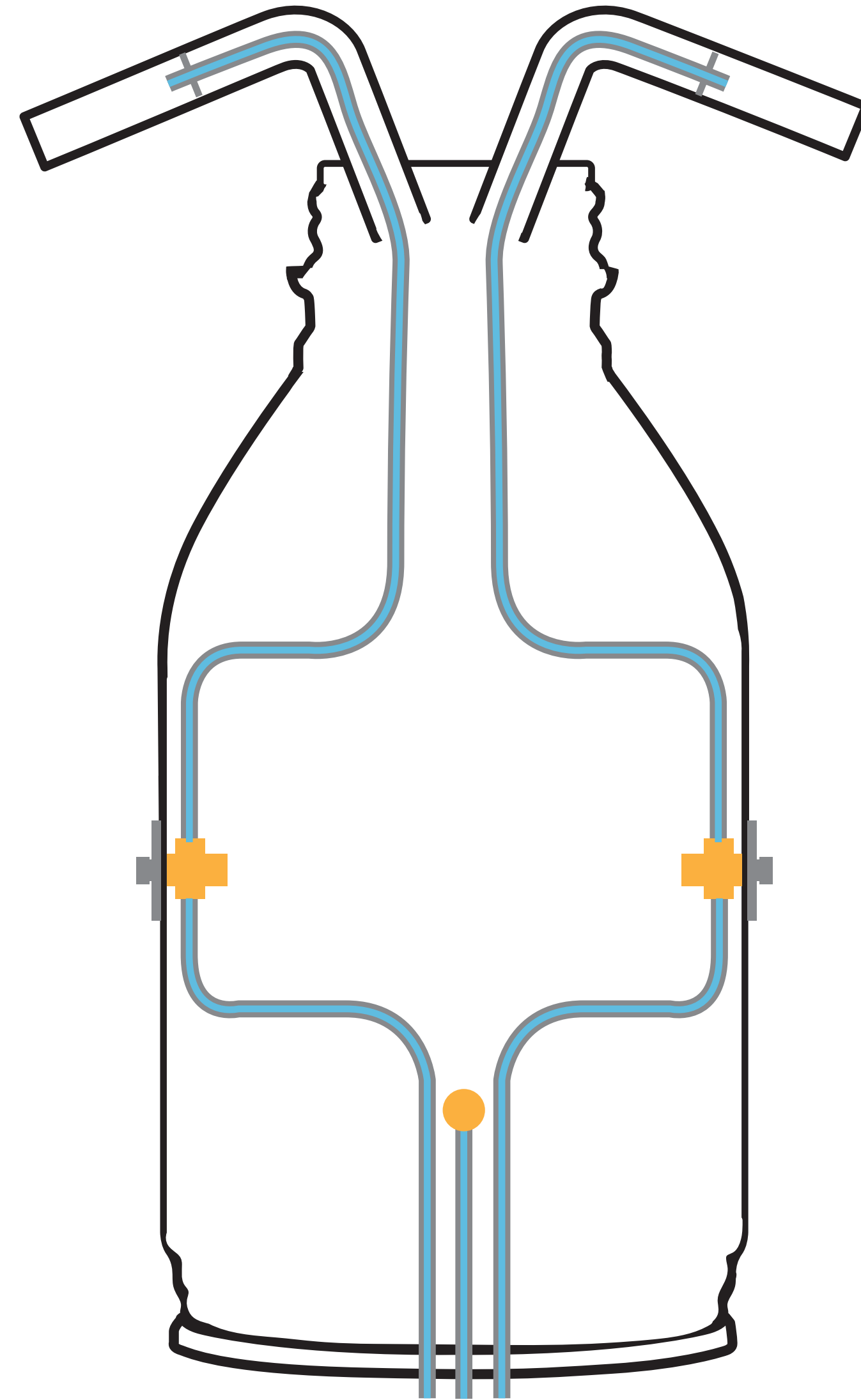
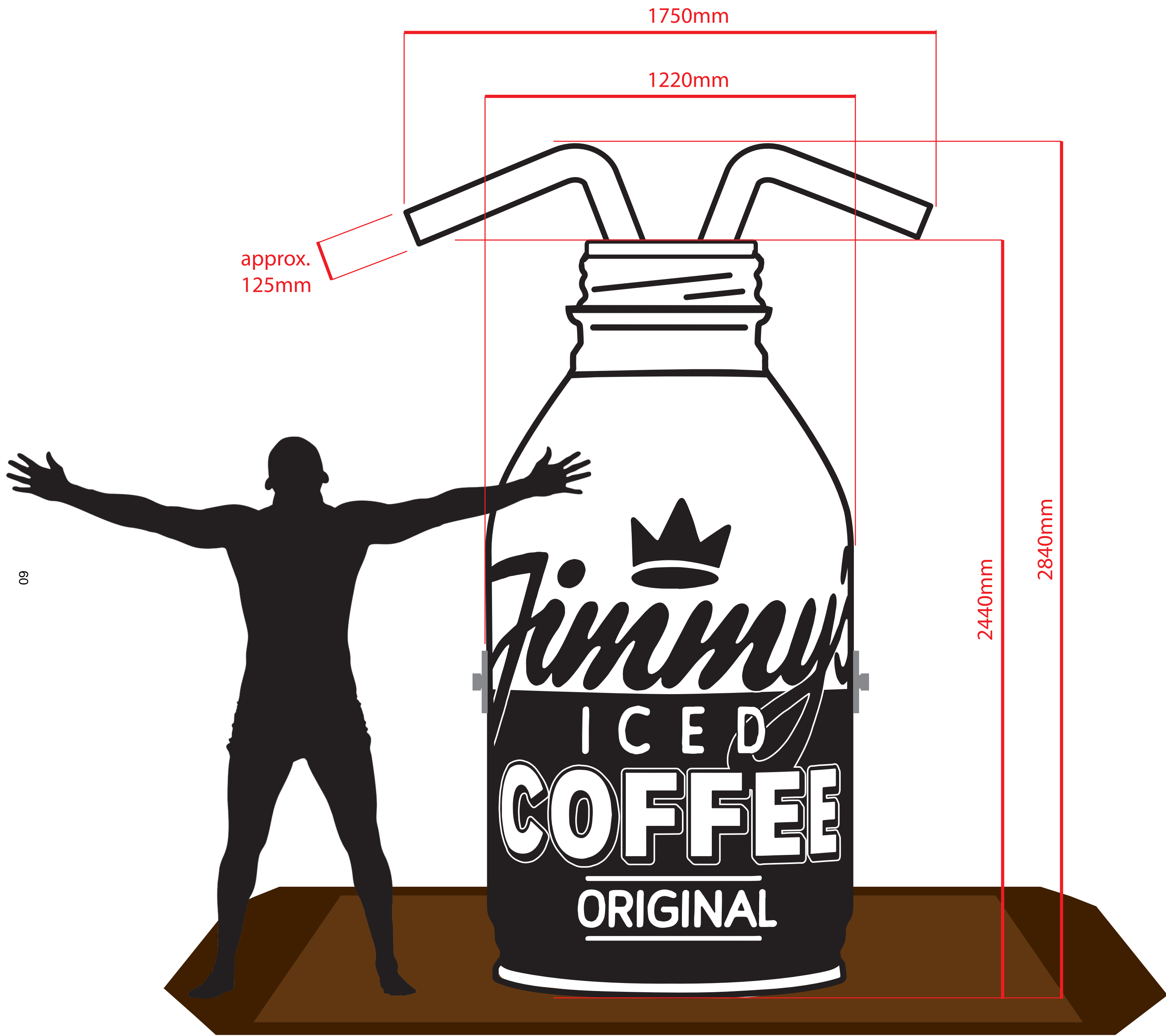
