

Notice of Eastern BCP Planning Committee

Date: Thursday, 19 December 2024 at 10.00 am

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



Membership:

Chair:

Cllr P Hilliard

Vice Chair:

Cllr M Le Poidevin

Cllr C Adams
Cllr J Clements
Cllr D A Flagg

Cllr M Gillett
Cllr G Martin
Cllr Dr F Rice

Cllr J Salmon
Cllr M Tarling
Cllr L Williams

All Members of the Eastern BCP Planning Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=6106>

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

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

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

GRAHAM FARRANT
CHIEF EXECUTIVE

11 December 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 21 November 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 18 December 2024 [10.00am of the working day before the meeting]. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

Further information about how public speaking is managed at meetings is contained in the Planning Committee Protocol for Public Speaking and Statements, a copy of which is included with this agenda sheet and is also published on the website on the following page:

<https://democracy.bcpccouncil.gov.uk/mgCommitteeDetails.aspx?ID=613>

Summary of speaking arrangements as follows:

Speaking at Planning Committee (in person or virtually):

- There will be a maximum combined time of five minutes to speak in objection and up to two persons may speak within the five minutes.

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

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.bcpccouncil.gov.uk/Planning-and-building-control/Search-and-comment-on-applications/Search-and-comment-on-applications.aspx>

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

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

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

- | | | |
|----|---|---------|
| a) | <p>Bistro on Beach site, Southbourne Promenade, Bournemouth BH6 4BE</p> <p>East Southbourne and Tuckton Ward</p> <p>7-2023-1696-L</p> <p>Retention of 3no. shipping containers, comprising hot food kitchen, serveries, ice-cream kiosk and storage spaces; staircase and 'rooftop' customer seating; 1no. open-top (yellow) double decker bus with attached open sided pergola over customer seating; 1 timber shack comprising a drinks Bar; 2no. portable modular buildings to public toilets; timber fencing, ramps and decking; 1no. pink painted Volkswagen Beetle vehicle on the roof of one container. Stretch tent across part of the site (September to May). Temporary use of site for the sale and consumption of food and drink (revised description)</p> | 19 - 44 |
| b) | <p>The Noisy Lobster restaurant, Avon Beach, Mudeford, Christchurch, BH23 4AN</p> <p>Mudeford, Stanpit and West Highcliffe</p> <p>8/24/0596/FUL</p> <p>Alterations to existing ground floor entrance. Extension to and partial demolition of ground floor, with enlargement of first floor terrace above. Enlargement of front dormers. Removal of side window. Internal re configurations throughout</p> | 45 - 70 |

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

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
EASTERN BCP PLANNING COMMITTEE

Minutes of the Meeting held on 21 November 2024 at 10.00 am

Present:-

Cllr P Hilliard – Chair

Present: Cllr C Adams, Cllr A Chapmanlaw (in place of Cllr M Le Poidevin),
Cllr D A Flagg, Cllr M Gillett, Cllr G Martin, Cllr Dr F Rice,
Cllr J Salmon and Cllr M Tarling

57. Apologies

Apologies were received from Cllr M Le Poidevin and Cllr J Clements.

58. Substitute Members

Notification was received that Cllr A Chapmanlaw was substituting for Cllr Le Poidevin for this meeting.

59. Declarations of Interests

There were no declarations of interest.

60. Confirmation of Minutes

The minutes of the meeting held on 24 October 2024 were confirmed as an accurate record for the Chair to sign.

61. Public Issues

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

62. Schedule of Planning Applications

The Committee considered planning application reports, copies of which had been circulated and which appear as Appendices A – C to these minutes in the Minute Book. A Committee Addendum Sheet was published on 20 November 2024 and appears as Appendix D to these minutes.

63. West Beach Restaurant, Pier Approach, Bournemouth BH2 5AA

Bournemouth Central Ward

7-2024-19168-R

Variation of condition No's 2 and 4 of application 7-2022-19168-Q to allow for extension of temporary permission from 14th of April 2025 to 16th of September 2026 to allow the use of the land for a beach dining area including the installation of seasonal external decking with associated temporary structures and the layout and boundary enclosures to be agreed before the start of each summer by 1st May annually.

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward/Other Councillors

- ❖ Cllr Stephen Bartlett, objecting

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report and subject to power being delegated to the Head of Planning Operations to amend the wording of Condition 5 so that it reflects what remains on site as of winter 2024.

Voting: Unanimous

64. East Undercliff Drive to the right of East Cliff Lift, Bournemouth BH2 5AA

East Cliff and Springbourne Ward

7-2024-15059-AD

Variation/Relief of conditions 1,2 & 10 of application no 7-2023-15059-AA to alter the previous consent for Use of land as a seasonal outdoor event space for serving food and beverages with ancillary structures (Use Class E) and to extend the period of consent until October 2027

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward/Other Councillors

- ❖ Cllr Stephen Bartlett, objecting

Resolved to GRANT permission in accordance with the recommendation set out in the officer's report, as updated in the Committee Addendum dated 20.11.24.

