

Notice of Eastern BCP Planning Committee

Date: Thursday, 26 September 2024 at 10.00 am

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



Membership:

Chairman:

Cllr P Hilliard

Vice Chairman:

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?MId=6103>

If you would like any further information on the items to be considered at the meeting please contact: Rebekah Rhodes 01202 118505 or email democratic.services@bcpCouncil.gov.uk

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

Note for Members of the Planning Committee

Members are asked to bring their copies of the Development Plans for BCP Council to the meeting for reference purposes.

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

GRAHAM FARRANT
CHIEF EXECUTIVE

18 September 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 29 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 25 September [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.

Anyone who has registered to speak by the deadline may, as an alternative to speaking/for use in default, submit a written statement to be read out on their behalf. This must be provided to Democratic Services by 10.00am of the working day before the meeting, 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.bcpCouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Current-Local-Plan.aspx>

a)	1008 Wimborne Road, Bournemouth, BH9 2DE Moordown Ward 7-2024-3141-AG Removal of condition no.15 of 7-2023-3141-AF in relation to solar panels (Original description - Erection of a block of 8 flats, with bin, cycle stores and parking).	19 - 30
b)	Avon Beach Mudeford Christchurch BH23 4AN Mudeford, Stanpit & West Highcliffe 8/24/0478/CONDR Variation of condition 5 of planning application 8/23/0813/FUL To change opening hours to the saunas so they shall not operate outside the hours of 06.30hrs to 21.00hrs between 1st September to 30th June and 06.30hrs – 22.30hrs between 1st July and 31st August.	31 - 46
c)	44 Minterne Road Christchurch BH23 3LE Mudeford, Stanpit & West Highcliffe 8/24/0318/HOU Alterations and remodel of the existing dwelling inclusive of demolition of the existing garage, single storey rear and side extension and creation of first floor accommodation.	47 - 66

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

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
EASTERN BCP PLANNING COMMITTEE

Minutes of the Meeting held on 29 August 2024 at 10.00 am

Present:-

Cllr P Hilliard – Chair

Cllr M Le Poidevin – Vice-Chair

Present: Cllr J Clements, Cllr G Martin, Cllr Dr F Rice and Cllr J Salmon

30. Chair's Announcements

The Chair referred to the recent sad passings of Cllr Brian Castle, Ward Member for Muscliff and Strouden Park, and Mr Robert Chapman, Honorary Freeman and Alderman of Bournemouth and member of the previous Bournemouth Council for 37 years. The Committee paused for a period of silent reflection as a mark of respect.

31. Apologies

Apologies were received from Cllr D Flagg, Cllr M Tarling and Cllr L Williams.

32. Substitute Members

There were no substitute members for this meeting.

33. Declarations of Interests

There were no declarations of interest.

34. Confirmation of Minutes

The minutes of the meeting held on 1 August 2024 were confirmed as an accurate record for the Chair to sign.

35. Public Issues

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

36. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – D to these minutes in the Minute Book. A Committee Addendum Sheet was published on 28 August 2024 and appears as Appendix E to these minutes.

37. 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 C2). Amended ownership certificate received 09/05/2024

Public Representations

Objectors

- ❖ Joanne Rimmer
- ❖ Julia Costello

Applicant/Supporters

- ❖ Aida McManus, on behalf of applicant

Ward Councillors

- ❖ None registered

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report

Voting: Unanimous

38. 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.

Public Representations

No registered speakers

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, as updated in the Committee Addendum dated 28.08.24.

Voting: For – 5, Against – 0, Abstain – 1

39. 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.

Public Representations

No registered speakers

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report.

Voting: For – 5, Against – 0, Abstain – 1

40. 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)

Public Representations

No registered speakers

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report

Voting: Unanimous

The meeting ended at 11.01 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	1008 Wimborne Road, Bournemouth, BH9 2DE
Proposal	Removal of condition no.15 of 7-2023-3141-AF in relation to solar panels (Original description - Erection of a block of 8 flats, with bin, cycle stores and parking).
Application Number	7-2024-3141-AG
Applicant	K Mhana
Agent	Union Architecture
Ward and Ward Member(s)	Moordown Cllr Joe Salmon Cllr Kate Salmon
Summary of Recommendation	Grant in accordance with the reasons as set out in the report
Reason for Referral to Planning Committee	Attempt to remove a planning condition recommend by Committee Members. Planning Committee Constitution 2.3.3: <i>d) applications which have a finely balanced Officer recommendation.</i>
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

Description of Proposal

1. The application is a S73 Minor Material Amendment to remove condition no.15 of 7-2023-3141-AF in relation to solar panels (Original description - *Erection of a block of 8 flats, with bin, cycle stores and parking*). The condition wording is as following:

'A detailed scheme for the provision of solar panels, including elevation plans 1:100, detailed section plans 1:20, as well as manufacturer's specification, shall be submitted to the Local Planning Authority for approval in writing. The approved solar panels shall be installed prior to the first occupation of the development hereby approved, and thereafter permanently retained and kept available for their intended purpose at all times.

Reason: In the interests of supporting the provision of decentralised renewable/ low carbon energy generation to deliver a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy CS2 of the Core Strategy (October 2012).'

2. To justify the proposed works, the planning application form states: *'Energy assessment reports (SAP) do not require Solar Panels to comply with building regulations as Air Source*

Heat Pumps have been chosen as the primary energy source. The submitted reports are 'As Built' as the scheme has been completed so it is not possible to install solar panels therefore, the application seeks to remove this condition'.

Description of Site and Surroundings

3. The application site consists of a recently built block of 8 flats set on the former car park, which served the former Holly Tree Hotel Public House that was converted into residential units. The existing building on site is a large detached block of 8 flats granted under 7-2023-3141-AF.
4. Wimborne Road is characterised by a mixture of commercial developments and residential dwellings with residential side streets leading off throughout its length. The character of the area predominantly consists of two storey buildings with a variety of roof types. There is a 1950s/60s three storey flat roof block of flats opposite the site which is not considered a positive feature of the street. Properties to the rear are detached two storey dwellinghouses.

Relevant Planning History:

5. 7-2023-3141-AF: Erection of a block of 8 flats, with bin, cycle stores and parking – Approved by committee
6. 7-2021-1058-AD: Erection of a 3 storey block of 5 flats with bin and cycle stores – Approved
7. 7-2020-1058-AB: Erection of a 3 storey block of 5 flats with bin and cycle store and formation of parking spaces - Refused and Appeal Dismissed
8. 2017-1058-Z: Erection of a 2 storey block of 4 flats, with cycle store and formation of parking spaces – Approved
9. 2017-1058-Y: Erection of a part 3 storey, part 2 storey block of 5 flats, with cycle store and formation of parking spaces - Refused

Constraints

10. There are no identified site constraints.

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

Consultations

13. No consultation comments received.

Representations

14. Site notices were posted in the vicinity of the site on 23/07/2024 with an expiry date for consultation of 13/08/2024. No letters from neighbouring properties were received.

Key Issue(s)

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

- Impact on the local area character
- Impact on neighbours
- Reducing reliance on centralised energy supply
- Heathlands contributions

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

Policy context

17. Local documents:

Core Strategy (2012)

Policy CS1 – NPPF Presumption in Favour of Sustainable Development

Policy CS2 – Sustainable Homes and Premises

Policy CS6 – Delivering Sustainable Communities

Policy CS33 – Heathlands

Policy CS41 – Quality Design

District Wide Local Plan (2002)

Policy 4.25 – Landscaping

Policy 6.9 – Development on Brownfield Land

Policy 6.10 – Flat development

Supplementary Planning Documents:

Dorset Heathlands Planning Framework – SPD

Residential Development: A Design Guide – PGN

18. **National Planning Policy Framework (2023)**

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.”

The following chapters of the NPPF are also relevant to this proposal:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places

Planning Assessment

Principle of the proposed works

19. This application relates to a variation of a planning condition associated with a recently granted permission ref. -2023-3141-AF for a detached block of 8 flats. The construction works are finalised on site. The aim of the current proposal is to remove a need for PV panels required by condition 15, as suggested by committee members while granting recent approval.
20. The applicant has submitted a SAP & EPC Specification Document associated with Part L and Part O of Building Regulations. The revised scheme proposes internal water heat pumps mitigating the need for the sustainable energy supply emerging for the requested PV panels. Furthermore, it should be noted that condition 15 refers to Policy CS2 of the Core Strategy (October 2012). However, this policy relates to developments of more than 10 dwellings or 1000m² of non-residential floorspace. Whereas the approved scheme is not a major development of over 10 units (8 flats being granted). Therefore, the alternative decentralised renewable/ low carbon energy generation as proposed is considered to be on balance acceptable.

Impact on the local area character

21. This application seeks the removal of the PV conditioned under the previous application. The removal of PV panels would arguably improve the visual appearance of the block of flats. The proposals introduce hot water heat pumps that would be located one per flat, inside internal stores. There would be no visual impact as all water heat pumps are internal and do not have an external condenser.
22. Overall, the scale, sitting and design of the proposed works would remain the same as granted under the most recent permission for 8 flats (ref. 7-2023-3141-AF). Consequently, there would be no material amendment to the approved appearance and impact of the proposed works.

The development is considered to be in line with Policies CS21 and CS41 of the Core Strategy, saved Policies 4.25 and 6.10 of the Local Plan, and the provisions of the NPPF.

Impact on neighbouring residents

23. As stated already in this report, this application does not alter already approved scale and footprint of the granted building. Also, no external works are proposed that would be associated with water heat pumps.
24. It is therefore considered that the proposed development would not be materially harmful to the residential amenities of adjoining residents. On this basis, there would be no adverse impact in residential amenity, and the proposal would comply with planning policies CS21, CS41 and 6.10.

Heathland Mitigation

25. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwellings resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 2017.
26. The Dorset Heathlands Planning Framework SPD 2020 sets out an approach to the mitigation of the harmful effects of residential development in South East Dorset on Dorset's lowland heaths. This requires that all new residential development between 400m – 5km from protected Heathlands should be subject to a financial contribution towards heathland mitigation measures in the borough. A capital contribution of £2,648 plus £132.40 administration fee was already secured and paid as part of a recent approval. Also, the granted block of flats is already built. Therefore, there is no need for a further legal agreement or deed of variation securing required contributions.

Planning Balance / Conclusion

27. It is considered that the proposals would be acceptable in terms of their impact on visual amenities, neighbours and would therefore be compliant with the relevant policies of the Local Plan. The proposed amendments are minor and are considered acceptable. The proposed changes do not result in any detrimental impacts over the approved scheme.
28. The site benefits from a most recent permission ref. -2023-3141-AF, and the subject block of flats has already been built. The applicant has demonstrated an acceptable alternative mitigation of the need for the sustainable energy supply emerging for the requested PV panels by the committee members through the installation of hot water heat pumps.
29. 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. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

30. GRANT permission with the following conditions:

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 approved Plans drawing No, 23-103_PL03.

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

2. On site working hours restricted when implementing permission.

All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. Drainage Hard surfaced areas

Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run- off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

4. Windows in W Elevation to be Glazed with Obscure Glass & non opening

The proposed first floor window panes in the west facing rear elevation of the building as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. Windows on N Elevation to be High Level Type

The proposed first floor windows on the north facing flank elevation serving the lounge and bedroom 2 to unit 6 as indicated on drawing number 23-103 PL02 rev. A shall be of high level type (minimum 1.75m internal sill height) and shall be permanently retained as such.

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

6. Windows in Elevation to be Glazed with Obscure Glass

The proposed first floor window in the north facing flank elevation of the building serving the bathroom to unit 6 as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and shall be permanently retained as such.

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

7. Unallocated Parking

Prior to occupation of the development hereby permitted, the 7 car parking spaces shall be made available for only the residents of the new development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

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

8. Access/Turning/ Parking/Visibility Splays

Prior to occupation of the development hereby permitted, the car parking area including vehicle access and pedestrian visibility splays shall be constructed and laid out in accordance with approved plans and thereafter be retained and and thereafter these areas shall at all times be retained, be available for use for the purposes specified and maintained in a manner such that the areas remain so available. The access and splays should be kept free from obstruction all times.

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

9. Cycle store to be erected prior to occupation

Before the occupation of any part of the development hereby approved, the cycle store as indicated on drawing number 23-103 PL01 rev. A shall be erected as shown on the approved plans and thereafter retained, maintained so as to be safe and secure and kept available for the occupants of the development at all times.

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

10. Provision of Refuse Bin Store

The bin store hereby approved shall be provided in accordance with the approved details as indicated on drawing number 23-103 PL01 rev. A prior to the occupation of the proposed development and thereafter these areas shall at all times be retained, be available for use for the purposes specified and maintained in a manner such that the areas remain so available.

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

11. Provision of a Refuse Management Plan

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private

contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The approved refuse management plan shall at all times be accorded with the approved details.

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

12. Windows on North Elevation to be High Level Type

The proposed rear facing rooflights on the north elevation as indicated on drawing number 23-103 PL02 rev. A shall be of high level type (minimum 1.75m internal sill height) and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

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

13. Window in West Elevation to be Glazed with Obscure Glass & non opening

The proposed side facing 2nd floor window in the west elevation of the building as indicated on drawing number 23-103 PL02 rev. A shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

14. EV charging points

Notwithstanding any details contained in any document submitted in connection with the development hereby permitted, prior first occupation the provision of 2no. EV charging points shall be submitted to and approved in writing by the local planning authority ("the approved Charging Points"). The approved Charging Points shall be installed prior to first occupation of any part of the development hereby permitted and thereafter shall at all times be retained, kept available for use by residents and visitors of the development hereby permitted and maintained in full working order.

Reasons: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

Informatives

1. INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.
2. INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

3. **INFORMATIVE NOTE:** This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

Statement required by National Planning Policy Framework (APPROVALS)

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.