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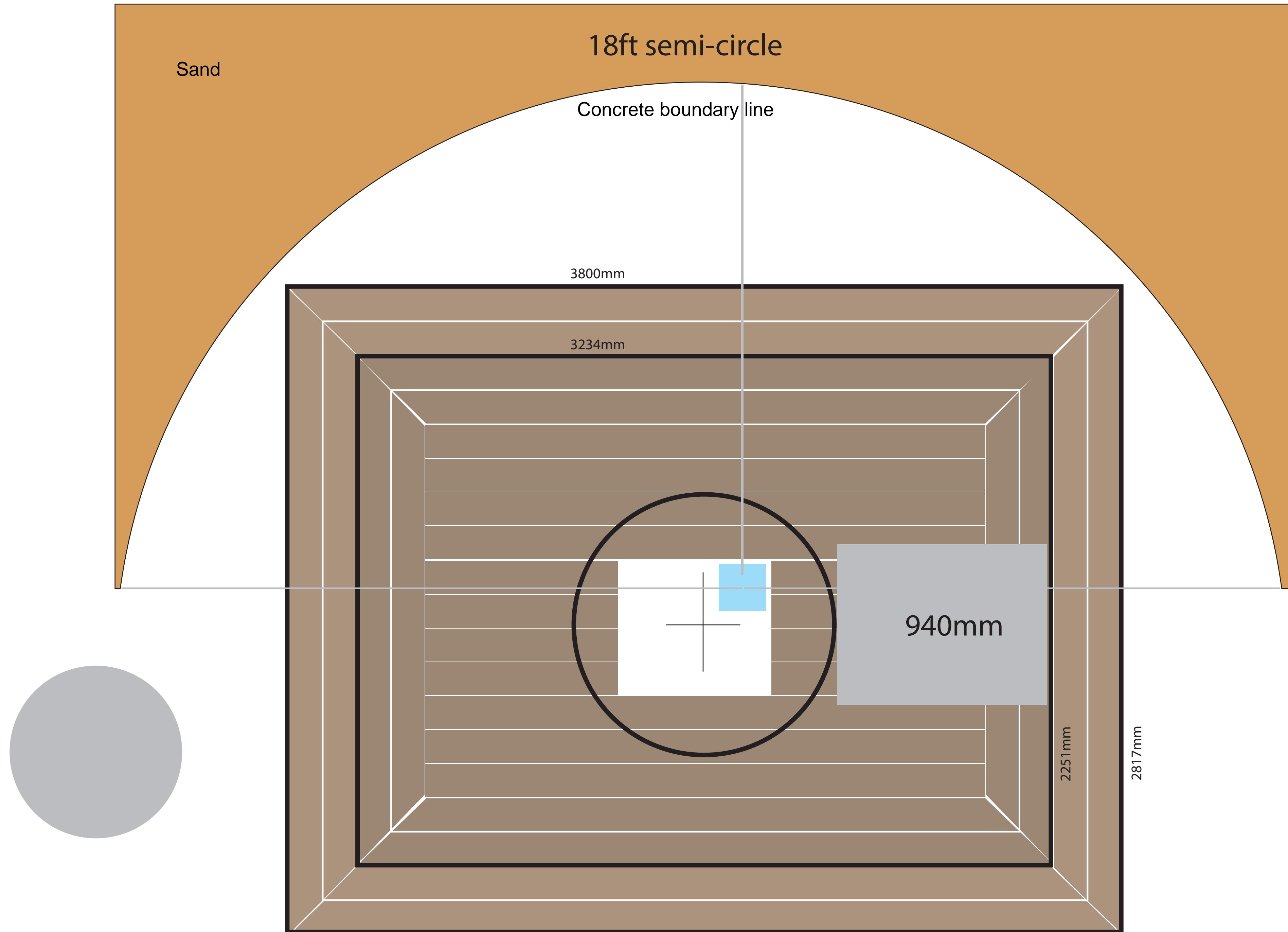
59