Voting: Unanimous

65. The Prom Diner, Undercliff Drive, Bournemouth BH5 1BN

East Cliff and Springbourne Ward

7-2024-15059-AE

Replacement cladding, installation of balustrade, entrance ramps and associated alterations - Regulation 3

Public Representations

No speakers registered

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

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

The meeting ended at 11.23 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

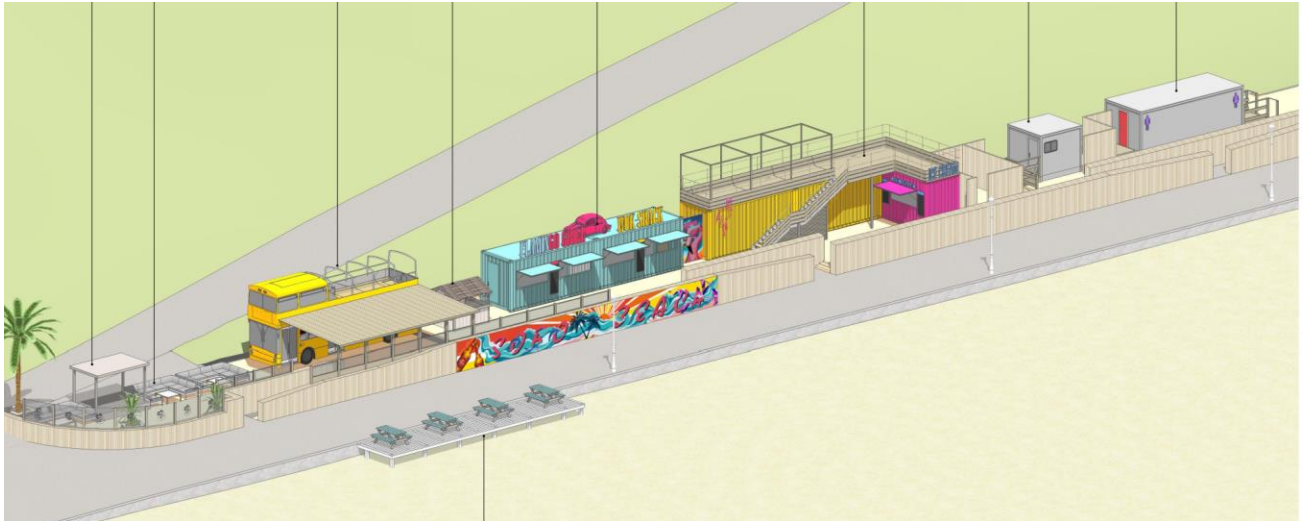
Application Address	Bistro on Beach site, Southbourne Promenade, Bournemouth BH6 4BE
Proposal	Retention of 3no. shipping containers, comprising hot food kitchen, serveries, ice-cream kiosk and storage spaces; staircase and 'rooftop' customer seating; 1no. open-top (yellow) double decker bus with attached open sided pergola over customer seating; 1 timber shack comprising a drinks Bar; 2no. portable modular buildings to public toilets; timber fencing, ramps and decking; 1no. pink painted Volkswagen Beetle vehicle on the roof of one container. Stretch tent across part of the site (September to May). Temporary use of site for the sale and consumption of food and drink (revised description)
Application Number	7-2023-1696-L
Applicant	K Slater
Agent	Mrs Clare Spiller
Ward	East Southbourne & Tuckton Councillor Bernadette Nanovo Councillor Judy Richardson
Report Status	Public
Meeting Date	19 December 2024
Recommendation	GRANT
Reason for Referral to Planning Committee	Referred by the Director of Planning and Transport because BCP Council is the landowner and in view of the significant public interest with more that 20 letters of objection and support.
Case Officer	Steve Davies
Is the proposal EIA Development?	No

Description of Development

- 1 Planning permission is sought for the Retention of 3 no. shipping containers, comprising hot food kitchen, serveries, ice-cream kiosk and storage spaces; staircase and 'rooftop' customer seating; 1no. open-top (yellow) double decker bus with attached open sided pergola over customer seating; 1 timber shack comprising a drinks Bar; 2 no. portable modular buildings to public toilets; timber fencing, ramps and decking; 1no. pink painted Volkswagen Beetle

vehicle on the roof of one container. Stretch tent across part of the site (September to May). Temporary use of site for the sale and consumption of food and drink (revised description).

- 2 The use has already been implemented and therefore the application falls under section 73A of the Planning Act as a retrospective application. The proposal is also for temporary permission for the period up to October 2026. The hours of operation are proposed from 08.00 hours until 23.00 7 days a week. The development is mainly on the site of the former Bistro on the beach but also includes a deck on the sand measuring 13m x 2.7m. The general arrangement of buildings is shown in the image below. In the winter most of the open parts of the site are covered with temporary tented and marque coverings.



- 3 Apart from serving food and drink the site has music and disco events throughout the year. Events will be limited to one weekly recurring event and an additional monthly event using music above background level from 1st April to 30th September. There will be a reduced frequency of events out of season, with a maximum of 15 events with amplified music in total from 1st October to 31st March.

Description of Site and Surroundings

- 4 Seafront and beach location. In front of existing long-standing Bistro on the Beach restaurant/café which has now been demolished.