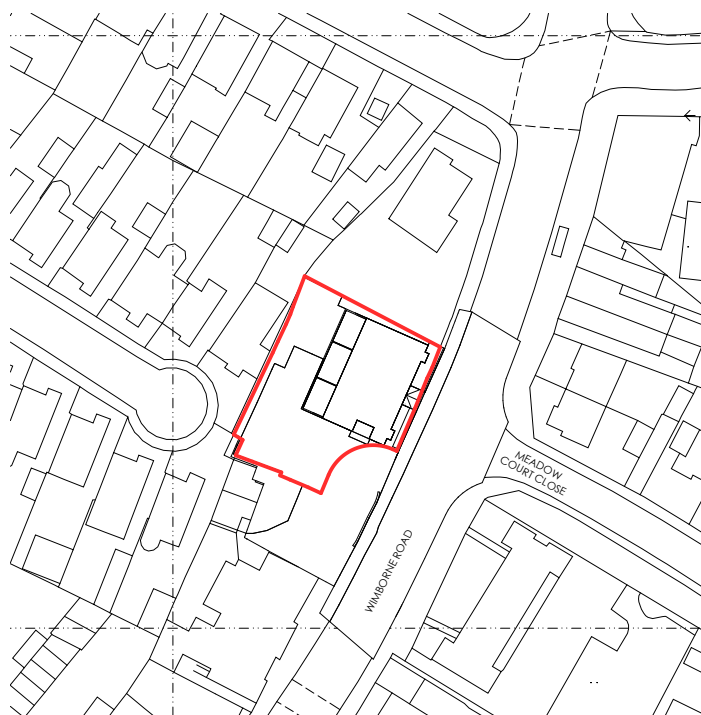
In this instance the application was acceptable as submitted and no further assistance was required.

Background Documents:

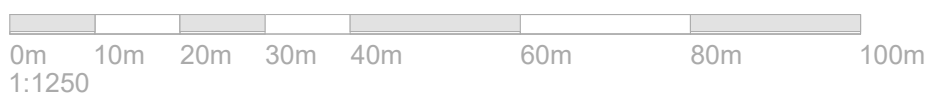
Case File – ref 7-2024-3141-AG


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

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Location Plan



 <div> <div>UNION ARCHITECTURE</div> <div> info@union-arch.co.uk www.union-arch.co.uk north t: 0151 345 0405 south t: 01202 683 522 </div> </div>	client	drawn JR	scale 1 : 1250	size A4
	address 1008B Wimborne Road Bournemouth, BH9 2DE	checked IF	title Location Plan	
		date 19/06/24		
	proj no. 23-103	status PL	dwg no. PL03	revision

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Planning Committee

Application Address	Avon Beach Mudeford Christchurch BH23 4AN
Proposal	Variation of condition 5 of planning application 8/23/0813/FUL To change opening hours to the saunas so they shall not operate outside the hours of 06.30hrs to 21.00hrs between 1st September to 30th June and 06.30hrs – 22.30hrs between 1st July and 31st August.
Application Number	8/24/0478/CONDR
Applicant	The Saltwater Sauna Ltd
Agent	Mr Chris Miell MRTPI
Ward and Ward Member(s)	Mudeford, Stanpit & West Highcliffe Cllr Lesley Dedman Cllr Paul Hilliard
Report status	Public
Meeting date	26 September 2024
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Over 20 letters of objection have been received from neighbours within a 1-mile radius of the application site.
Case Officer	Melanie Smith
Is the proposal EIA development	No

Description of Proposal

1. Planning permission was granted for the demolition of 6 beach huts and the construction of a saltwater sauna and external shower on the 7th February 2024.
2. Condition 5 of the approval restricted the opening hours to: 06.30hrs to 17.00hrs between 1st September to 31st March, 06.30hrs – 19.30hrs between

1st April to 30th June and 06.30hrs – 11.30hrs and 17.30hrs – 22.30hrs between 1st July and 31st August.

3. This planning application proposes to vary the existing permission pursuant to section 73 of The Town and Country Planning Act 1990, to extend the opening hours to; 06.30hrs to 21.00hrs between 1st September to 30th June and 06.30hrs – 22.30hrs between 1st July and 31st August.

Description of Site and Surroundings

4. The application site forms a section of the promenade along Avon Beach and is currently occupied by 6 beach huts. The site falls within the Mudeford Quay Conservation Area and the mature trees which form a distinctive backdrop are protected by virtue of their location within the Conservation Area.
5. Beach huts are a common feature of this locality and along many parts of the BCP coastline. The promenade which runs along Avon Beach, sits at a low level, behind which is an embankment. At the top of the embankment is a tree lined public footpath and the Avon Run Road public car park. Beyond this is the residential area of Friars Cliff. To the south-west of the application site is The Noisy Lobster restaurant which includes outdoor seating. There are also public toilets, the Avon beach shop and a coffee shop hut on the promenade.
6. Whilst the promenade is publicly accessible, it is not a registered public right of way on the Definitive Map. BCP Council is the landowner of the promenade hence the applicant has served notice of this planning application on the Council.

Relevant Planning History

7. 8/17/1748/FUL - To raise the middle section of Avon Beach Promenade by 900mm over approximately 250m to improve flood and coastal erosion risk protection by joining the new retaining structure into existing raised defences at either end of the promenade. No change to its present mixed public usage. New surfacing and two bench seating areas – granted 19th October 2017.
8. 8/21/0346/FUL - Part retrospective application for (i) the retention of beach huts no.s 63-99, and (ii) proposed forward extension of beach huts 23 to 62 – refused 6th October 2021.
9. 8/21/1040/FUL - Proposed forward extension of beach huts no's 23 to 62 – granted 18th February 2022.
10. 8/21/1068/FUL - Retrospective application for the retention of beach huts no.s 63 to 99 – granted 18th February 2022.
11. 8/23/0813/FUL – demolition of 6 beach huts and the erection of a saltwater sauna and external shower – granted 7th February 2024.

Constraints

12. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.
 - Mudeford Quay Conservation Area - the site falls within this conservation area and therefore has to be determined against the statutory requirement with respect to any buildings or other land in a Conservation Area, whereby special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Current Flood Zone 2 and future flood zone 3a - the site lies within an area of current flood risk as defined by the Environment Agency and also lies within an area of future flood risk defined by flood risk 3a of the Strategic Flood Risk Assessment.
 - Coastal Area (Policy ENV9) - Development in the coastal zone

Public Sector Equalities Duty

13. 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

14. 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 and enhancing biodiversity.
15. 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

16.

BCP Environmental Health

The proposed opening hours are not deemed to be unreasonable considering the impact to nearby residents from the use of the sauna will be minimal. It is understood that the saunas are powered by electric, eliminating impacts from smoke/fumes which can be present with wood burning stoves. Furthermore, it is unlikely that noise from people talking whilst using the saunas will cause disturbance to the nearest residential properties, due to the attenuation of noise from the structure itself and distance to the nearest receptors and capacity restrictions of users in the sauna. Therefore, this department has no grounds to object to the proposals.

Any noise from people on the beach could not necessarily be attributed to the use of the Sauna and there is a Public Space Protection Order in place along the whole coastline in the BCP conurbation to ensure people can use and enjoy public spaces, safe from anti-social behaviour by imposing conditions or restrictions on people using the area.

BCP Conservation/Heritage

No comments received – no need for consult as no alterations proposed to buildings

Christchurch Town Council

None received

BCP Destination & Culture

None received

BCP highways

No highway objections

Representations

17. 24 representations objecting and 1 representation making comments has been received making the following comments;

- The proposed opening hours are considerably more than originally proposed
- Over commercialisations and noise in the area which was a peaceful spot
- Increase in hours will risk anti-social behaviour
- Potential increased noise and pedestrian traffic

Comment;

1. The previous operational hours were so local residents were protected from potential noise and disturbance.

Key Issue(s)

18. The key issue(s) involved with this proposal are:
 - The impact upon character and appearance of the Mudeford Quay Conservation Area (Heritage Asset)
 - The impact upon residential amenities
 - The impact on highways
19. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

20. Christchurch and East Dorset Local Plan Policies (2014)

KS1 Presumption in favour of sustainable development

KS2 Settlement Hierarchy

KS11 Transport and Development

HE1 Valuing and Conserving our Historic Environment

HE2 Design of new development

HE3 Landscape Quality

ME6 Flood Management, Mitigation and Defence

PC6 Tourism

21. Christchurch Borough Council Local Plan (2001) – saved policies

BE4 Development in Conservation Areas

BE 16 Views and Vistas

ENV3 Pollution and existing development

ENV 9 Development in the Coastal Zone

22. Supplementary Planning Documents

Mudeford Quay Conservation Area Appraisal and Management Plan (Adopted May 2008)

Christchurch Borough Wide Character Assessment 2003

23. **National Planning Policy Framework 2024 (“NPPF”/”Framework”)**

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 8 – promoting healthy communities

Section 12 – requiring good design

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

Section 15 – Conserving and enhancing the natural environment

Section 16 – conserving and enhancing the natural environment

The Government has issued a revised draft NPPF however it is still under consultation and therefore should be given limited weight. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.

Planning Assessment

24. **Impact on character and appearance of Heritage Asset (Mudford Quay Conservation Area) and coastal setting**

25. The site lies within the designated Mudford Quay Conservation Area. The site is located close to a commercialised area of the beachfront with a large open car park, promenade and modern buildings close by, which do not contribute to the historic character of the Conservation Area. The approved saunas have been designed to imitate the appearance of 5 beach huts incorporating pitched roofs and following a similar width to the existing huts which is considered to continue the rhythm of huts along the promenade.

26. In commenting on the previously approved planning application for the saunas, the Conservation Officer raised no objections to the proposals subject to agreement of details including materials.
27. No change is proposed to the siting, size or design of the saunas. They are located within an already popular location on Avon Beach close to other commercial businesses. It is therefore considered that there will be no increased harm arising as a result of the proposed increased opening hours and the character and appearance of the Mudeford Quay Conservation Area will be preserved in accordance with Policies BE4 and HE1 of the Core Strategy (2014).
28. **Impact on residential amenities**
29. The application site is located around 50 metres distant from the nearest residential dwelling along Avon Run Road, although the proposed sauna building will not be easily visible from any close by residential properties due to its location on the promenade at the bottom of the embankment.
30. In determining the planning approval for the saunas, it was considered that the proposed use as two saunas was not considered likely to result in a substantial increase in noise disturbance and given the level of background noise from a busy section of this public beach, the provision of such a facility was not considered to result in harm to nearby residents in terms of noise or disturbance. However, in order to minimise potential nuisance late into the evenings it was considered appropriate to impose a restriction on the hours of opening.
31. It is noted that as a result of the public consultation process, a number of objections have been received from local residents with regards to the potential for noise and anti-social behaviour from the increased opening hours, which are proposed to be open from 6:30am until 9pm between 1st September to 30th June and until 10:30pm between 1st July and 31st August. The proposed opening hours are looking to extend into the evening hours (to 9pm) between 1st September to the end of June and continue operating throughout the day in July and August where previously they had proposed to open in the morning and evening separately (6.30am – 11.30am and 5.30pm – 10.30pm). To clarify, the proposed increase in hours amounts to; an increase in 4 hours at the end of the day between 1st September to 31st March, an increase of 1.5 hours at the end of the day between 1st April – 30th June and an increase of 6 hours in the middle of the day allowing the saunas to continue to operate through the day between 1st July – 31st August.
32. The application site is located within a busier section of the beach with the Noisy Lobster restaurant located close by which is open until 11pm 7 days a week. Furthermore, the proposed use is not considered to be a use which would naturally result in high levels of noise and the nearest residential property lies around 50 metres to the north, behind the coastal slopes. Given the nature of the proposed use, it is not considered that the proposed

increase in hours would generate a material increase in noise which would be harmful to local residents.

33. Upon consultation, the Environmental Health Officer has not considered the proposed opening hours to be unreasonable and that it is unlikely that noise from people talking whilst using the saunas will cause disturbance due to the attenuation of noise from the structure itself and distance to neighbouring properties. There will also be restrictions in how many people can use the saunas at any one time (8 people per sauna).
34. It is therefore considered that, taking into consideration the siting of the proposed saunas in relation to nearby residential properties and the nature of the use along with existing levels of noise along this section of Avon Beach, any increase in noise arising from the proposed increased hours is not considered to result in material harm to residential amenity in accordance with Policy ENV3.
35. **Impact on highways**
36. In considering the proposals for the saunas and following consultation with the Local Highway Authority, it was considered that the saunas would not result in an increase in demand for parking as users would normally be from existing beach users. There are also two public car parks within close proximity to the application site. The proposed increase in opening hours in the evening, when beach-user numbers have dropped, is not considered to result in any increase in pressure for parking which could not be accommodated within these car parks. The Local Highway Authority have raised no objection to the proposals. The proposed development is therefore considered to comply with Policy KS12.

Planning Balance/Conclusion

37. The proposals will support a new small scale business providing jobs and bringing income into the area. The proposed increase in opening hours will increase the opportunity for visitors and local residents to use the facility, supporting tourism and visitor spend in the local area. The proposals are not considered to result in harm to the character and appearance of the Mudeford Quay Conservation Area and there is considered to be sufficient parking to accommodate the needs of this small-scale business.

Recommendation

Grant, subject to the following:

Conditions

1. The development hereby permitted shall be begun before the date 3 years from the date of the original permission.

Reason: This condition is required by Section 73 of the Town and Country Planning Act 1990 because the time limit for implementation cannot be altered.