Planning Portal Reference: PP-13108582v1







Blue Square - Original BCP Shower

White Square - Plumbing access hole in decking (sealed and locked within Bottlecan/shower structure)

Black Circle - Outline of Bottlecan/Shower structure.

Grey Circles - Existing concrete spheres





Planning Committee

Application address	28 Alma Road Bournemouth BH9 1AN
Proposal	Change of use of flat (Class C3) to office use (Class E)
Application Number	7-2024-20152-B
Applicant	Seascape Homes & Property Ltd
Agent	Seascape Homes & Property Ltd
Ward and Ward Member(s)	Talbot & Branksome Woods Councillor Philip Broadhead Councillor Matthew Gillett Councillor Karen Rampton
Report Status	Public report
Meeting Date	29 August 2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	This is a BCP Council application and BCP is the landowner
Case Officer	Eden Evans
Is the proposal EIA Development?	No

Description of Proposal

1. This application proposes the change of use of one residential unit (Class C3) to an office use (Class E). The office is proposed as ancillary to the other residential units at 28 Alma Road.

Description of Site and Surroundings

2. Alma Road is located to the east of Wimborne Road in the ward of Talbot & Branksome Woods. The road is characterised by a mix of residential and commercial uses as well as community facilities. The application site is an existing block of 8 one-bedroom flats laid-out over three floors. On the Alma Road frontage are entrances to Flats 2 and 3, whilst Flat 1 is accessed to the rear. Flats on upper floors are accessed through a separate door on the side elevation. There is an existing parking area to the rear of the block.

Relevant Planning History:

3. 7-2012-20152-A Erection of a 3 storey block of 8 flats including formation of vehicular access, parking spaces, bin and cycle stores. Granted November 2012.

Constraints

4. There are no relevant site constraints.

Public Sector Equalities Duty

5. 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 duties

6. For the purposes of this application regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

7. Environmental Health – no response
Waste & Recycling – advised separate waste collection for office unit would be required
Local Highway Authority – no objection raised following the receipt of further information

Representations

8. Site notices were posted in the vicinity of the site on 20/05/2024 with an expiry date for public consultation of 10/05/2024. No representations have been received.

Key Issue(s)

9. The key issue(s) involved with this proposal are:
 - Principle of development
 - Impact on character and appearance of the area
 - Impact on residential amenity
 - Impact on highways
 - Waste & recycling
10. These issues will be considered along with other matters relevant to this proposal below.

Policy context

11. Local documents:

Core Strategy (2012)
CS16: Parking Standards
CS18: Encouraging cycling and walking
CS41: Quality Design

District Wide Local Plan (Saved Policies, 2002)
6.3 Retention of residential accommodation

Supplementary Planning Documents:
BCP Parking Standards (2021)
BCP Waste Standards

12. National Planning Policy Framework (“NPPF” / “Framework”)

Including in particular the following:

Paragraph 2:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise...”

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.”

Planning Assessment

Principle of development

13. Policy 6.3 of the District Wide Local Plan (2002) seeks to retain existing residential accommodation and sets out a list of four criteria for when the loss of residential accommodation may be acceptable. It is not considered that any of these four criteria are relevant to this application. The application is accordingly contrary to this policy.

Policy 6.3 states:

‘Existing residential accommodation will be retained unless any of the following circumstances apply:

- (i) The environment is unsatisfactory for the continuance of residential use*
- (ii) A change of use will provide the most effective means of preserving buildings of architectural or historic interest;*
- (iii) The site is essential to complete a comprehensive scheme of redevelopment; or,*

(iv) There is an existing lawful commercial use at ground floor level and it is considered acceptable for this use to be extended further a ground floor level

14. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The applicant must therefore provide clear and convincing justification for the loss of the residential unit.
15. Flat 6 on the first floor is proposed to be converted to office space. The proposed office space would be allocated for use by care providers for administration and focussed support, including waking night support to the other residential units within the building. The Supporting Statement explains that:

'This site has been acquired by BCP Council as part of the Council Newbuild Housing and Acquisition Strategy (2021 – 2026) to meet the demand for specialist housing requirements. In this particular case, the service provider requires on-site office space in order to fulfil their contracted support obligations to the client group'

16. It is stated that the loss of the flat is required to provide long-term support to residents with specialist housing requirements on a 24-hour basis. The bedroom and bathroom are proposed for retention due to the requirement for waking night support. The other flats will remain self contained units which are independently occupied, but with on site support provided if required. The office will allow staff to have oversight of tenants and support them in their independent living through assistance for example with administrative tasks such as setting up and maintaining utility bills.
17. It is considered that there are clear public benefits to the proposal, in terms of supporting BCP Housing Strategy and providing the appropriate care to residents. These public benefits are strong material considerations in this case and will be weighed against the policy conflict in the planning balance.

Impact on character and appearance of the area

18. The proposal does not involve any material change to the built form of No. 28 Alma Road and it is not considered that the change of use of Flat 6 would have any material impact on the character and appearance of the area. Accordingly, the proposal is compliant with Policy CS41 of the Core Strategy (2012) in terms of respecting the character and appearance of the area.

Impact on residential amenity

19. The proposal does not involve any changes to the built form of No. 28 and it is not considered that the proposed change of one residential unit to one office unit would impact on neighbouring residential amenity in terms of increased noise, disturbance or other impact. Accordingly, the proposal is considered compliant with Policy CS41 of the Core Strategy (2012) on respecting neighbouring amenity.
20. The office use is intended to be ancillary to the use of the flats in the building and is not intended for use as a separate self contained commercial unit. A condition has been added to ensure that this remains the case, as it would otherwise present an inappropriate mix of uses in this location on the first floor.

Impact on highways

21. The site is located in Zone B of BCP's Parking Zones 'District Centres'. As per the Parking Standards SPD 'Table 16: Offices and Businesses', car parking is required on a 1 space per 100m² ratio. As per the Parking Standards SPD 'Table 16: Offices and Businesses', cycle parking is required on 1 space per 100m² ratio for staff and 0.2 spaces per 100m² ratio for public/visitors.
22. The Local Highway Authority requested further information on parking and cycle parking provision. Plans were subsequently received showing one car parking space for the proposed office. The LHA considers this acceptable as the office is only 56m². The proposal therefore meets the 1 space per 100m² requirement of the Parking Standards SPD. In this respect the proposal complies with Policy CS16 of the Core Strategy (2012)
23. No plans for cycle parking have been submitted therefore the proposal does not comply with Policy CS18 of the Core Strategy (2012) and this aspect of the Parking Standards SPD. However on balance, the lack of cycle parking is considered acceptable by the Local Highway Authority due to the size of the proposed office and this is not considered materially harmful.
24. Overall the LHA raises no objection to the proposal and the proposal is considered to have an acceptable impact on highways.

Waste & Recycling

25. The Waste Collection Authority has raised no objection to the proposal, however holds that waste from the office needs to form a separate waste stream which should be stored in a separate location to the residential bin store, for instance outside and adjacent to it, and should be labelled to indicate the separate purpose. The applicant can set up a private waste collection or use BCP commercial waste collection services.