Relevant Planning Applications and Appeals:

- 5 The following more recent applications:
- Current application for “Retention of painted mural on front boundary treatment and installation of other ancillary fascia signs”. Advertisement applications are dealt with under delegated powers.
 - 2021-1696-K: Prior approval procedure - Demolition of buildings - Permitted Development. Granted: 4 November 2021
 - 2021-1696-J: Proposed construction of a new restaurant, public conveniences and kiosk at ground floor level, with 17 overnight lodges spread over two floors above with pedestrian access bridges and other associated landscaping. Alterations to Warren Edge Car including a new laundry store, cycle shelter, car park access control and electrical substation. cycle stands and beach showers on the promenade- Regulation 3. Granted: 28 July 2022

- 2007-1696-F: Alterations and single storey extension to restaurant/cafe and formation of kiosk for the off sales of hot food. Granted: 29 June 2007

Constraints

- 6 The following constraints have been identified.
- Vulnerable coastal location although Flood zone 1 and Flood Zone 2 for the decking;
 - The beach and promenade has an open space allocation and falls within the remit of policy CS31.

Public Sector Equalities Duty

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

Other relevant duties

- 8 In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
- 9 For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.
- 10 For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

- 11 Council Tourism Team – *Bistro on the Beach lies to the East of Boscombe Pier in Southbourne. The proposal positively contributes to the tourism offer along the seafront and it does not interrupt any sea views. The Seafront Visitor Survey (2023) supports the public views around investment in food & drink offers. Existing and new development along the promenade will form an active ‘street’ frontage and elements along the space will have a regular, ordered appearance and layout. Destination are supportive of the operation, which has proved very successful and publicly well received.*
- 12 BCP Coastal Engineers (Flood and Coastal Erosion Risk Management) – No objection to drainage issues but recommended that flood risk and emergency evacuation measures are in place.

- 13 Environmental Health Officer – The EHO is satisfied with the information they have provided to date, detailing the control measures in place to mitigate music, noise and minimise the impact on local residents. The full EHO comments are set out below: -

In October 2023, this department provided a formal response on this application recommending a noise impact assessment should be carried out to assess the noise impact from music played at the premises on nearest sensitive receptors. We also advised that a noise management plan should be devised detailing the control measures currently in place and additional measures identified following the results of the noise assessment to ensure music noise is managed effectively.

In June 2024 following this department receiving complaints in relation to noise disturbance from music events held at this premises, a holding objection was sent to the Planning department based on concerns we had with the management and proposed frequency of events through the summer months... Environmental Health met with the operators to discuss the ongoing concerns of residents and agree a way forward. A noise impact assessment was carried out on 22nd July 2024 by Sustainable Acoustics (Report no; 23-0125-1 R01) to assess the existing background noise levels and noise impact from music played at the premises on nearby residents. The report concluded that good operational music levels would be possible, whilst causing no more than a LOAEL – Lowest Observed Adverse Effect level at the nearest residential properties, with mitigation measures in place. Unfortunately, there were some inconsistencies with this report, due to the weather conditions during the measurement period and some of the recommended mitigation measures not necessarily being relevant to the premises.

However, following additional noise measurements carried out by us and further correspondence with the consultant it was evident the operators were required to mitigate the music noise by approximately 5dB to achieve the target level set by the consultant. Therefore, alterations were made by the operators including (but not exhaustive);

- *Removing sub woofers to reduce the bass noise emitted*
- *Installation of 14mm glass panels surrounding the stage area*
- *Installation of a wooden structure housing DJs and equipment (open side directed towards the sea) covered with high density noise absorbing acoustic barrier*
- *Speakers were relocated, installed below the height of the barrier, mounted off the floor and directed towards the sea*
- *A monitoring schedule was set up to monitor the noise during amplified live and recorded music events at various points at the nearest residential properties*
- *Engaged in the services of a sound engineer to install a compressor system to reduce the noise produced in the lower frequencies*
- *Reducing the frequency of events from 3 per week to once a week through the summer months (May to September)*
- *Reducing the duration live and recorded amplified music is played to 4hrs*

The noise consultant advised that the level of attenuation due to the reflective glass on the seaside is estimated to be around 5dB. It was also recommended to install a small line array system to direct the sound to a smaller area of the venue and minimise the noise impact, but this solution was dismissed by the applicant.

Between February and August this year we have visited and carried out our own monitoring on several occasions to determine whether the noise from the amplified music was unreasonable at the complainant's property. Whilst earlier in the year the music was perceptible at the complainant's property, it was evident from monitoring carried out in

August and following the implementation of additional mitigation measures that noise from the music played during the events held at this premises did not amount to a statutory nuisance at the complainant's property. Occasionally music noise may be perceptible at the nearest residential properties for short bursts of time as the music is amplified in open air and difficult to wholly attenuate without mass, such as a building to enclose the source completely. How perceptible the music noise is at the residential properties is heavily dependent on the weather conditions (wind direction and speed, precipitation), sea conditions, road traffic noise and busyness of the area with beach users, all of which are beyond direct control of the operators. With regards to the National Planning Policy Framework and based on the current mitigation measures in place, occasionally depending on the external conditions the noise exposure may cross into 'lowest observed adverse effect' level in which small changes in behaviour and attitude occur. However, consideration has been given to mitigating and minimising those effects with the above actions.