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

3D visuals: 5730-01, 5730-02, 5730-03, 5730-04, 5730-05
site plan rev C - dated 23/10/23
block plan rev D - dated 23/10/23
proposed elevations rev H - dated 23/10/23
proposed floor plan rev D - dated 01/11/23
proposed elevations rev A - dated 18/10/23

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

3. The development hereby permitted shall be constructed entirely of the materials specified within the materials schedule, submitted on the 30/01/24, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

4. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan must include details of the areas for storage and mixing of materials during construction and details of any restrictions to access along the promenade. Development shall be carried out in accordance with the approved details.

Reason: In the interests of tree protection and highway safety.

5. The saunas shall not operate outside the hours of; 06.30hrs to 21.00hrs between 1st September to 30th June and 06.30hrs – 22.30hrs between 1st July and 31st August.

Reason: In the interests of residential amenity

6. Notwithstanding the provisions of Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, the external finish of the development hereby approved shall not be changed from the agreed palette without express planning permission first being obtained.

Reason: In the interests of preserving the character of the locality and coastal setting of the application site.

7. The development shall be carried out in accordance with the submitted Arboricultural Impact and Method Statement from GTree Ltd ref: GH2387 rev 01 dated 11/11/23. The tree protection measures shall be installed before any equipment, materials or machinery are brought onto the site for the

purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the Local Planning Authority.

Reason: In the interests of tree protection.

8. In the event that new services and soakaways are required to service the approved development, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of these works on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure that protected trees, their rooting environments are afforded adequate physical protection during construction.

Background Documents:

Case File – ref 8/24/0478/CONDR

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



SITE PLAN

SITE PLAN WITH
THE PROPOSAL
BOUNDARY
OUTLINE

project:

THE SALTWATER SAUNA
Avon Beach
Christchurch
BH23 4AN

BY HEARTWOOD SAUNAS



Scale 1:1000 @A3

Date drawn: 23/10/23

Revision: C Drawn by: AG

Drawing status: PLANNING

PAGE NO: 1



BLOCK PLAN

BLOCK PLAN
WITH PROPOSAL

project:

THE SALTWATER SAUNA
Avon Beach
Christchurch
BH23 4AN

BY HEARTWOOD SAUNAS



Scale 1:200 @A3

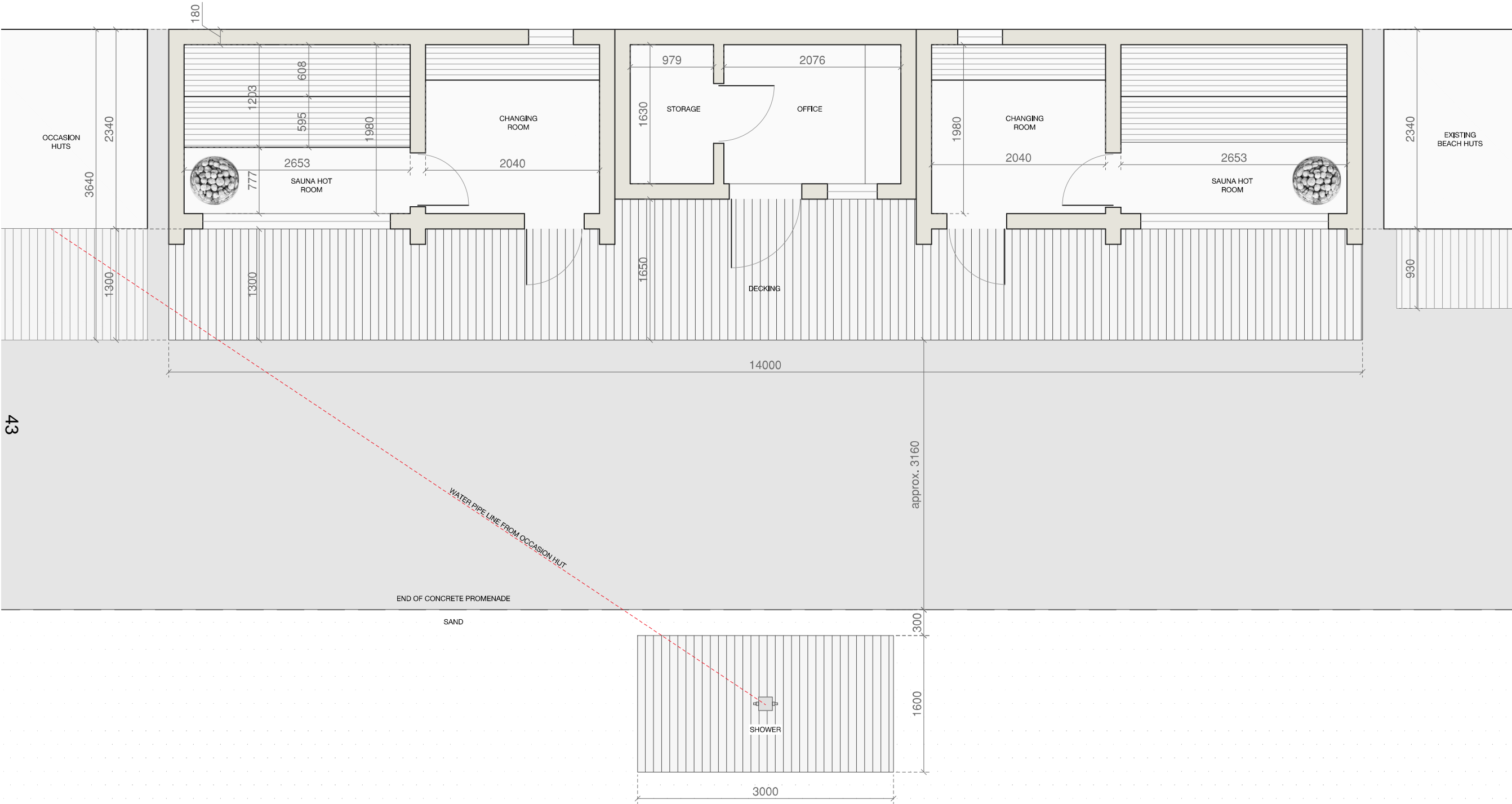
Date drawn: 23/10/23

Revision: D

Drawn by: AG

Drawing status: PLANNING

PAGE NO: 2



FLOOR PLAN



PROPOSED
FLOOR PLAN

project:

THE SALTWATER SAUNA
Avon Beach
Christchurch
BH23 4AN

BY HEARTWOOD SAUNAS



Scale 1:50 @A3

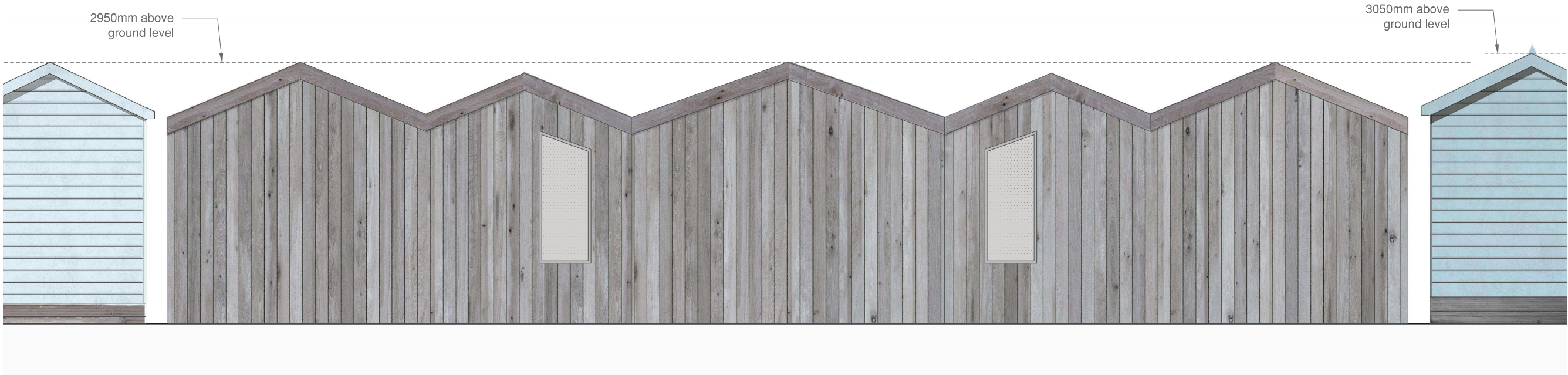
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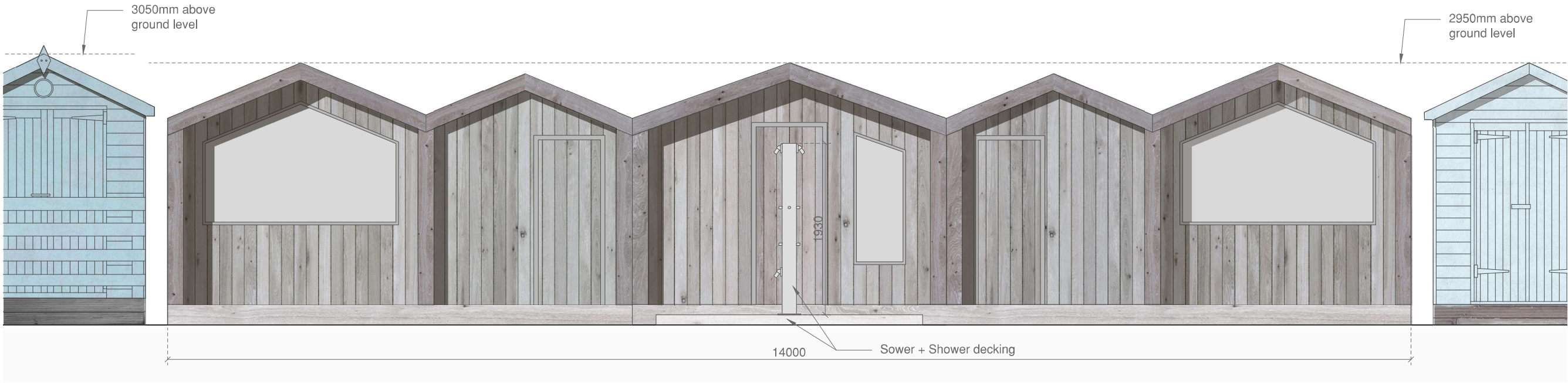
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NORTH WEST ELEVATION



SOUTH EAST ELEVATION

PROPOSED ELEVATIONS

Proposed materials:

- External cladding: Weather tongue and groove boards
- Roof: Weathered cedar shingles
- Windows: Double glazed glass in black aluminum frames
- Front windows clear glass
- Rear windows privacy frosted glass
- Decking in front of the sauna building and shower: Weathered timber boards to match the rest of the cladding

Shower:

Water will be piped from the 'Occasion huts' next door, and water discharge / drainage going into the sand

project:

THE SALTWATER SAUNA
Avon Beach
Christchurch
BH23 4AN

BY HEARTWOOD SAUNAS



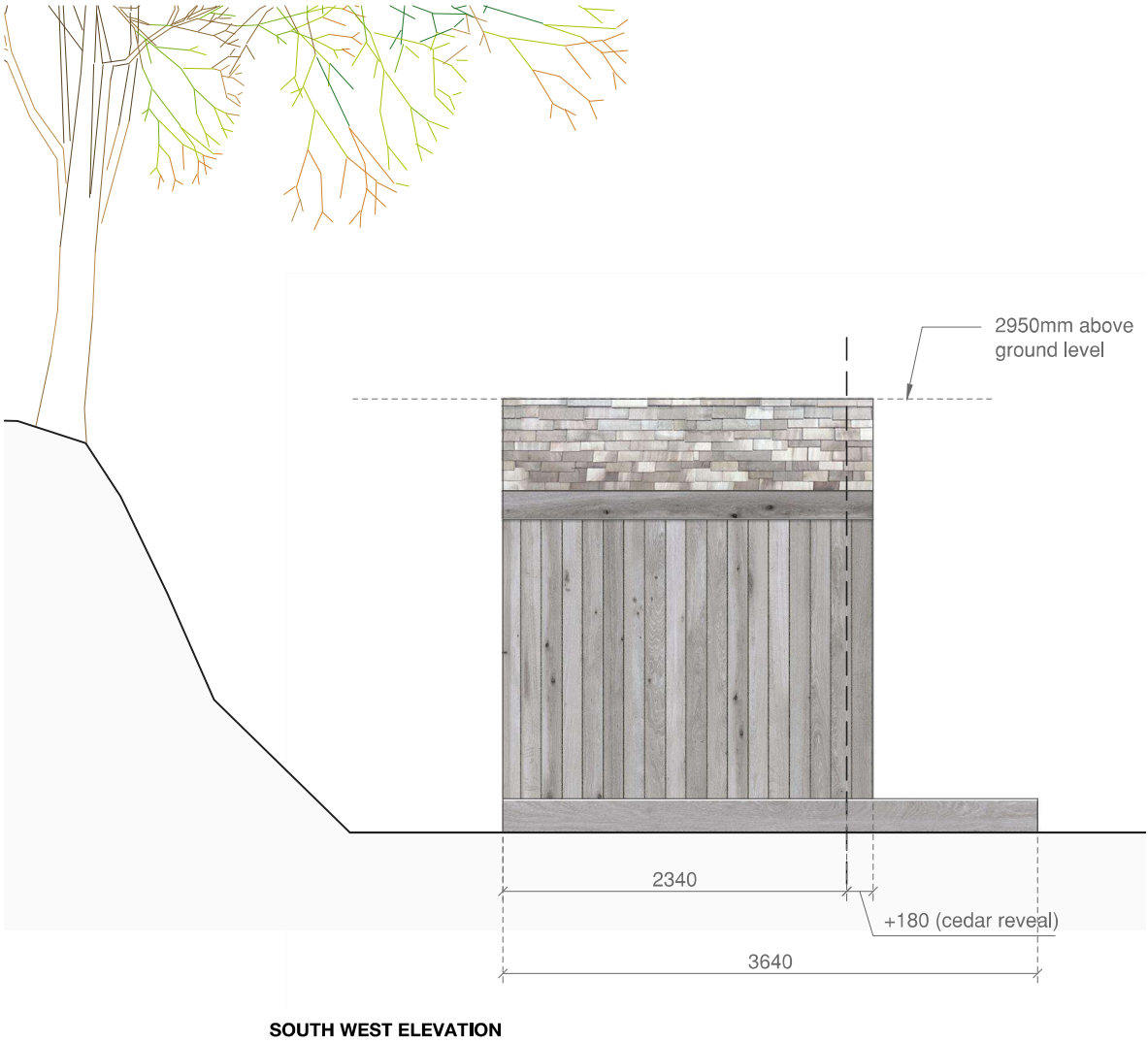
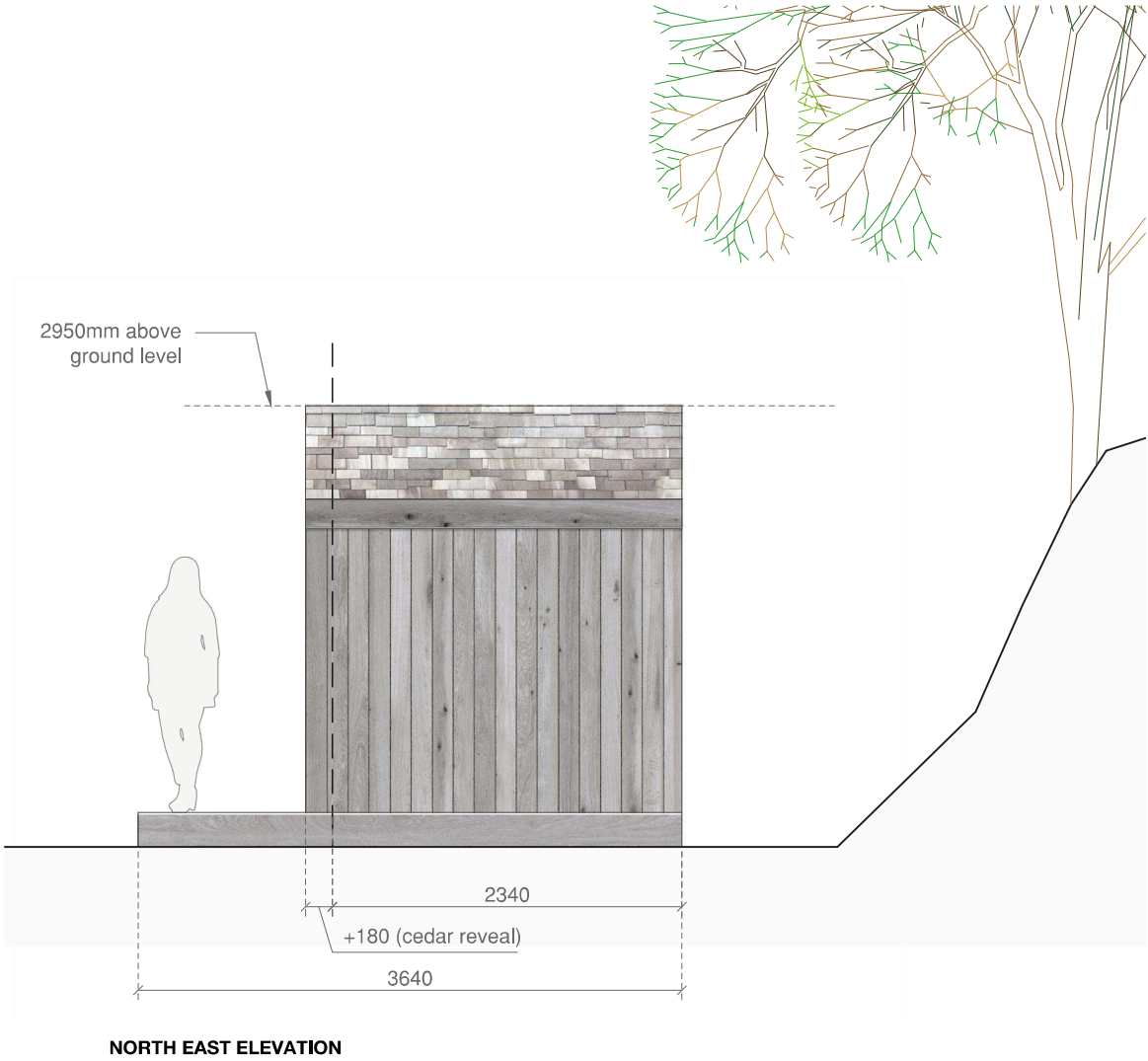
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Date drawn: 23/10/23

Revision: H Drawn by: AG

Drawing status: PLANNING

PAGE NO: 3



**PROPOSED
ELEVATIONS**

project:

THE SALTWATER SAUNA
Avon Beach
Christchurch
BH23 4AN

BY HEARTWOOD SAUNAS



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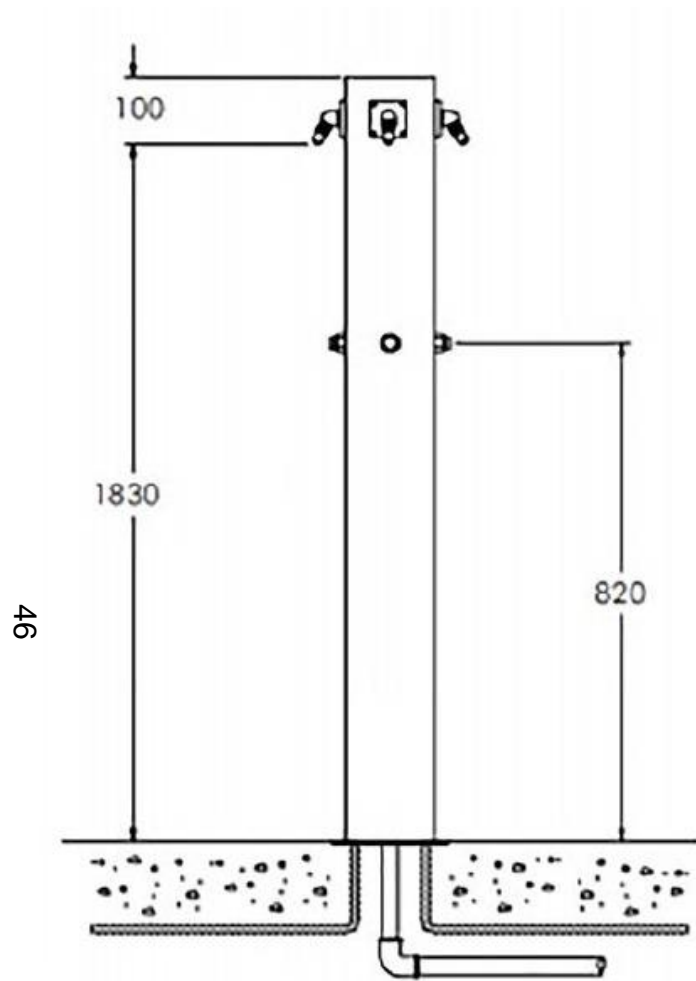
Date drawn: 18/10/23

Revision: A

Drawn by: AG

Drawing status: PLANNING

PAGE NO: 4



PROPOSED ELEVATION



MODEL SH641 SHOWER BY ACORN THORN LTD

Manufactures Specification from Acorn Thorn Ltd

Description: Model SH641 is our beach shower - Manufactured from grade 316 stainless steel, 1.6mm thick - Factory assembled and pre-plumbed - Choice of 1, 2, 3 or 4 shower heads - Each shower head is complete with individual timed flow push button valve - Adjustable run time from 5 to 60 seconds - Single supply inlet of 19mm diameter copper pipe - Optional foot sprays also available

Includes: Heavy duty base steel anchor plate coated with rust preventative Removable side access panel held by security type screws - Heavy duty base mounting flange

Dimensions

- Height (including spray heads): 1930mm
- Height: 1830mm
- Height (button to floor): 820mm

Optional Extras SH641-FS

Foot spray with individual valve timed flow push button valve

Where can this be installed? - This beach shower is ideal for marine locations, beaches, swimming pools, leisure centres, sports clubs and campsites - The higher chromium content of this stainless steel helps prevent against any potential corrosion or rusting that can occur

Installation Advice - Single supply pipe should finish 12.7mm above the anchor plate in a 3/4" NPT male thread - This will allow fitting of the "O" ring adaptor (provided) to the anchor plate - Minimum water pressure of 1.2 bar required at the point where the supply enters the column - Water pressures in excess of 8.0 bar a pressure reducing valve must be fitted - During freezing temperatures the unit should be drained down to avoid damage to the valves.



NOTE: Plans prepared using technical data provided by the applicant.
Pure Town Planning Ltd accept no liability for any error, omission or mis-statement

SITE:	PROJECT:	CLIENT:	DRAWING TITLE:	SCALE:	DRAWING NO:	REVISION:	DATE:	puretownplanning.co.uk	
AVON BEACH, CHRISTCHURCH	PLANNING	SALTWATER SAUNA	SHOWER DETAILS	1:20 @ A4	5730-05		NOV 2023	01202 585524	01962 435050
								pure town planning	



Planning Committee

Application Address	44 Minterne Road Christchurch BH23 3LE
Proposal	Alterations and remodel of the existing dwelling inclusive of demolition of the existing garage, single storey rear and side extension and creation of first floor accommodation.
Application Number	8/24/0318/HOU
Applicant	Mr Michal Lydka
Agent	Matthew Austin
Ward and Ward Member(s)	Mudford, Stanpit & West Highcliffe Cllr Lesley Dedman Cllr Paul Hilliard
Report status	Public
Meeting date	26 September 2024
Summary of Recommendation	Grant, subject to conditions
Reason for Referral to Planning Committee	Applicant is a direct family member (spouse) of an Officer working within the planning section.
Case Officer	Charlotte Haines
Is the proposal EIA development	No

Description of Proposal

1. This application seeks permission for the erection of a single storey rear and side extension following the demolition of the existing detached garage and the enlargement of the roof to create first floor accommodation.

Description of Site and Surroundings

2. The application site lies within a cul de sac within the residential area of Stanpit. The surrounding area is characterised by a mix of two storey houses and bungalows. Minterne Road is characterised by predominantly detached single storey bungalows and chalet bungalows. These bungalows are varied in terms of scale, design, style and massing.

3. The application site consists of a hipped roof bungalow and is typical of the surrounding development in the road. The dwelling is set back in its plot with off-road parking.
4. The application site partly falls within future high risk flood zone 3a (2133).

Relevant Planning History

8/21/0813/HOU	46 Minterne Road Christchurch BH23 3LE	Single storey rear extension.	Granted	11/11/21
8/13/0344	40 Minterne Road	Create gable ends and insert dormer window to side to create accommodation in the roofspace. Erection of single storey extension to rear	Granted	28/08/13
8/06/0328	44 Minterne Road	Construct pitched roof over existing flat roof extension to rear	Granted	14/08/06
8/03/0075	44 Minterne Road	Erection of single storey pitched roof extension and replacement garage with pitched roof	Granted	25/03/03
8/01/0346	44 Minterne Road	Single-storey rear extension with pitched roof above. Erection of detached garage to rear following demolition of existing.	Granted	31/07/01

Constraints

- Future Flood Zone 3a (Year 2133)

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 relevant duties

6. 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.
7. 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.
8. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

9. **Wessex Water** – No comments have been received.
10. **Christchurch Town Council** – No comments have been received.

Representations

11. One representation has been received raising the following comments: -
 - Loss of privacy to rear garden of neighbouring property due to overlooking from 1st floor Juliette balcony
 - Juliette balcony could be removed to allow access onto flat roof of rear extension which would lead to overlooking of rear gardens of neighbouring properties.
 - Suggest a smaller window instead of a Juliette Balcony.

Key Issues

12. The key issues involved with this proposal are:
 - The impact upon the character of the area
 - The impact on neighbours' living conditions
 - Flood Risk
 - Parking and Highway Safety
13. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

14. 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.
15. Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014
KS1 Presumption in favour of sustainable development

KS11	Transport and Development
KS12	Parking Provision
HE2	Design of new development
H12	Residential Infill
ME6	Flood Management, Mitigation and Defence

16. Saved Policies of the Christchurch Local Plan 2001

H12: Residential Infill

17. Draft BCP Local Plan

18. The draft BCP Local Plan was submitted to the Secretary of State on 27 June 2024 for examination. The Local Plan examination is expected to take around 12 months. If approved by the Inspectors, the Local Plan will replace the current Local Plans around the middle of 2025. Due to the stage the Plan has reached, the majority of policies are attracting very limited weight at this time. Although a small number attract a limited weight at this time including the following relevant policy:

Policy BE3: Living conditions

19. This draft policy is broadly in line with the existing relevant policies HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014 and saved policy H12 Christchurch Local Plan 2001; namely that proposals should be compatible with surrounding uses; not result in an unacceptable impact upon public amenity or the living conditions of current or future occupiers considering overlooking, overshadowing, privacy, noise, levels of sunlight and daylight and whether the development is overbearing or oppressive.

Supplementary Planning Documents

Parking Standards SPD 2022

Christchurch Borough-Wide Character Assessment (2003)

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

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

The requirement for good design set out in section 12; paragraph 135 requires that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development that is not well designed, especially where it fails to reflect local design policies and government guidance on design should be refused (para 139).

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

Paragraph 167 - All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 173 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 174 states that applications for some minor development and changes of use (footnote 60) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

Footnote 60 - This includes **householder development**, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park

home site, where the sequential and exception tests should be applied as appropriate.