Planning Balance / Conclusion

26. The loss of residential accommodation is contrary to Policy 6.3 and is considered harmful to the housing stock of the area. Nevertheless, given that only one unit would be lost, this harm is considered to be modest. No other material harm has been identified in relation to the proposal. There is a clear public benefit from the proposal in terms of Council housing strategy and in providing the appropriate care to residents. Significant weight has been accorded to these benefits. It is overall considered in this case, that the public benefit outweighs the harm of losing one residential unit and the application is recommended for approval.

Recommendation

27. GRANT subject to conditions

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:

Proposed elevation; dwg no. 05 Rev. A
Existing floor plan; dwg no. 02 Rev. A
Proposed floor plan; dwg no. 03 Rev. A
Existing elevation dwg no. 04 Rev. A
Location plan & block plan; dwg no. 01 Rev. C
Parking plan; as submitted on 09/08/2024

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

2. Use ancillary to residential units

The office unit hereby permitted shall be used for purposes ancillary to the use of the residential properties at No. 28 Alma Road only, as outlined in the supporting planning statement, and shall at no time be let out as a separate commercial use.

Reason: In the interest of residential amenity and to enable the Local Planning Authority to retain proper control over the development and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

Background Documents:

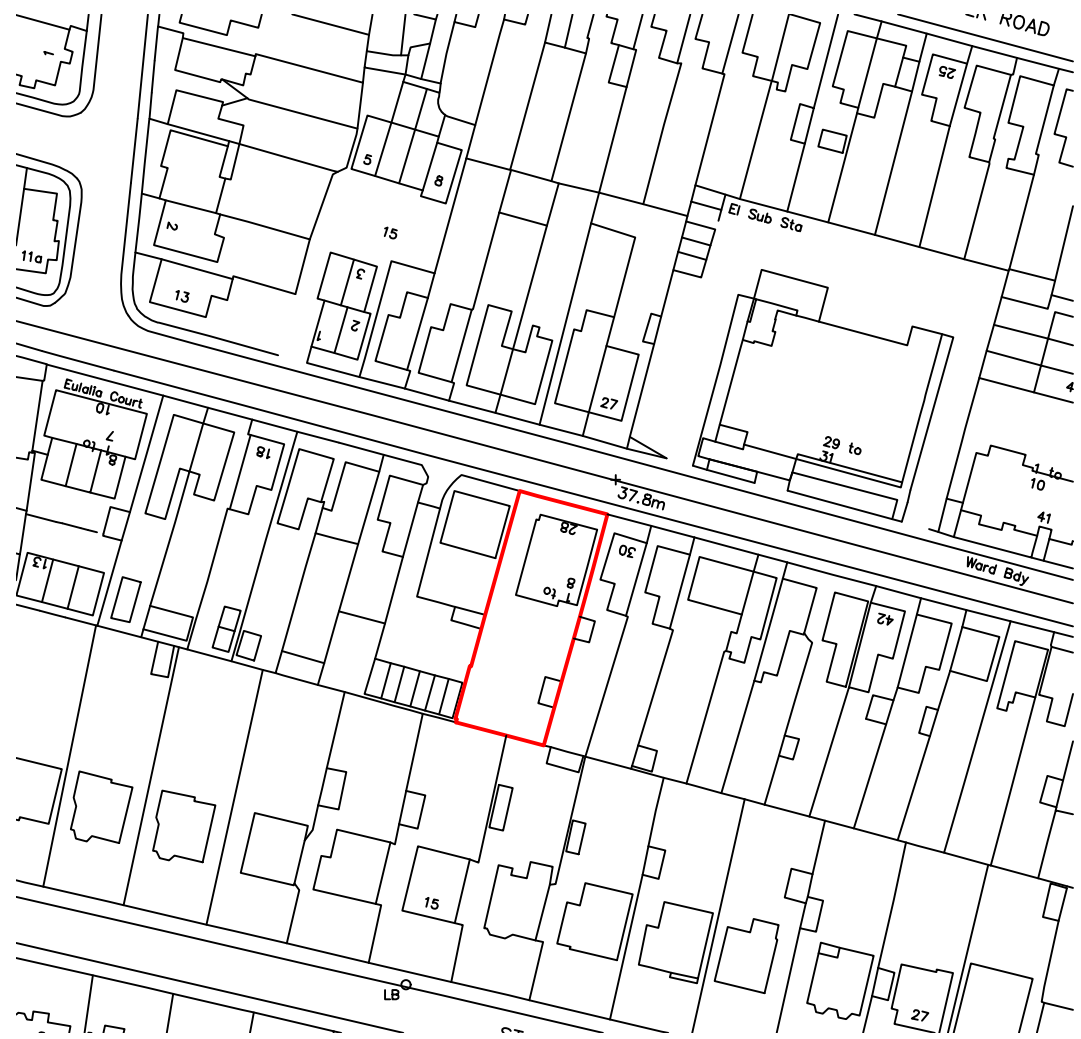
Case file: 7-2024-20152-B

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.