An updated response was sent to the planning department on 13th August 2024... advising based on the actions already taken and proposed submission of a noise management plan and mapping conditions were recommended.

Since August we have received five complaints on the following dates, 1st, 8th, 14th and 15th September and 27th October 2024... although the operators have advised there were no events with live or amplified music on 8th and 15th September 2024. As I understand there have been a further two events between September and December with amplified music that have not resulted in complaints made to this department.

Following additional noise mapping carried out by Noise Assessments Ltd and the submission of a Noise Management plan (Project no. NALPRO070824.01a, dated 5th November 2024) we are satisfied that reasonable steps have been implemented to manage and control noise to ensure that live and amplified music played at the premises will not adversely impact the neighbouring residents. The aim of the National Policy Statement for England - Noise Policy Statement for England (NPSE) has been met to mitigate and reduce to a minimum potential adverse impact on health and quality of life from noise generated at the premises. We would therefore recommend the conditions to the following effect are attached to any approval granted;

- 1. The premises shall only operate between the hours of 08.00 and 22.00hrs.*
- 2. Noise must be managed in accordance with the Noise Management Plan at all times, any changes to the noise management plan must be agreed in writing by the Planning Authority.*

- 14 Highway Officer – No objection but suggest condition regarding waste and cycle parking provision.*
- 15 Biodiversity Officer – No objection subject to a condition about lighting.*
- 16 Natural England - It is noted that “the application is adjacent to Bournemouth Cliffs Site of Nature Conservation Interest and that there may be some small impacts from shading. The advice of the Councils Biodiversity Officer should be sought. Natural England has no objection to the application”*
- 17 Police Architectural Liaison Officer – no objection but makes the following points – “With a car park and easy access from the promenades, the location has had numerous problems with antisocial behaviour. The site is still on a hotspot patrol area by the Police because of its history. The previous restaurant attracted regular burglaries and damage, and the bus that is*

there now was broken into twice in rapid succession when it first arrived. Flat roofs with a view of the sea attract not only tourists but also antisocial behaviour. Roofs need to be appropriate to prevent someone breaking through and down into the unit below. Marine containers are historically easy targets for criminals, especially if there is limited passing surveillance as here. It would be sensible to have an integrated CCTV and alarm system installed, as well as quite substantial target hardening measures on any doors, windows or hatches.”

- 18 Urban Design Officer - The Officer supports the use and does not object to the mural. *“However, I do not support the development in its current form due in particular to the extensive use of tall, solid timber hoarding which dominates the appearance of the site and detracts from the character of the seafront.”*

Representations

- 19 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 19th October 2023.
- 20 A significant number of representations have been received. Many have been received from local residents concerned with mainly noise and nuisance from the events that take place and the general liveliness of the site. They also cite other concerns relating to ecology, parking, visual intrusion and concerns with travelling and sustainability. The online system for registering representations shows that the following has been received.
- 1238 Non-objection-support comments: many of these are not immediately local to the site and are most likely patrons of the venue.
 - 54 Objections
 - 119 Comments: many of those responding with the comment button actually comment that they support the project.
 - Both Ward Councillors have written in expressing concern with the proposal particularly on nuisance grounds
- 21 Many of the residents objecting to the scheme have used the services of a planning consultant and the conclusions of his objection letter are as follows (summary).
1. There is clear noise nuisance caused by the proposal which offers no ways in which this can be minimised which is a requirement of CS38 and paragraph 8 of the NPPF. The proposal is in effect for an open-air nightclub use within a peaceful residential area with zero opportunity for noise attenuation measures. There is no Management Plan provided which is surely fundamental and needs a period of open public consultation for it to be properly scrutinised.
 2. There are clear grounds for refusal with regards to the impact upon highway safety and parking pressures. No Travel Plan or Travel Assessment has been provided by the applicant and given the distance that customers have been proven to travel and the amount of individual private car journeys that this use creates, then again, the Travel Assessment needs to be submitted and subject to a period of open public consultation.
 3. Core Strategy policies CS7 and CS18 and the adopted Seafront Strategy clearly set out that the proposed use should be located in the central zone of Bournemouth. This site is

not readily accessible by public transport and creates a huge carbon footprint for each event which hasn't been quantified; it a stark contradiction to the Climate Emergency that BCP has called and its desire to be carbon neutral as an organisation by 2030.

4. There is a clear lack of infrastructure and facilities to cope with these events with men urinating behind beach huts and general use overspilling into the beach and promenade. There is evidence from objectors that the events are actively driving people away from the area and such alcohol consumption, dancing and DJ music is not conducive to creating a family friendly environment to which the Seafront Strategy identifies this part of the beach as being designated.
 5. The proposed buildings are ramshackle in nature and garish and temporary. They detract visually from this part of the beachfront. The proposal is contrary to Core Strategy policy CS41. NPPF paragraphs 131 to 135 are relevant re good design and 'being a key aspect of sustainable development'. Paragraph 135 states that planning decisions should ensure that all proposals 'are sympathetic to local character'.
 6. The ecological impacts and SNCI harm have not been assessed appropriately by the applicant and require full consideration by the local planning authority. The proposal is considered contrary to CS34 and CS35.
- 22 As Members will be aware the number of representations is not a determining factor in planning decisions. What is important is the validity of points that are made. Many of these issues are discussed below. However, it is clear that the current use is raising some amenity issues with local residents. Conversely the venue is extremely popular to some beach visitors from the Southbourne area and further afield.