Planning Assessment

The Impact upon the Character of the Area

21. Policy HE2 states that 'the design of a development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness'. The development must be compatible with or improve its surrounding in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.
22. The existing property is single storey and is lower in height than the neighbouring properties on either side. Furthermore, the existing bungalow is smaller in size than the other bungalows within the road.
23. This application is proposing the enlargement of the existing single storey bungalow to a chalet style bungalow. The design has a symmetrical single gable that runs front to back of the property.
24. The original properties within the road typically comprised single storey bungalows with modest hipped roofs and are set back from the highway. However, a number of properties in the vicinity of the site have been given permission to extend up into the roof space or demolish the existing bungalow for a chalet bungalow with accommodation in the roof. Therefore, the design and form of the dwellings within the street scene has changed over recent years resulting in a mixed character of bungalows and more modern looking chalet style bungalows. The addition of a half storey and the proposed gable roof form in terms of design would not be competing visually on the street scene despite appearing more conspicuous.
25. There is no set style of property on the road to adhere to. Whilst the form of the new roof would substantially differ from the existing, it would retain the same roof pitch, and the increased height is not considered significant having regard to the varying heights within the street scene.
26. Whilst the proposed dwelling house would adopt a similar gable form to the adjacent property at no.40, as well as a number of other properties in the road; the proposed design, fenestration and materials would result in a more contemporary finish. The grey fascia to the front and rear creates a focal point that would provide a more cohesive appearance to the elevations.
27. The proposed extensions would result in a dwelling that has a larger footprint and volume than the existing bungalow, with a ridge height of approximately 6.7m, which represents an increase of approximately 1.5m. This would also exceed the ridge heights of the properties on either side by approximately 0.5m (No.40) and 1.1m (No.46). Whilst this is a noticeable increase in height, it is not considered that this would lead to an incongruous and overbearing form of development in the street scene given the variation in heights and roof forms along the road and within immediate vicinity of the site. The eaves height is also raised by approximately 1 metre, but this is not considered to be significant and would not result in a built form that is visibly incongruous or harmful in the context of the area. The side extension and dormer windows will further increase the mass and bulk of the roof however they will respect the scale and form of the enlarged dwelling and incorporate degrees of subservience.
28. In terms of materials, the proposed use of white render to the walls is considered acceptable and is prevalent in the surrounding development. Whilst not

commonplace in the road, the use of composite slate for the roof is evidenced on a number of extended roofs of surrounding properties within the surrounding area.

29. The proposal incorporates a wraparound rear/side extension which would extend up to the side boundaries leaving narrow gaps. The single storey extension would be sited on an area previously occupied by a detached garage. A number of properties substantially fill the plots or have single storey side extensions which extend up to the side boundary leaving narrow gaps. Therefore, the proposal to extend the built form in close proximity to the boundaries would not appear out of keeping within the street scene. Furthermore, the proposed side extension is set back from the front elevation of the dwelling and is set down in height beneath a flat roof. The proposed extension would therefore appear subservient to the main dwelling. The enlarged building would have an appropriate relationship to its plot and would not appear as overdevelopment.
30. The single storey extension would extend into the rear to a depth of 4.4m from the rear elevation of the chalet bungalow (the one and half storey element). The proposed raised roof would be over the existing dwelling and as such the one and half storey element. It is considered that the proposed single storey extension would not extend so far to the rear of the plot that it would be out of character in the context of the locality.
31. The proposed first floor alterations would not be out of keeping in a varied street scene and would have an acceptable relationship with the adjacent properties. Due to the varying ridge heights within the road, it is not considered that the change in ridge heights would appear out of character within the street scene. The development will change the character of the dwelling; however, the proposal is acceptable in terms of design, scale and massing in its context.
32. There have been examples of similar forms of development within the immediate area and although this property will appear more prominent within the street, it is considered the proposed extensions to the dwelling are compatible to the character and form of the existing properties within the road and would not adversely affect the visual amenities of the area. The proposal, therefore, complies with policy HE2 and saved policy H12.

Residential Amenity

33. Policy HE2 states that; 'development will be permitted if it compatible with or improves its surroundings in; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy H12 states that residential development should not adversely affect residential amenities by noise or disturbance, or loss of light or privacy.
34. The first-floor development is proposed above the existing footprint of the host dwelling which is set away from the boundary with no.46 by approximately 5m and does not extend beyond the rear elevation of this neighbouring property comprising of the patio doors set within its rear extension. Given this separation distance, the proposed first floor development would not have an overbearing impact or lead to a significant loss of light to this neighbour.
35. Whilst increasing the height and massing of the roof to the host dwelling which would be a relatively steep pitch, the dwelling is broadly in line with the neighbouring properties on either side. As a result, it is not considered the proposal would result in any significant adverse impacts as a result of loss of light or overbearing impact to this neighbour.

36. Whilst the existing bungalow is perpendicular to the road, the side boundary with the property to the southeast (No.40) extends into the rear at an angle. Consequently, the bungalow has a greater proximity to this boundary as it extends further into the plot. The rear corner of the existing bungalow is approximately 0.7m from this boundary. The neighbouring chalet bungalow at no.40 is also positioned close to the bungalow. Therefore, there is already a close built relationship between the existing dwelling on the site and this neighbouring property.
37. The first-floor development would extend over the footprint of the existing bungalow. Therefore, the increased height of the bungalow would project beyond the rear elevation of No.40 where there are rear facing windows and patio doors. However, the bungalow extends slightly further into the rear than that of No.40 by approximately 0.9m. The increased eaves height would be approximately a metre and the overall height of the roof pitches away from this boundary. Furthermore, the nearest window on the rear elevation of this neighbouring property is set further away from the boundary at a distance of approximately 1.7m. This window also forms part of a wider set of windows and patio doors which serve a living room that face over the neighbours' garden. The proposed first floor extension would not break the 45-degree horizontal or vertical splay and is therefore deemed not to create harmful oppressive impacts to this neighbour.
38. The proposed single storey extension would extend further to the rear and would bring built form of the dwelling closer to the boundary at approximately 0.4m. However, the extension is single storey in height measuring approximately 3.3m with a flat roof. The proposed single storey extension would break the horizontal splay but would not break the vertical splay.
39. Having regard to the above, it is considered that the proposal extensions to the bungalow would not lead to a significant loss of outlook or light, nor would it have a significant overbearing impact on the neighbouring property at No.40.
40. The proposal seeks to replace this with a single storey wrap/ around rear side extension. The proposed extension would extend to a similar depth to the rear extension at No.46. The proposed extension would be approximately 0.9m from the boundary and approximately 1.5m from the side elevation of the neighbours' rear extension where a window is present. However, it is noted that an existing garage is positioned this location and within a similar proximity to the boundary. Due to its flat roof design, the proposed extension would have a lower height of 3.1m due to its flat roof design when compared to the detached garage which has a pitched roof (ridge height of 3.5m).
41. The extension does extend slightly along the side of the dwelling and approximately 0.5m from the side boundary with the neighbour. It is noted that there are a set of windows on the side elevation of the neighbouring dwelling which serve as the sole windows to habitable rooms (dining room and office). The proposed extension would be approximately 1.2m from these windows. No windows are proposed on the side elevation of the extension and as a result there would be no overlooking.
42. Given the close proximity of the proposed extension to the boundary and its position to the southeast, it is considered that there will be some loss of outlook and light to the habitable rooms of this neighbouring property. However, these currently have viewed over the boundary fence into the neighbours' side driveway and entrance which itself is enclosed by the existing bungalow. It was also observed on site that these windows are obscure glazed. Having regard to this and noting the low height of the single storey flat roof extension, it is considered that it would not lead to a significant loss of outlook or light to the habitable rooms within this property.

43. The front facing gable would have a large first floor window proposed which will overlook the road and as such would not result in a loss of privacy to any of the neighbouring properties.
44. The side facing rooflight (east) would serve a staircase/landing (a non-habitable space) and would face towards a side facing dormer window at no.40. A condition is recommended to be imposed for the window to be obscure glazed to prevent any overlooking.
45. The side facing dormer window (west) would serve a bathroom (a non-habitable room) and would face towards the roof and side elevation of no.46 where there are windows serving habitable rooms. A condition is recommended to be imposed for the window to be obscure glazed to prevent any overlooking.
46. The proposed new rear facing window will serve a bedroom. Whilst this will result in the introduction of a level of overlooking towards the properties to the south which front onto Stanpit. However, the window-to-window distances would be in excess of 35m and would be acceptable. the significant separation distances involved, it is considered that there would be no harmful overlooking towards these neighbouring properties to the south and they would retain acceptable privacy levels and thereby acceptable living conditions. The proposed new rear facing window would have oblique views towards the neighbouring gardens to the southeast of the properties which front onto Victoria Road, notably no.2. However, the first-floor window would be approximately 25m from the rear elevation of this boundary. Whilst it would be closer to the rear boundary of the property at approximately 15m, any views would be onto the very bottom of this neighbouring garden which itself is less private and already overlooked by surrounding properties.
47. This window is set back from the rear elevation between flank walls and as such would adequately minimise any opportunity for overlooking. Direct views out of this window would be towards the very bottom of the gardens of the adjacent properties on either side. It is noted that this would be a Juliette balcony meaning that there would be no opportunity to step onto a balcony thus avoiding views to either side. It is considered necessary to condition that the window to remain in its recessed position in order to ensure that the flank walls provide the screening that minimises overlooking.
48. Whilst there would be new overlooking of neighbouring gardens, it is not considered to be so materially harmful that planning permission should be refused. Due consideration has been given to the reasonable fall-back position regarding Permitted Development (PD) in this regard.
49. The flat roof over the single storey rear extension is in line with the lower edge of the full height window/Juliette balcony. It is considered that the use of the flat roof as a terrace would lead to unacceptable overlooking to neighbouring gardens resulting in loss of privacy and disturbance to the occupiers of these neighbouring properties. A condition has been imposed to restrict the flat roof area of the proposed extension from being used as an external balcony, terrace or amenity space without the prior benefit of planning permission.
50. It is therefore considered that proposed extensions to the dwelling would not give rise to an unacceptable level of overlooking to the adjoining properties and as such would not lead to loss of privacy to these neighbours.
51. The enlarged dwelling would retain adequate private amenity space for future occupiers.

52. The scheme is thus considered to comply with the test in Policy HE2 to be compatible with or improve its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

Flood Risk

53. Local Plan Policy ME6 states; 'all developments (including redevelopments and extensions which require planning permission) can be permitted within areas at risk of flooding they will be required to incorporate appropriate flood resistance and resilience measures as a means of "future proofing" against the effects of climate change.'
54. Both Policy ME6 and Paragraph 167 NPPF take a sequential approach to new development. This proposal is considered to be 'minor' development in flood risk terms and therefore the Sequential or Exception tests are not applicable to this proposal as set out in paragraph 174 of the NPPF.
55. The application property is located within future flood zone 3a. Therefore, a condition is recommended to floor levels of the extension hereby permitted shall be the same as the existing dwelling and flood resistance and resilience measures shall be incorporated as appropriate in accordance with the Environment Agency's Standing Advice. Subject to this condition, it is considered that the proposed development is in accordance with policy ME6.

Parking and Access

56. Policies KS11 and KS12 refer to the design of development to provide safe and permeable layouts and promoting all modes of transport alongside parking provision. This proposal does not change the parking or access for this property.
57. The extensions would result in an increase in the number of bedrooms from 2 to 4 within the dwelling. The site is within Zone B as set out in the Parking SPD and for a four-bedroom property the requirement is for two parking spaces and secure storage for 4 bicycles (1 per bedroom). The dwelling has a driveway and hardstanding to the front which provides ample room for 2 parking spaces. Furthermore, there is a storage area shown on the proposed ground floor plan where there is ample space to provide storage for 4 bicycles.
58. Therefore, it is considered the parking provision is acceptable and accords with Policy KS12.

Other Matters

59. The application is for householder developer and as such is exempt from the Biodiversity Net Gain requirement.

Planning Balance/Conclusion

60. The proposal would preserve the character and appearance of the street scene of Minterne Road and of the existing dwelling. Neighbouring living conditions would be preserved. It is not considered that the proposal would result in material harm by way of loss of sunlight, overbearing impact or loss of outlook/overshadowing. The proposal would not give rise to an increase in flood risk. In addition, sufficient on-site parking provision and vehicular access arrangements would be retained for the enlarged dwelling and the proposal would not adversely affect highway and pedestrian safety.

61. It is considered that the proposal complies with the Development Plan as a whole and is in accordance with the relevant up to date Development Plan Policies and is sustainable development which as per paragraph 11c of the NPPF means that it should be approved without delay.
62. Therefore, the scheme is recommended for approval.

Recommendation

63. **GRANT permission 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:

Site location, Block plan and Existing floor plans and elevations – Drawing Number PL JL S1 V1 2024 Rev A received 23/07/2024

Proposed Block Plan – Drawing Number PL JL S1 V1 2024 Rev A received on 03/09/2024

Proposed Floor Plans - Drawing Number PL JL S3 V5 2024 received on 20/05/2024

Proposed Elevations – Drawing Number PL JL S2 V5 2024 received on 20/05/2024

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

3. The materials to be used in the external surfaces of the proposed development shall be as specified on the approved plan and within the application form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. Both in the first instance and upon all subsequent occasions the dormer window on the west elevation and the rooflight on the east elevation shall be glazed with obscure glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment, no further fenestration shall be installed in the said elevations without express planning permission.

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

5. The recessed full height window on the rear elevation which serves a bedroom shall be installed in the recessed position as shown on approved plan no. PL JL S3 V5 2024 and a fixed balustrade shall be fixed directly in front of the window and thereafter the window and balustrade shall be retained at all times in the specified position. The adjacent flat roof area over the approved extension shall not be used at any time as a balcony or sitting out area/amenity space.

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

6. The floor levels of the extension hereby permitted shall be the same as the existing dwelling and flood resistance and resilience measures shall be incorporated as appropriate in accordance with the Environment Agency's Standing Advice.