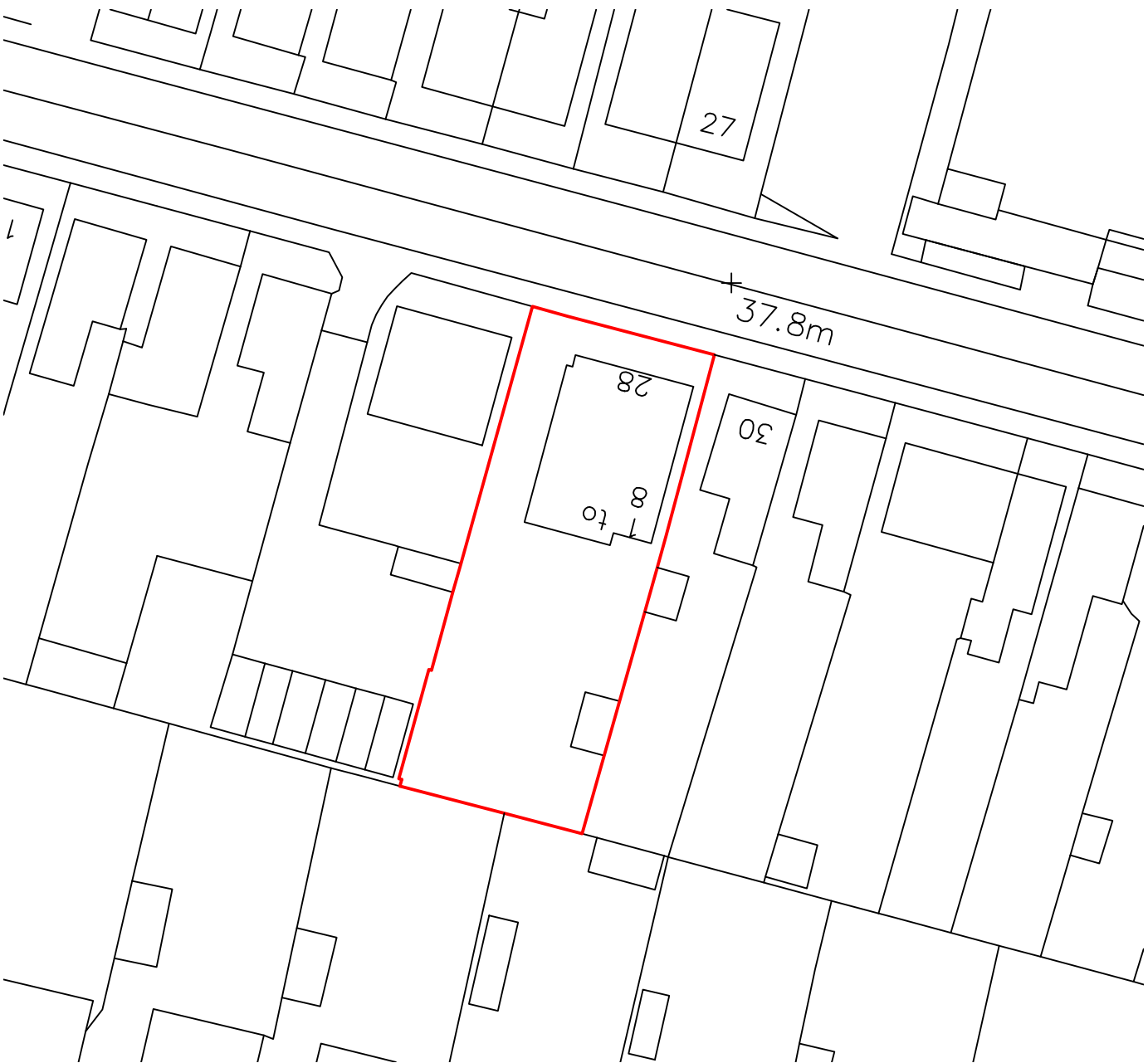
This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included



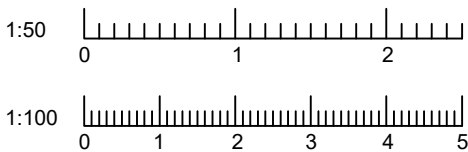
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Location plan (1:1250)
(Existing and proposed)

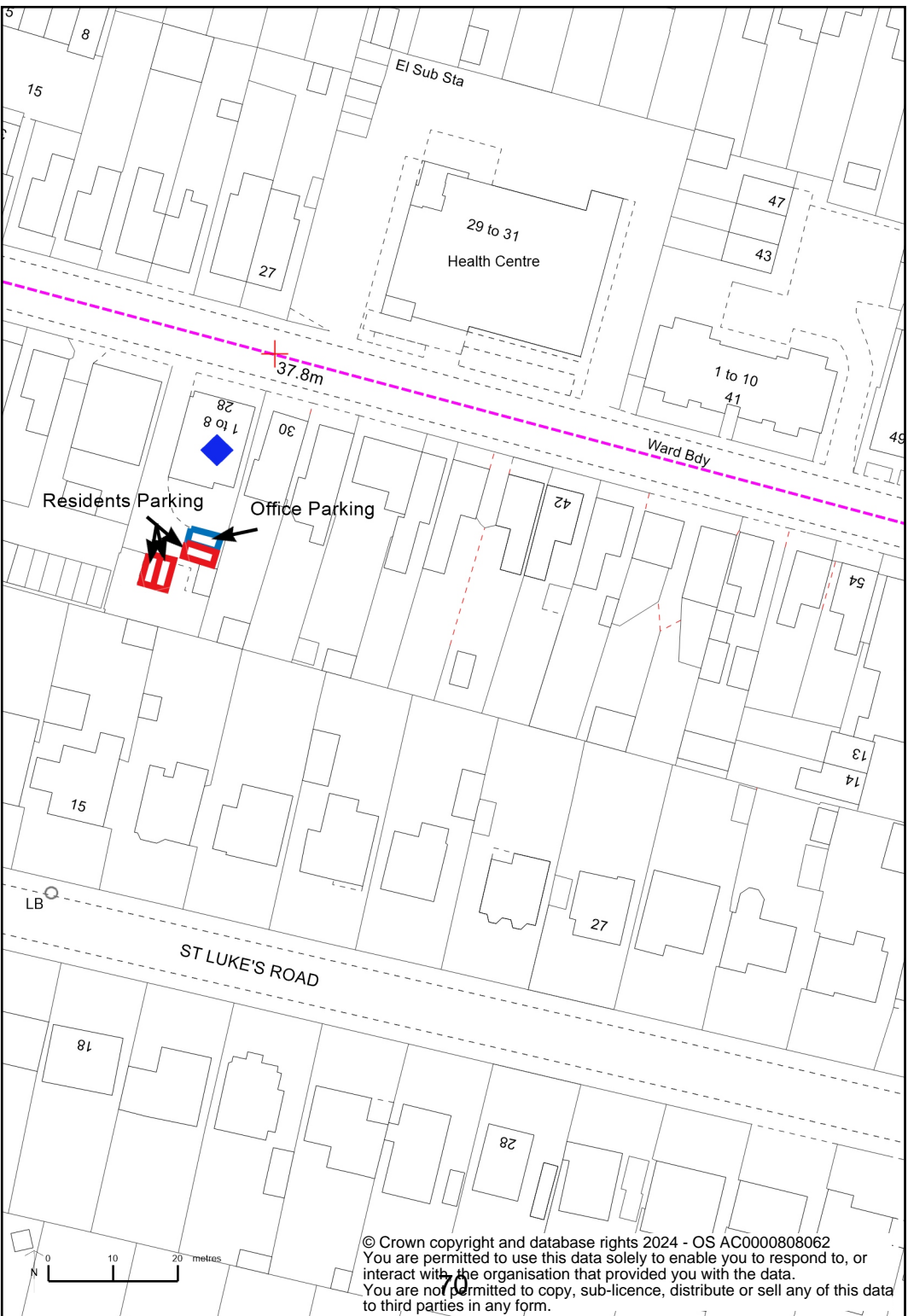


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Block plan (1:500)
(Existing and proposed)