Key Issues

- 23 The main considerations involved with this application are:
- Principle of the use on and loss of open space
 - Impact on character and appearance of the area;
 - Impact on amenity;
 - Impact on the coastal engineering and flood risk;
 - Biodiversity.
- 24 These points will be discussed as well as other material considerations below.

Planning Policy Context

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

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

26 Bournemouth District Wide Local Plan (2002)

Policy 3.28: Flooding

27 Supplementary Planning Documents:

Public Realm Strategy: Guiding Principles – SPD

28 Other

The Seafront Strategy is a corporate policy. It does not form part of the Statutory Development Plan but is a key Council objective. It supports investment and tourism enhancement particularly in the areas between and close to the piers.

The seafront east of Boscombe Pier is categorised as follows: -

The promenade running east of Boscombe Pier features a high concentration of beach huts and is hugely popular with families and locals. It is characterised by three connected landscapes of cliff-top heath, cliff face geology and beach. There are four main visitor hub areas along this stretch clustered around the overnight short stay Bournemouth Beach Lodges at Manor Steps; the 1930's cliff lift at Fisherman's Walk, the soon to be regenerated Bistro on the Beach facility at Southbourne and the Hengistbury Head Visitor Centre.

Whilst the area generally is identified as a coastal nature park it does identify this site as a visitor hub as follows: -

Bistro on the Beach site regeneration introducing a new year-round eco-destination offer incorporating restaurant, kiosk, toilets and overnight rental Beach Lodges

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

29 The National Planning Policy Framework (2023)

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

Including the following relevant paragraphs:

Section 2 – Achieving Sustainable Development;

Paragraph 11 –

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

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Section 6 – Building a strong, competitive economy;

Section 7 – Ensuring the vitality of town centres;

Section 8 – Promoting healthy and safe communities;

Section 12 – Achieving well-designed spaces;

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

Section 15 – Conserving and enhancing the natural environment.

Emerging Local Plan

- 30 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. Many of the policies which would be relevant to this proposal are similar to current policies but brought up to date to reflect the NPPF. Due to the stage the Plan has reached, the majority of policies are attracting very limited weight at this time.

Planning Assessment

Principle of development

- 31 The general principles of the core strategy seek to ensure sustainable communities through good quality development, support for tourism and protecting spaces for recreation, walking and general enjoyment.
- 32 Policy CS31 (Recreation, Play and Sports) states that planning permission will be refused for development that results in the loss of public and private open space. This is a key policy for the protection of public open space. However, it is considered that the proposal would not result in the permanent loss of a significant amount open space. Only a small deck (on the beach) is proposed here, and this is not considered to be a significant area in terms of the entire beach area. This can be balanced against the benefits of having a facility that people can enjoy as another key issue is the economy and the tourism function.
- 33 On the basis of the above, the proposal is considered to be in general accordance with policy CS31 in so far as loss of open space. Whilst the proposal has an impact on the open space it is considered that the temporary loss in the summer period of the space is not significant and would not result in the proposal being contrary to this policy. As set out above the Council has reviewed its Corporate Seafront Strategy. Whilst this is not a planning policy it does set out a requirement that proposals should “sympathetically enhance the public amenity and open space”. It is considered that the fact this is a long established café/restaurant location and as the deck is modest the open space policy would not be compromised. The policy does indicate that the focus for the more intensive tourism event should be close and between the Piers. However, The Bistro on the Beach site has always been used as a tourism spot and the planning permission for the new restaurant and beach lodges will create a more intensive tourist hot spot compared with the quieter areas further east and west.

- 34 The proposal would support tourism as set out in policy CS29 (Protecting Tourism and Cultural Facilities). Food and beverage outlets have always been located on the beach front together with the shopping areas in the retail centres offering a different and complementary offering.
- 35 On the basis of the above the proposal is considered acceptable in principle and is also in accordance with policy CS6 (Delivering Sustainable Communities) by maintaining a balance in development opportunities whilst protecting key facilities. The Emerging BCP Local Plan has similar policies to promote sustainable development, support the economy and protect amenity.