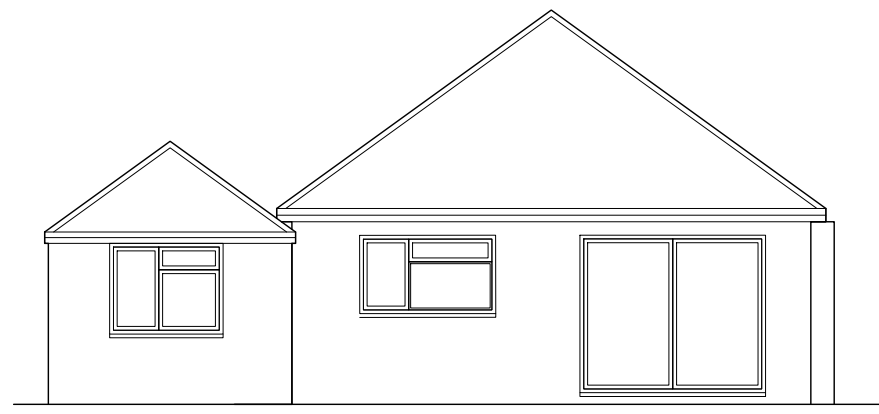
Reason: To ensure a satisfactory form of development in relation to the level of flood risk associated with the site.

Informative Notes

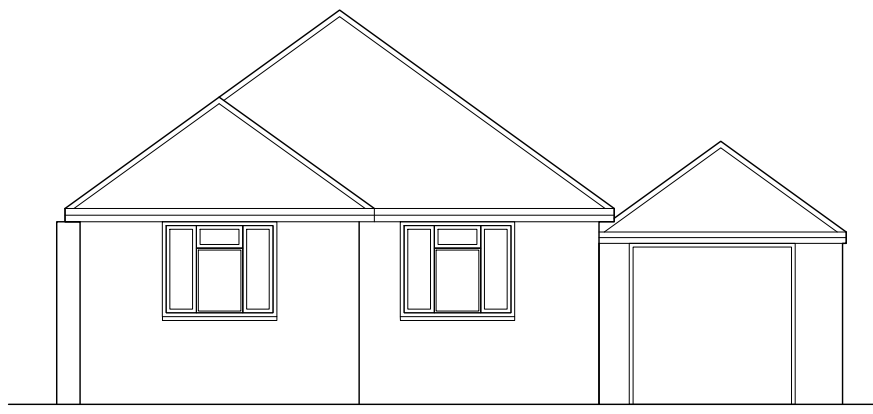
1. The applicant is advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

Background Documents:

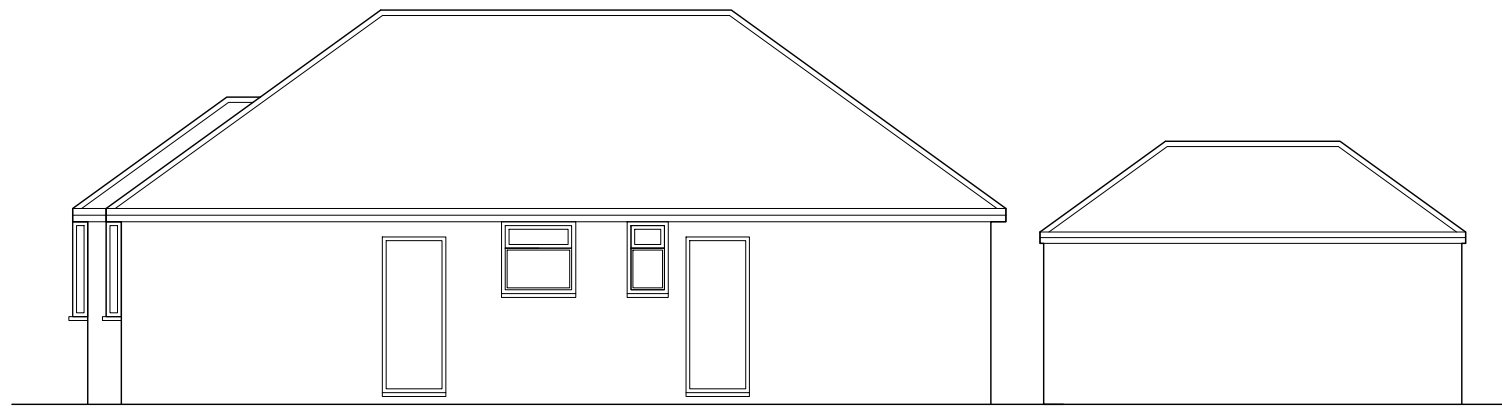
Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application. Notes: This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act.



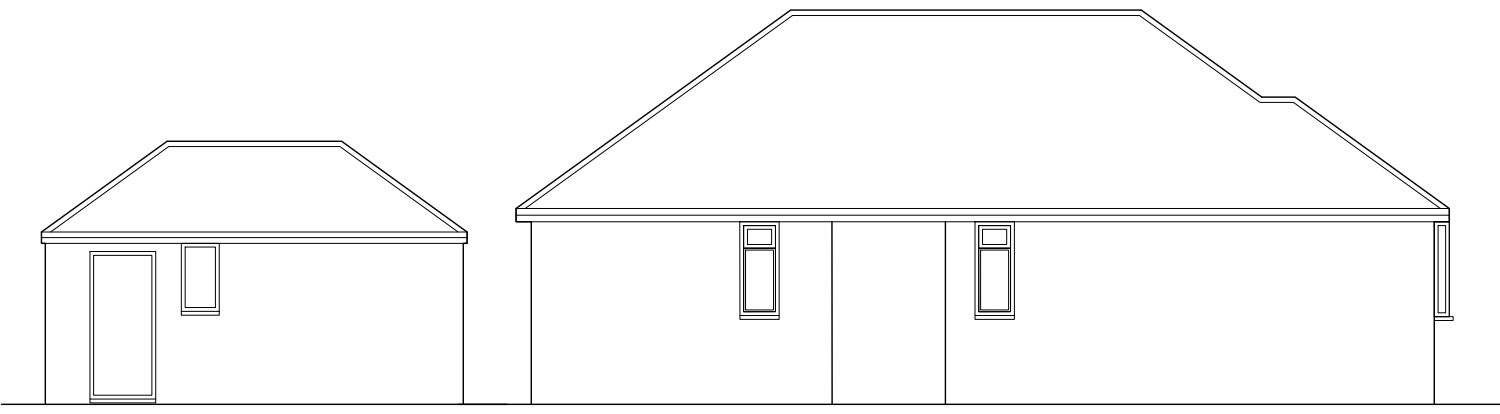
Existing West Elevation
Scale 1:100 @ A1



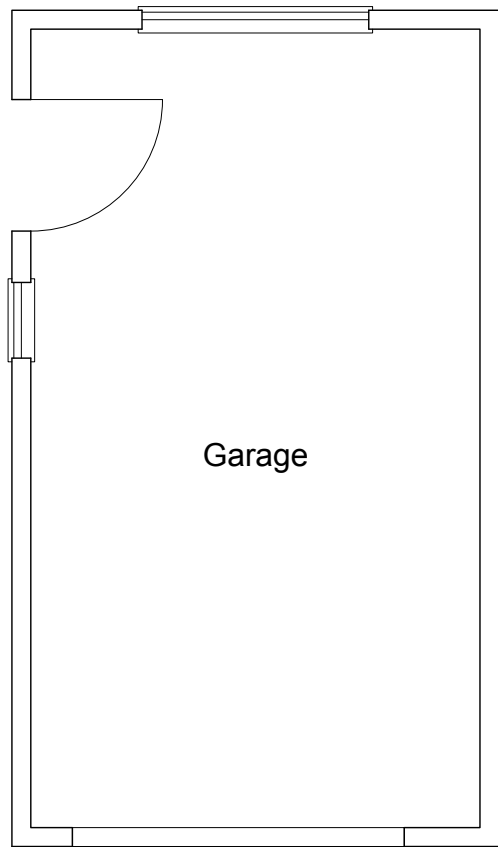
Existing East Elevation
Scale 1:100 @ A1



Existing North Elevation
Scale 1:100 @ A1



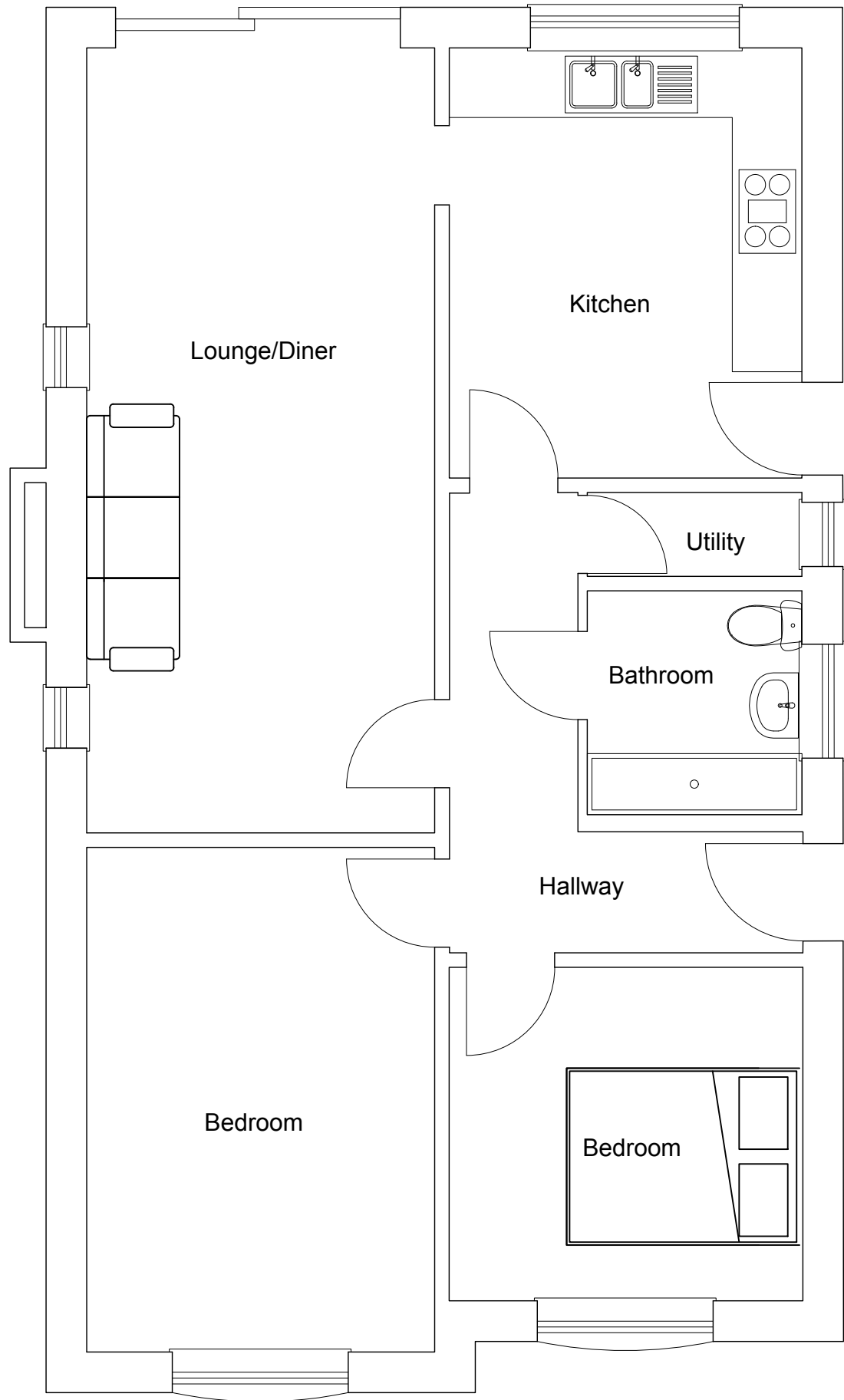
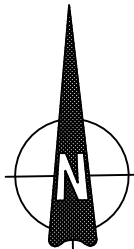
Existing South Elevation
Scale 1:100 @ A1



Garage



Site Location
Scale 1:1250 @ A1

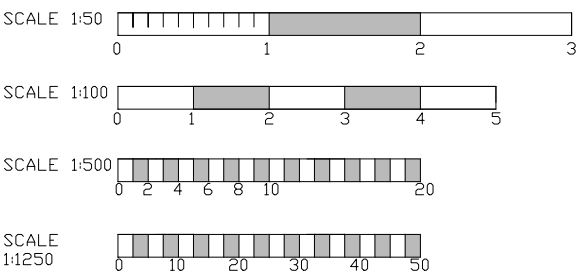


Existing ground floor
Scale 1:50 @ A1



Block Plan
Scale 1:500 @ A1

Scale Legend



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ON SITE BEFORE COMMENCEMENT OF WORK.