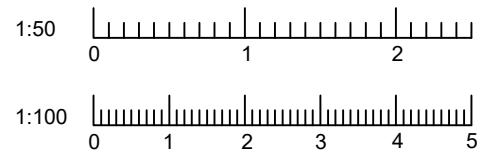
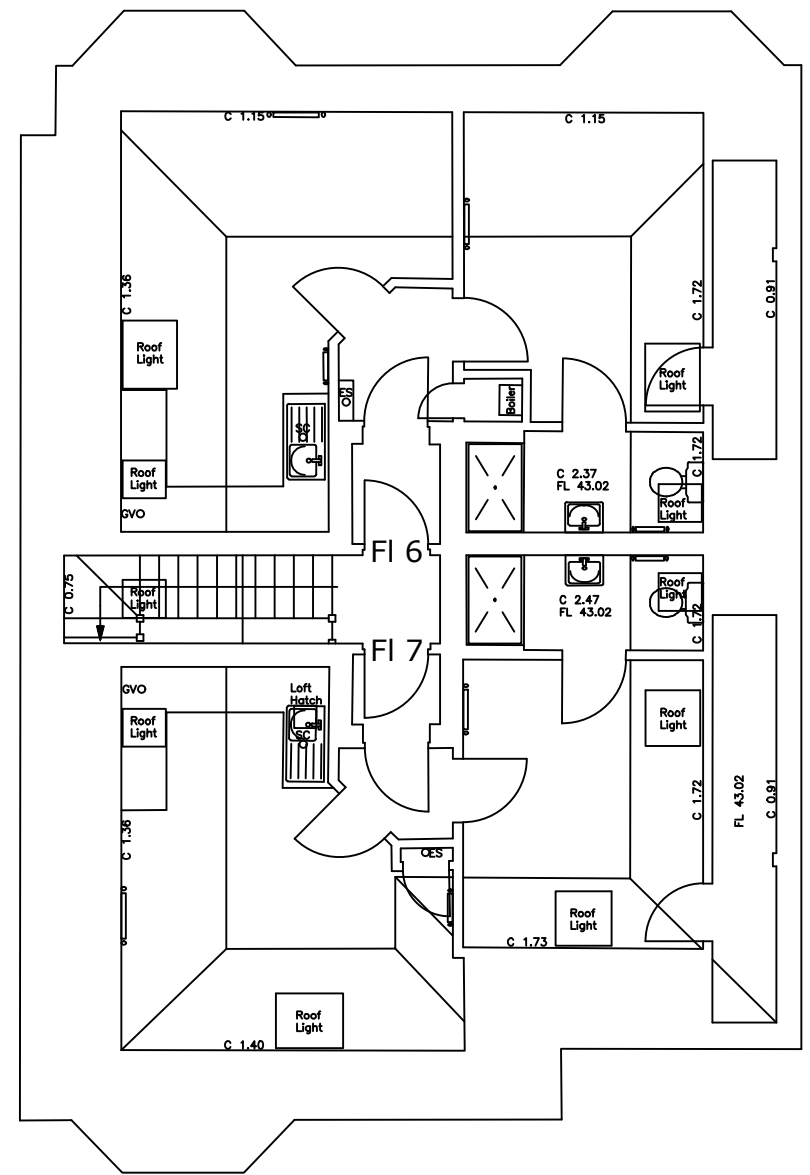