Impact on character and appearance of the area

- 36 The main issue is the appearance of this temporary venue. Planning permission has been granted for a replacement building but in the interim this temporary use has been established. The applicant is seeking permission to continue the use until the end of the summer 2026. For this reason, the structures are not of a permanent design and have a temporary appearance. The structures are a mixture of portable hut type buildings, shipping containers, an old bus with a shelter attached, a stage for outdoor performance and a terraced seating area above the shipping containers.
- 37 However, this proposal differs from the other recent approvals on the beach as there are more structures and during the winter period the use is to continue albeit with some tented coverings to provide more inside use or weather protection. Although this part of the beach is less developed than the areas closer to the piers it has always been to location of a well-used busy café. Also planning permission has been granted for a sizable replacement permanent building that will be on three floors. It includes a restaurant and beach hut lodges. For this reason it is considered that this part of the beach has a more intensive character which is different to the quieter and less developed areas towards Hengistbury Head, and it is reasonable to allow a more intensive operation as proposed whilst allowing the parts of the beach either side to remain quieter.
- 38 One of the main concerns has been the provision of container type structures as these will have a completely different appearance to the smart new building proposed for the future. However, beach architecture often includes lightweight temporary structures such as beach huts and boat sheds that have some charm as they appear windswept. The different structures proposed especially with the old bus and car on the roof of the container are an eclectic mixture of features. Overall, it has the appearance of something akin to a funfair. At present the paintwork is becoming tired. However, the applicant proposes to repaint next season and with this fresher appearance it is considered that for a temporary period the proposal would be acceptable. However, a condition to require repainting for the two more years would not be unreasonable.
- 39 The applicant has also made an effort to provide some screening with the timber cladding on the edge of the promenade which helps screen some of the structures. This is partly covered with artwork which is subject to a separate application under the advertisement regulations. However, the Urban Design Officer considers that this looks harsh in comparison to the railings and stone walls that were previously in situ. The Council has actually installed this feature, and it could be argued to fall within permitted development allowances. Whilst it is agreed that its appearance is somewhat of an oddity it is considered that some painting or colour washing would help soften its appearance and be seen as part of the “Sobo” identity. A condition will be added to agree an appropriate scheme.

- 40 As the decking on the beach and the other structures are by their nature temporary and described as such by the applicant, it is considered appropriate to issue a temporary permission. Although the appearance of the structures are considered acceptable at the moment, they could become untidy and unsightly overtime. This is a particularly prominent and important location, and it is considered appropriate to issue a temporary permission for only two summers. This would allow a degree of control over the proposed development, should the appearance of the decking and other structures deteriorate. Also, this could change with winter storms in the future. It also gives the Council the opportunity to review their beach strategy in the future.
- 41 On the basis of the above, subject to the planning conditions as outlined, the proposal is considered to accord with planning policy CS41 in respect of design and visual amenity.

Impact on amenity

- 42 The proposal is likely to increase activity in the area with more people coming and going from the site and creating a potentially livelier 'party' atmosphere especially during the summer. Many of the beach operations have alfresco dining so this is commonplace. This location will already be relatively busy during the summer period with a throng from other beach users, children playing and those listening to music. During the winter it will also be relatively busy given the historic café use and the proximity to the car park. Therefore, it is considered that on this part of the beach, there is some scope for a more intensive restaurant/ bar use.
- 43 However, the main concerns raised relate to the "events" that are held at the premises with music, live entertainment and discos on the beach. There are several blocks of flats just at the top of the cliff and they have indicated that they have suffered from nuisance in the past. At times during the past summers the noise from the events has been intrusive. However, the site has been monitored during the summer by the Environmental Health Officer. See the full comment by the EHO above in the Consultees section. Following discussions with the Environmental Health Officer, applicant has reduced noise levels and has submitted a noise management plan. The plan was developed following a noise impact assessment that was carried out and contains the following noise control measures:
- a) The permitted operating hours of the site will be strictly adhered to and effectively communicated to all site staff and patrons;
 - b) Maintenance of a complaints form for any complaints received directly to the business;
 - c) Security staff in attendance for any events that go over background level volume to monitor the behaviour of guests and ensure they follow the noise policy; persistent noise offenders may be barred from site;
 - d) The speaker system within the site shall be set up to ensure that the sound generated by any amplified music is directed away from the sensitive receptors towards the sea.
 - e) Maintain suppressor set level, with no changes permitted;
 - f) Regular monitoring throughout events is essential to ensure that external conditions are accounted for (eg wind direction) as these can have an effect on noise travel;
 - g) Music levels will be reduced to background level immediately as any events end;
 - h) Notices will be displayed on external doors asking customers to leave the premises in a quiet and orderly fashion to show respect to local neighbours;
 - i) Events will be limited to one weekly recurring event and an additional monthly event using music above background level from 1st April to 30th September. There will be a reduced frequency of events out of season, with a maximum of 15 events with amplified music in total from 1st October to 31st March;
 - j) Using reputable DJ's who are aware of the constraints and sensitivity of the environment;
 - k) Restricting events to 4 hours maximum with music elevated above background level;