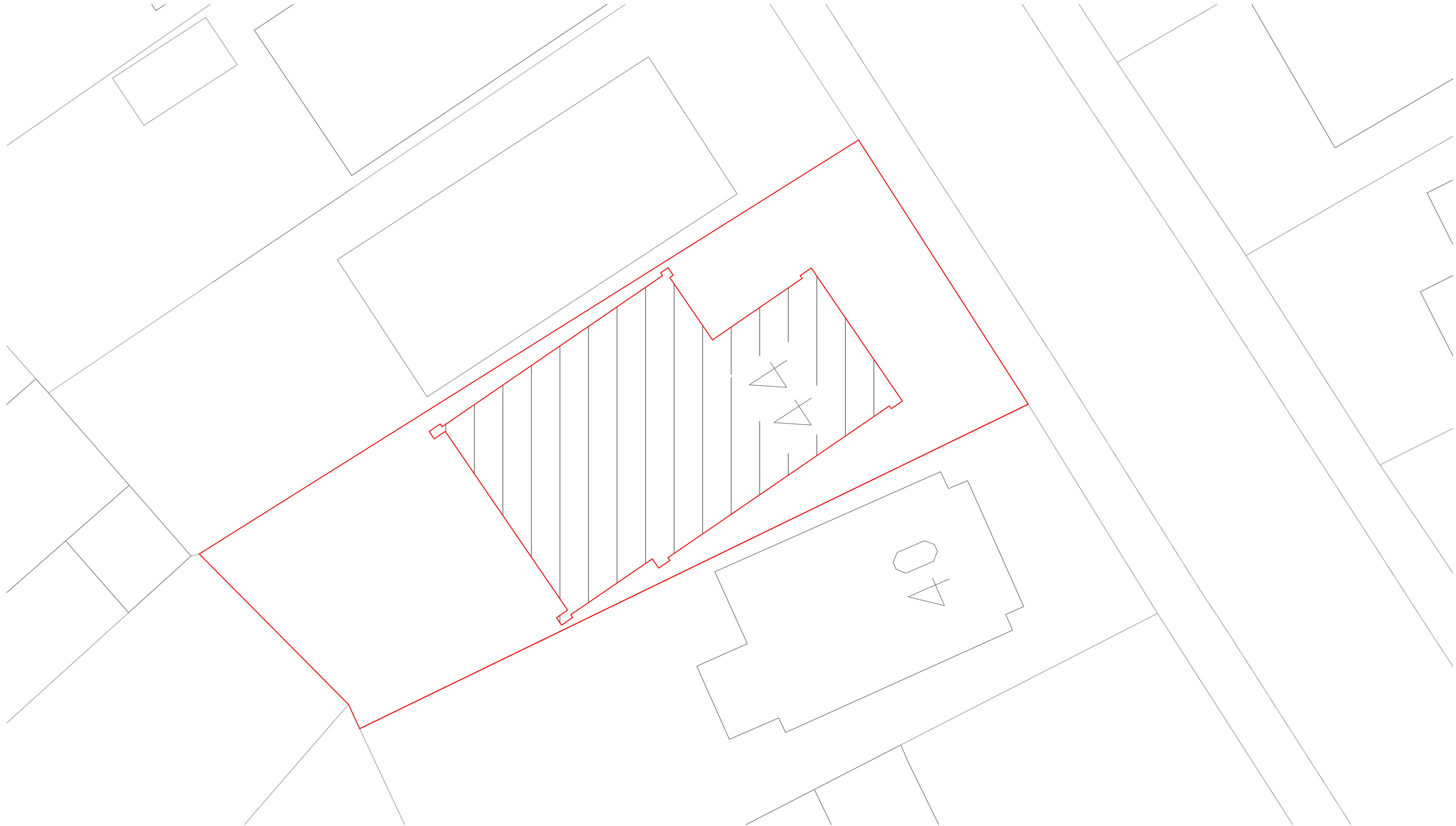
Client : Mr & Mrs Lydka
Address : 44 Minterne Road,
Mudford, Dorset BH23 3LE
Project :Extension to ground floor
Title : Existing site and plans

Drawing N.O : **PL JL S1 V1 2024 reva**
Drawn By : Matthew Austin / 71DESIGN
Date : 22 / 07 / 2024
Scale : As indicated @ A1

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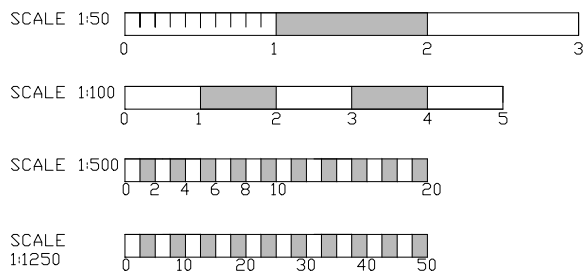
Contact :Matt@71design.net
Tel : 07866497288

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Block Plan
Scale 1:100 @ A1

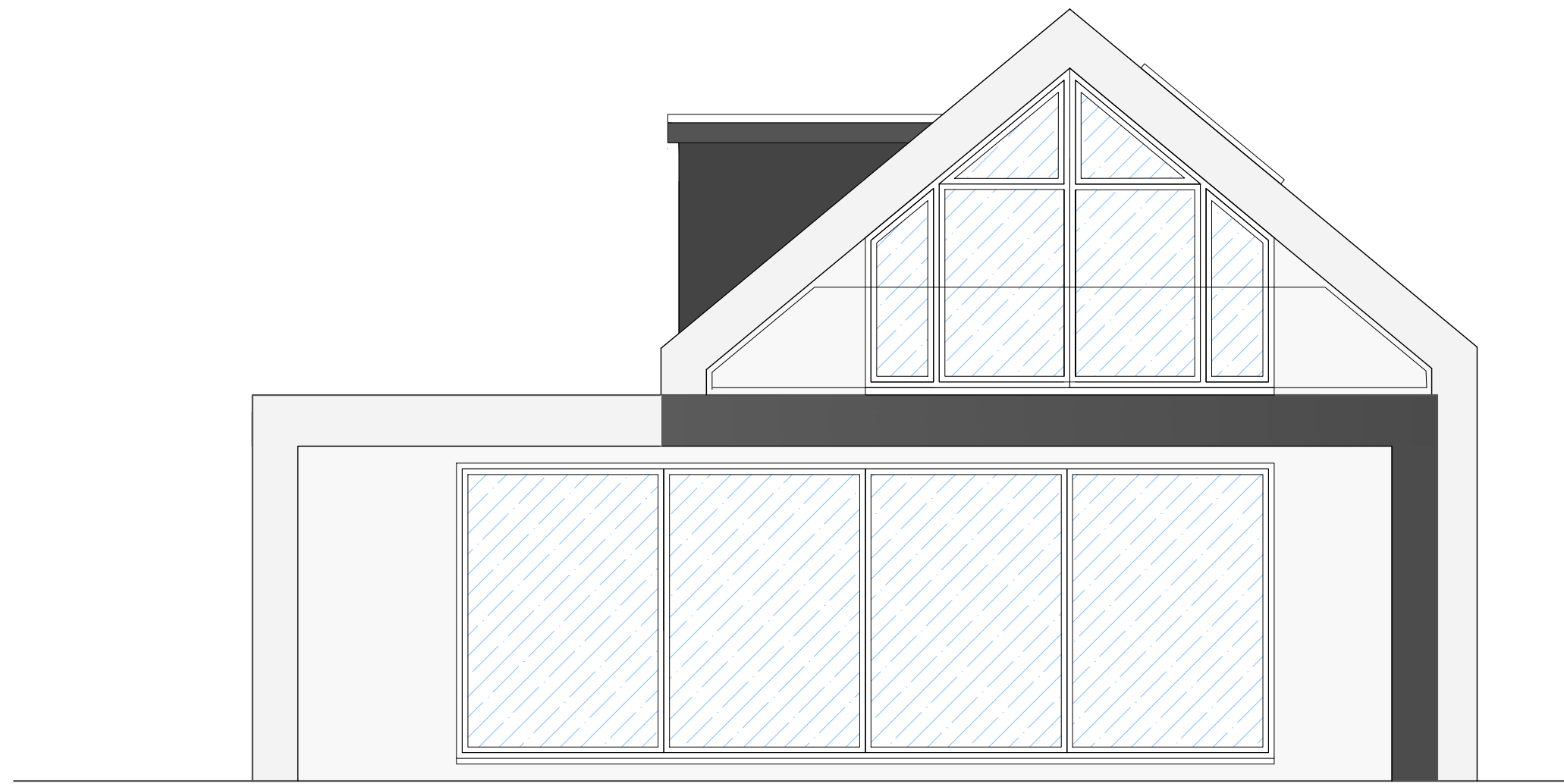
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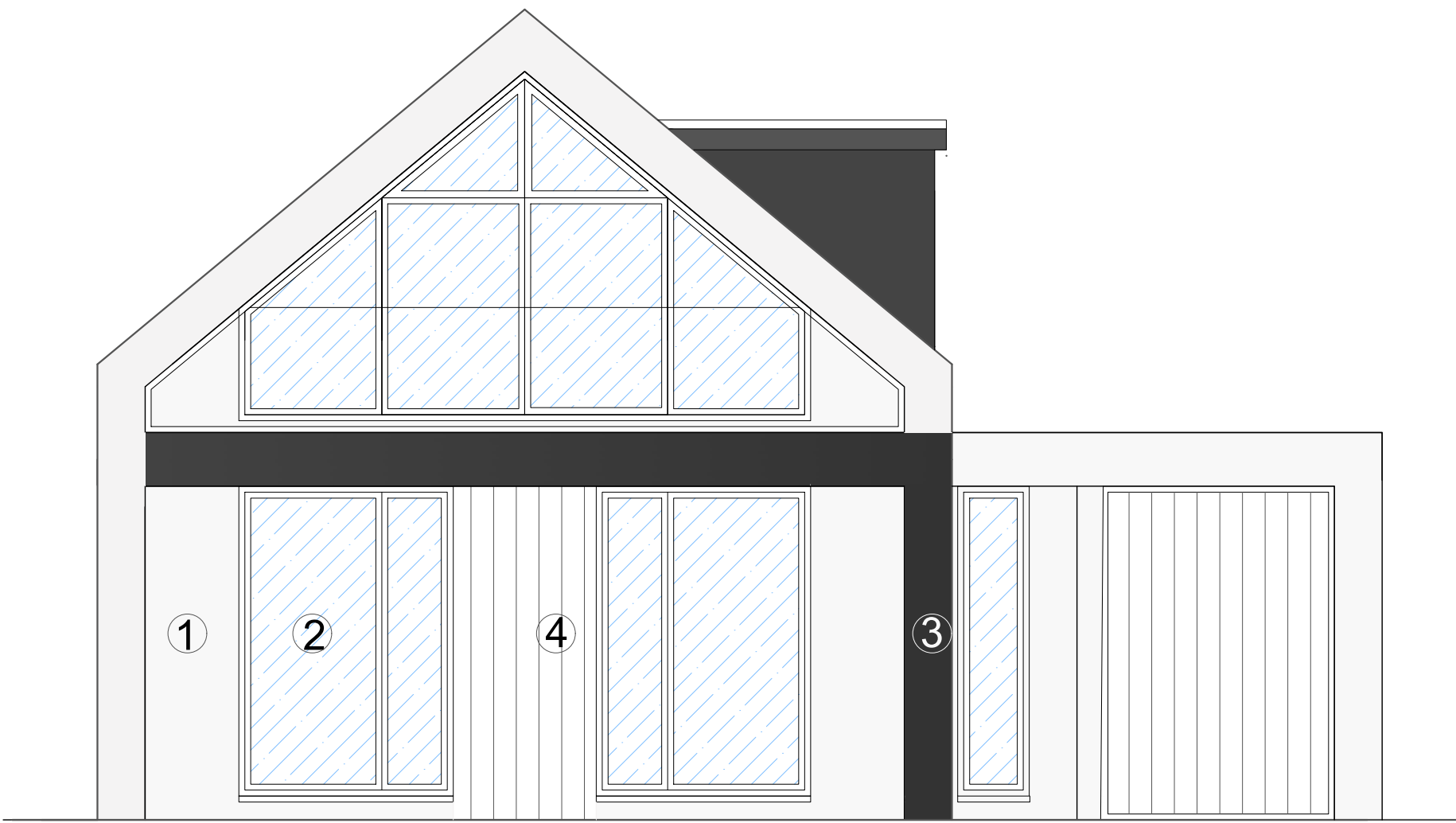
Client : Mr & Mrs Lydka
Address : 44 Minterne Road,
Mudford, Dorset BH23 3LE
Project :Extension to ground floor
Title : Proposed Block Plan

Drawing N.O : **PL JL S1 V1 2024 reva**
Drawn By : Matthew Austin / 71DESIGN
Date : 22 / 07 / 2024
Scale : As indicated @ A1

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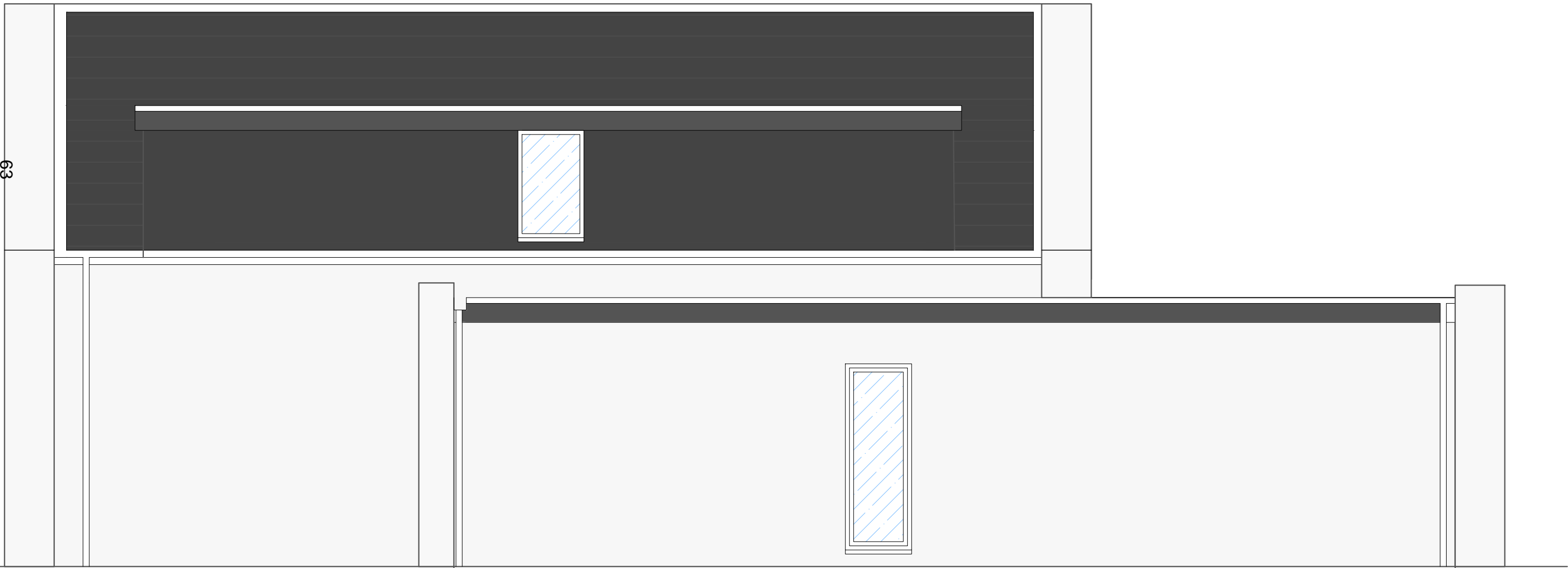