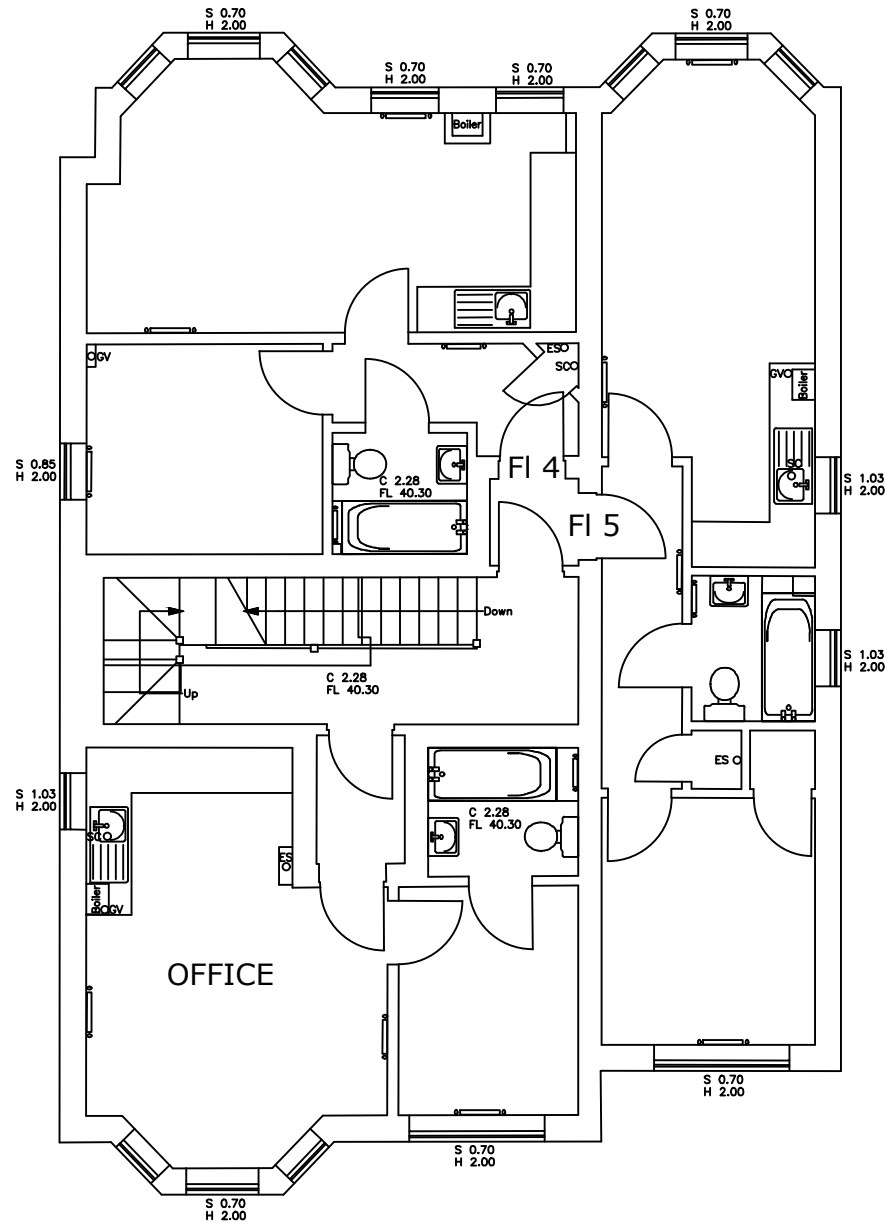
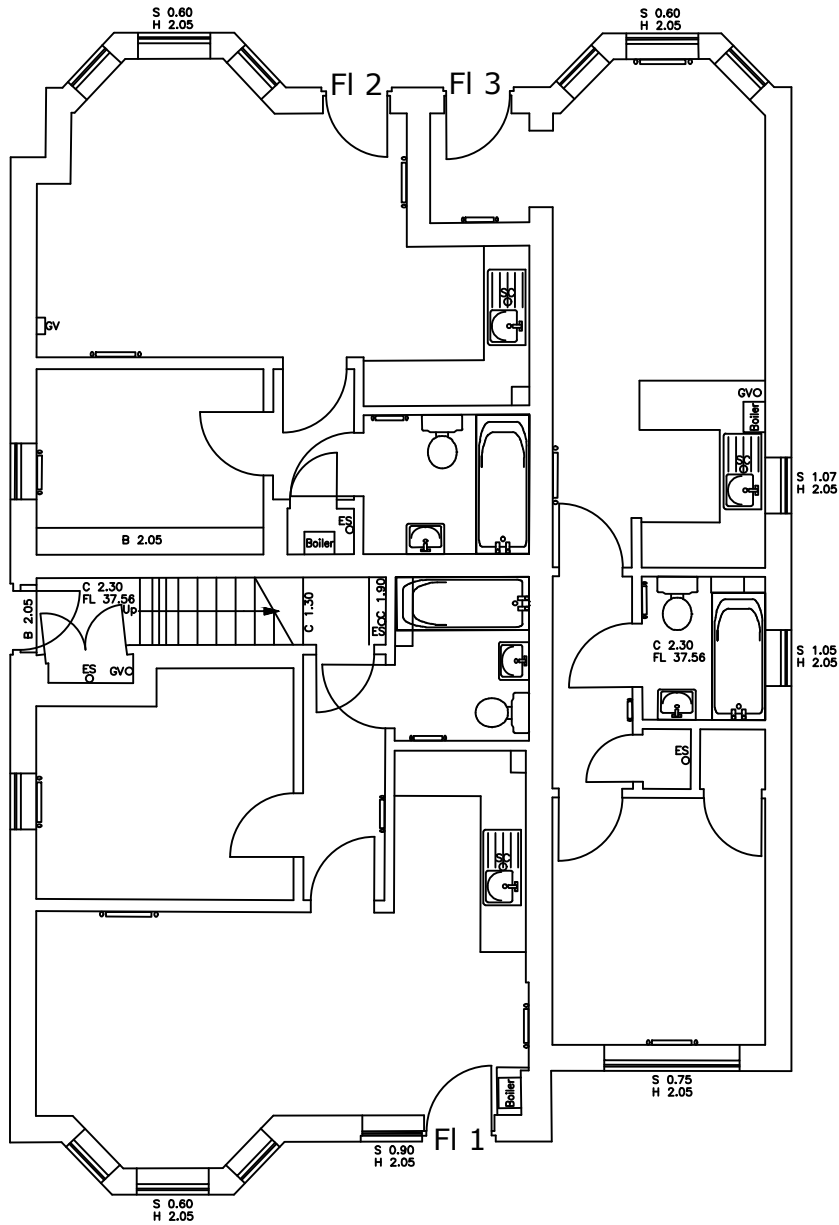