- l) No Subwoofers shall be installed to the speaker system;
- m) Directing the speakers to the sea away from the residential properties;
- n) Installed 14mm glass barriers surrounding sensitive areas of the venue to attenuate the noise breakout. Speakers are installed below the height of the barrier to ensure the sound is directed into the venue;
- o) Installed a wooden structure to act as a stage housing the DJs and equipment (open side directed towards the sea). With back and sides covered with high density noise absorbing acoustic barrier;
- p) Engaged in the services of CPS sound engineers to set up their speaker system, with the installation of a two-stage audio compressor to compress the audio signal level at a preset threshold ratio of 4:1. Reducing the dynamic range of the signal and lessen the ferocity of the program material (effectively smoothing out the thumping of the signals). This threshold becomes active before the DJ can max out the available volume on the mixing deck. There is also a peak limiter section, providing a limit at a preset threshold which is set to become active when the DJ reaches +6dB on the mixer. The limiter heavily compresses the signal and reduces the output gain to maintain the preset level. The staff do not have knowledge of the audio systems and are not permitted to make changes without CPS. Tools are required to access any of the compressor limiter systems. This is not a noise limiter and does not limit the noise at source to a measurable level, this type of system would not work in this environment as the existing noise sources in the area would be picked up on any limiter installed, negating the effect;
- q) Regular monitoring is carried out when live amplified music is played at multiple locations outside nearby residential properties and along the promenade. Corrective action is taken if the music noise is deemed too loud, i.e. if lyrics of songs and continuous bass beat from the music is audible outside residential properties it is too loud;
- r) Dialogue with some residents in the area has already been established;
- s) Events advertised on the website with start and finish times.

44 It is clear from the application submission details that there will be some noise associated with the proposal. As it is an open air venue it is not possible to fully insulate and mitigate noise so that no noise can be heard above background levels. There will be a change from when there were no events taking place and from when all of the activities were inside the building. Some residents may expect not to hear any noise however, on the other hand as this is a busy seaside resort a commercial operation on the seafront may expect to operate without unduly stringent conditions. It is a known fact that noise travels on water to a more significant degree, so this consideration needs to be factored. But in this case, because occasionally low frequency music noise is perceptible to local residents doesn't mean it's enough to amount to a statutory nuisance or even have an adverse impact on amenity. Important considerations also are the variable factors of the surrounding environment/ weather/ sea conditions, distance between the source and residents and frequency/ duration/ time of music played. One factor that is relevant is that under the permitted development regulations it is possible that an outdoor event such as a disco on the beach could take place for 28 days in any one year. Although subject to Environmental Health nuisance legislation this would only be able to control statutory nuisance whereas the restrictive conditions proposed in the recommendation and now in the noise management plan seek to control impact on residential amenity which is a higher bar in terms of nuisance protection. It is important that the noise management plan is strictly observed and therefore it is proposed to add a condition to have a trial period for the noise management plan to ensure that it operates effectively over the rest of the winter and next summer.

45 The Environmental Health Officer is supportive of the proposal with the noise management plan in place. Therefore, it is considered that the proposal wouldn't cause demonstrable harm

to amenity and would accord with planning policies CS38 and CS41 of the Bournemouth Core Strategy.

Impact on the coastal engineering and flood risk

- 46 The application site is largely located in flood zone 1 where flooding is not normally an issue. However, the decking on the beach lies within flood zone 2. This element of the scheme would fall within the minor development category and the Council would refer to the Environment Agency standing advice. The proposal, to facilitate an outdoor seating area, could be classed as a 'Water Compatible' use (NPPF Annex 3) (outdoor sports and recreation) and on this basis would not require the submission of a Flood Risk Sequential Test to determine alternative sites but a Flood Risk Assessment is required. The NPPF in paragraph 174 states – "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59". There is some conjecture about whether the structures themselves are buildings although as they are clearly temporary and are easily moveable it is not considered that they need to follow the sequential test. However, a Flood Risk Assessment (FRA) is required. It is also noted that buildings for restaurants and cafes are classified as a less vulnerable use are also appropriate development in flood zones.
- 47 Previous similar proposals along the beach front have been considered acceptable having regard to issues of flood risk and the approach has been the same for all the beach pop ups in that provided a flood risk plan is in place the proposal is acceptable. The Flood Risk Assessment also includes an emergency evacuation plan which sets out protocols should a storm occur.
- 48 The Councils engineers have been consulted in respect of impact on coastal infrastructure and do not object as the development accords with the criteria required under the lease for beach structures to control potential damage to the sea wall. Importantly there are no fixings to the sea wall allowed.
- 49 On the basis of the above, the proposal is considered acceptable and compliant with general flooding criteria set out by the Environment Agency and policy CS4 of the Bournemouth Core Strategy document.

Biodiversity

- 50 Statutory Biodiversity Net Gain does not apply in this instance as the application was submitted prior to the requirement.
- 51 Further, as set out above the Biodiversity Officer does not object to these facilities but a condition about lighting could be included to ensure that foraging bats are not disturbed by any bright lighting. Accordingly, the proposal is considered to be acceptable and compliant with policy CS30.

Highway Safety

- 52 Bins, servicing and cycle parking can be accommodated for the site. The bin collection and servicing is organised the same as all of the other promenade venues to ensure regular collections and deliveries outside of peak times. The venue is popular to those cycling and the approval for the redevelopment included a requirement to provide Sheffield stands. A similar condition has been recommended for the current proposal to help manage cycle

parking at the venue. It will require negotiations with the Council as they control the promenade, but a condition will ensure that appropriate facilities are provided. On this basis, the proposal would be compliant with policies CS18, CS38 and CS41.

Summary

- 53 As set out above it is considered that the proposal is acceptable on the basis that;
- The design is acceptable on the basis that the proposal is for a temporary period;
 - The impact on amenity is considered to be within acceptable limits based on the EHO recommendations with the Noise Management Plan in place;
 - The Council has approved several other similar decks and beach front facilities on the beach and promenade to support the tourism function;
 - Any loss of open space is not significant and temporary;
 - Exempt from Biodiversity Nett Gain.