Proposed South Elevation
Scale 1:50 @ A1

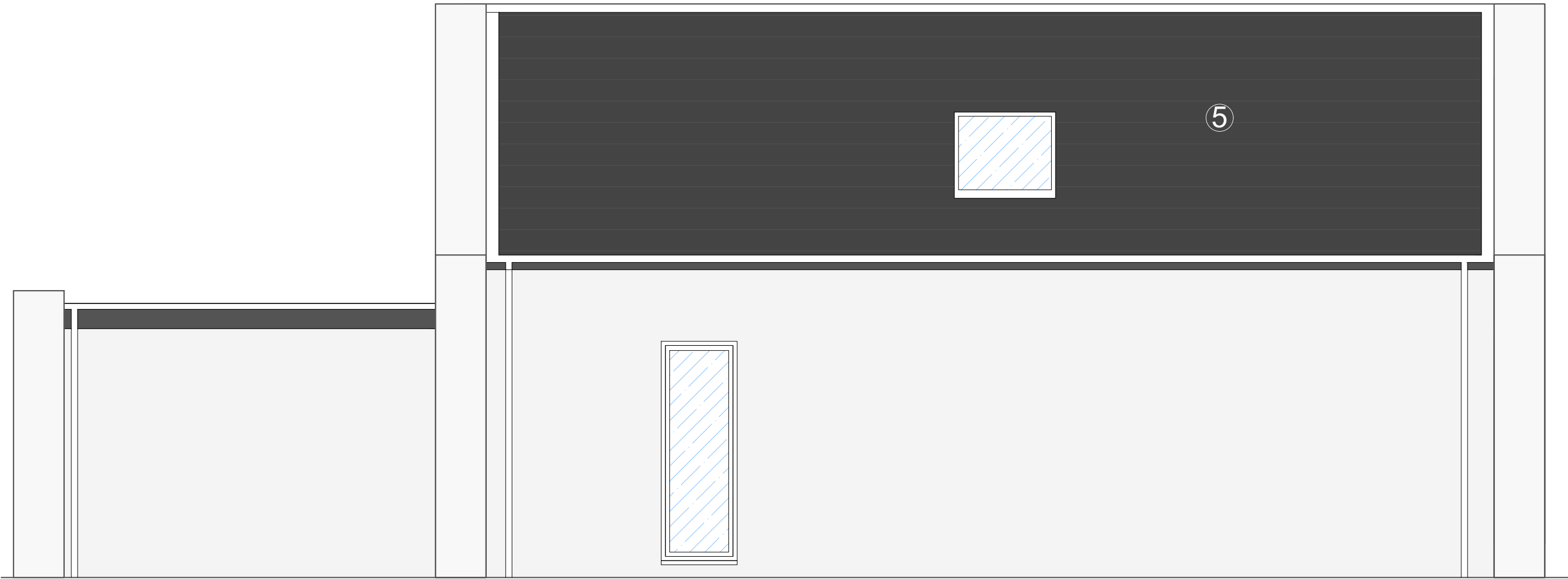


Proposed North Elevation
Scale 1:50 @ A1

- MATERIALS
- 1.Walls white render.
 - 2.Windows & Doors UPVC / Aluminum.
 - 3.Grey Fascia
 - 4.Plank Cladding
 - 5.Composite Slate

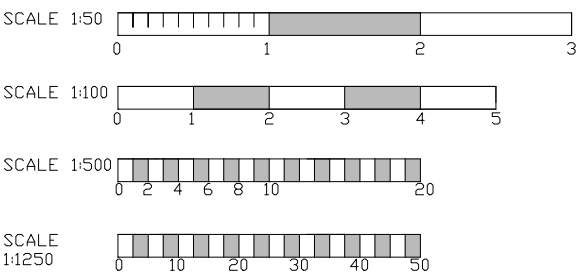


Proposed West Elevation
Scale 1:50 @ A1



Proposed East Elevation
Scale 1:50 @ A1

Scale Legend



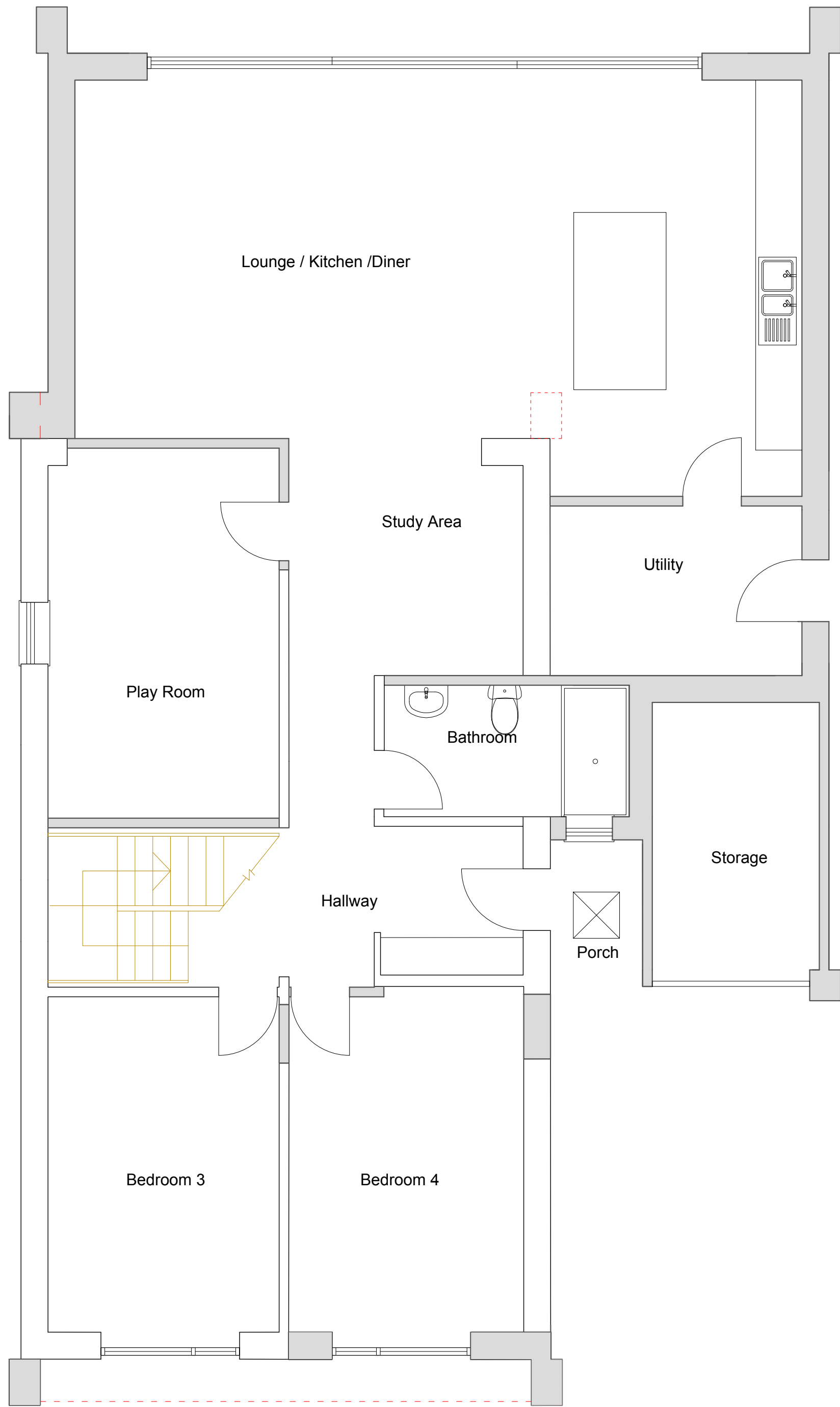
Client : Mr & Mrs Lydka
Address : 44 Minterne Road,
Mudford, Dorset BH23 3LE
Project :Extension to ground floor
Title : Proposed Elevations

Drawing N.O : **PL JL S2 V5 2024**
Drawn By : Matthew Austin / 71DESIGN
Date : 13 / 05 / 2024
Scale : As indicated @ A1

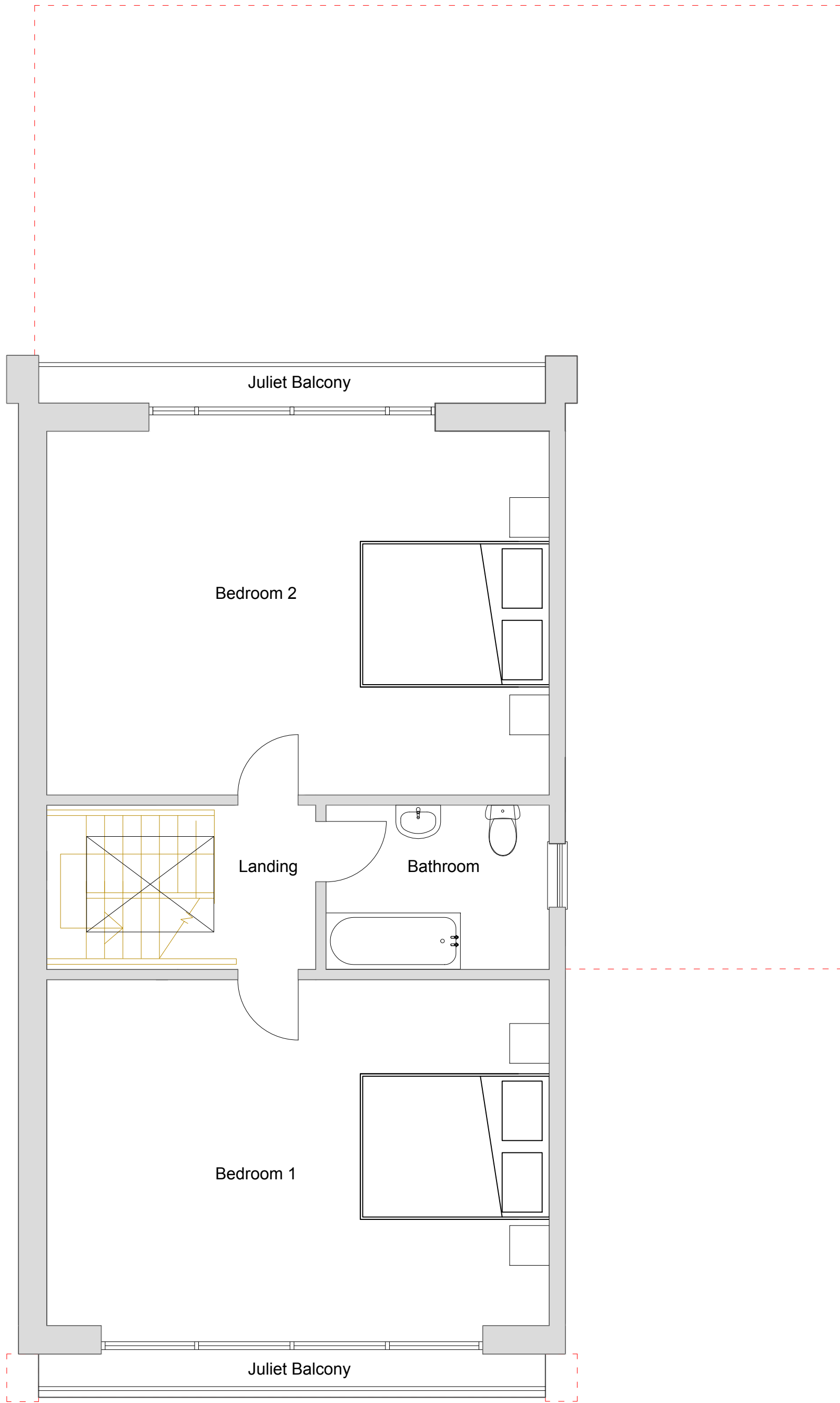
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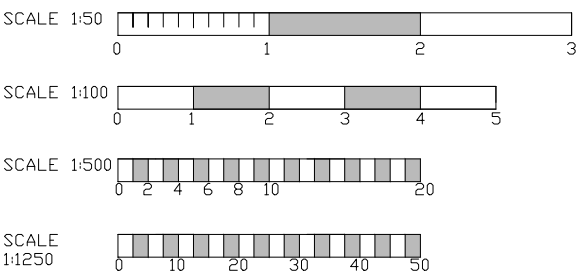


Proposed Ground Floor
Scale 1:50 @ A1



Proposed First Floor
Scale 1:50 @ A1

Scale Legend



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Client : Mr & Mrs Lydka
Address : 44 Minterne Road,
Mudford, Dorset BH23 3LE
Project :Extension to ground floor
Title : Proposed plans

Drawing N.O : **PL JL S3 V5 2024**
Drawn By : Matthew Austin / 71DESIGN
Date : 13 / 05 / 2024
Scale : As indicated @ A1

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