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Client Development					
Drawing Title Location Plan & Block Plan	Drawing No. 01				Rev. C




Architectural floor plan of the 4th floor (FL 40.30) of a building. The plan shows a central corridor (C 2.28) with stairs (Up/Down) and a central area labeled FI 4 and FI 5. There are two main rooms, each with a bathroom (B 2.28) and a kitchen (K 2.28). The plan also shows a boiler room, a storage room (S 0.70), and a central area labeled FI 6. The plan is labeled 'FL 40.30' and 'FI 4' and 'FI 5'.

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Drawing Title EXISTING FLOOR PLAN	Client Development		
	Drawing No. 02	Rev. A	



Job Title		Scale	Date
28 Alma Road		1:100	07/05/24
Drawing Title		Drawn	checked
PROPOSED FLOOR PLAN		GEMP	GEMP
		Client	
		Development	
		Drawing No.	Rev.
		03	A

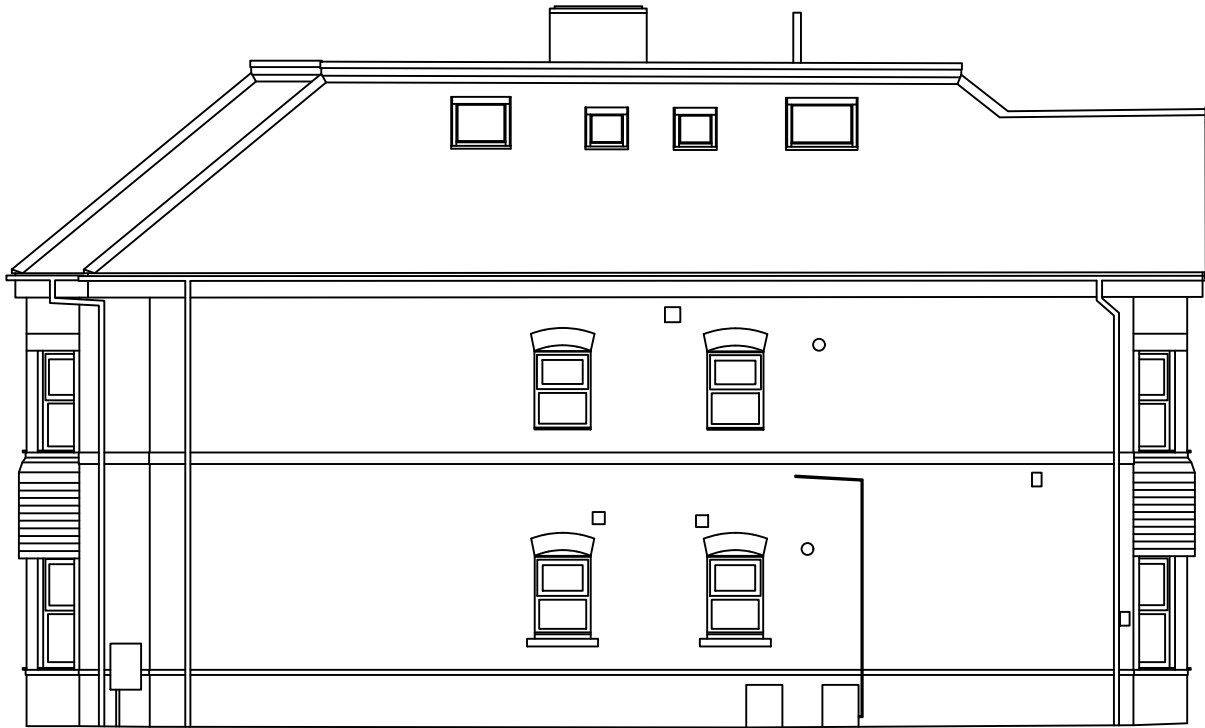


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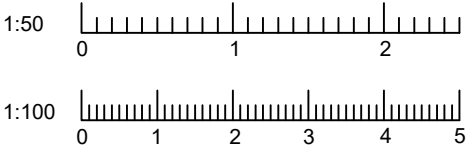
E A S T E L E V A T I O N




S O U T H E L E V A T I O N



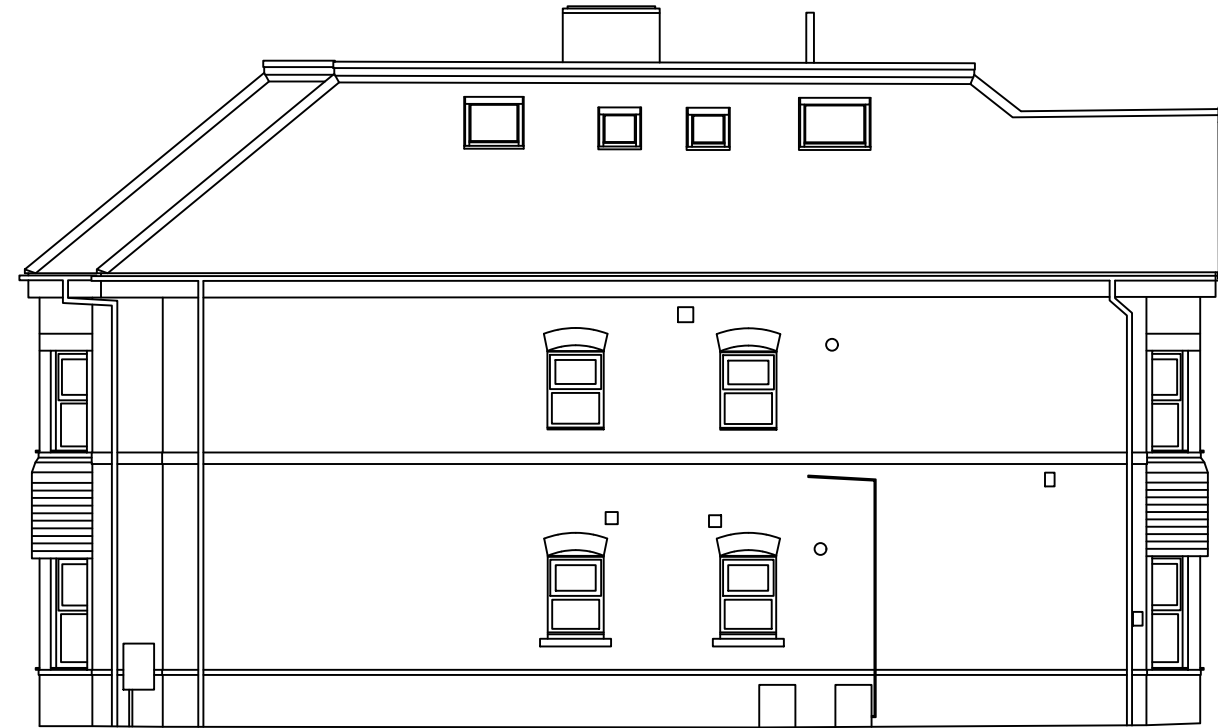
W E S T E L E V A T I O N



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Drawing Title EXISTING ELEVATION DRAWING		Client Development			
		Drawing No. 04	Rev. A		



N O R T H E L E V A T I O N



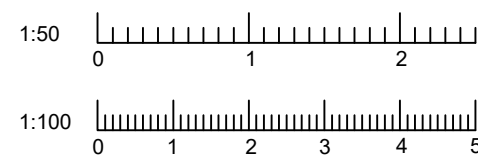
E A S T E L E V A T I O N





S O U T H E L E V A T I O N



W E S T E L E V A T I O N



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Drawing Title		Drawn GEMP	checked GEMP				
PROPOSED ELEVATION DRAWING		Client Development		 <div>BCP Council Housing Delivery Team Dalling Road, Bournemouth, BH12 1DJ</div>		The copyright in this drawing is vested in the BCP Council and may not be reproduced without express permission. DO NOT SCALE from this drawing. Any discrepancies between this drawing and another, or conditions on site, should be reported to the Council's representative immediately.	
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