Planning Balance / Conclusion

- 54 Many of the core strategy policies and specifically CS6 and CS31 seek to ensure sustainable communities through good quality development, supporting tourism and protecting spaces for recreation, walking and general enjoyment. Whilst the application site is located on the promenade and partly on the beach which is classed as open space it also contributes to the seafront tourism offer and its appearance at present does not downgrade the seafront for the temporary period proposed. Appearance, residential amenity and nuisance considered under Policies CS38 and CS41 are also important considerations. As set out in the report the appearance whilst temporary in nature is considered appropriate in the beach front location. The events that are carried out do create a noisy atmosphere however, the Environmental Health Officer has been working with the applicant to agree a plan that will allow the events to be carried out on a restricted basis with noise control measures in place.
- 55 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

- 56 **GRANT** with the following conditions;

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

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

201004: 001, 002A, 003A, 004A, 005A, 006A, 007A, 008A, 009A, 010, 011, 013, 014

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

2. Temporary permission expiring

On or before the 31 October 2026 the use of the land as a temporary beach dining and bar area including decking and supporting structures, containers and fencing and any other temporary structures within the area identified on the submitted drawings shall cease and all structures and equipment shall be removed in their entirety and the land restored to its condition before the development hereby permitted took place (as part of the open beach and adjacent promenade areas).

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

3. External Lighting

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modification) no floodlighting shall be installed on any part of the application site as shown on approved plans and any lighting shall not illuminate the cliff slope behind the site. Any external lighting shall be directional to only illuminate the area of seating and lighting to be compliant with 'GN08/23 Bats and Artificial Lighting at Night' by Institution of Lighting Professionals, that is: luminaires to have colour temperature less than 2700 K, with peak wavelengths no greater than 550nm.

Reason: In the interests of visual amenity and given the site location on the beach all to accord with policies CS31 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and in accordance with National Planning Policy Framework (2023) paragraph 174 "Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity"

4 Flood risk management and emergency evacuation plan

The flood risk management plan and emergency evacuation plan prepared by Chapman Lily Planning Ltd and dated 28 November 2024 shall be adopted immediately, and this shall be followed in full at all times.

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

5. Waste management plan

The use and development hereby permitted shall cease and all structures removed within 60 calendar days of the date of failure to meet any one or more of the requirements set out in (a) to (d) below:

- a) within 60 calendar days of the date of this decision a scheme for a waste management plan including litter management from the site that includes a timetable for its implementation shall have been submitted to and received by local planning authority for its written approval;
- b) if the local planning authority refuse to approve the scheme or fail to give a decision within a relevant prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State (or their appointed representative);
- c) if an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State (or their appointed representative); and

- d) the approved scheme (whether approved by the local planning authority, Secretary of State or otherwise) shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, at all times thereafter the works and measures shall be carried out in accordance with these approved details and shall at all times thereafter be retained and maintained.

In the event of a legal challenge to the whole or any part of the permission to which this decision relates or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

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

6. Hours of use

The use hereby permitted shall not be used outside the following times by patrons and guests: 07.00 hours and 23.00 hours. Any music or other events that includes amplified sound shall cease at 22.00 hours. There shall be no amplified music after 22.00 hours.

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

7. Noise Management Plan

The noise and sound management plan submitted with the application prepared by Noise Assessment Ltd and dated 2/9/24 shall be adopted and operated in full at all times when the use hereby approved is in operation.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. Annual Maintenance

Notwithstanding the details shown on the approved plans and within a period of 2 months from the date of this permission, a scheme shall be submitted to the Council to agree the annual maintenance and repainting work to the structures and other enclosures and vehicles on the site. The scheme shall also include proposals to refurbish and extend the Art Work with colour washing to the timber hoarding either side of the mural and on the ramps to the toilets. The scheme shall be submitted in writing to the Local Planning Authority, agreed in writing by the Local Planning Authority and implemented before the start of the summer season on the 1st May each year.

Reason: The temporary structures proposed are inappropriate without suitable screening/painting and maintenance and to ensure the site is acceptable in visual amenity terms in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

9. Cycle Parking

The use and development hereby permitted shall cease and all structures removed within 60 calendar days of the date of failure to meet any one or more of the requirements set out in (a) to (d) below:

- (a) within 60 calendar days of the date of this decision a scheme for a cycle storage scheme including the provision of Sheffield stands for the site that includes a timetable for its implementation shall have been submitted to and received by local planning authority for its written approval;
- (b) if the local planning authority refuse to approve the scheme or fail to give a decision within a relevant prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State (or their appointed representative);
- (c) if an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State (or their appointed representative); and
- (d) the approved scheme (whether approved by the local planning authority, Secretary of State or otherwise) shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, at all times thereafter the works and measures carried out in accordance with it shall at all times thereafter be retained and maintained in full working order.

In the event of a legal challenge to the whole or any part of the permission to which this decision relates or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined

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).

Informative Note:

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

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

Statement required by National Planning Policy Framework

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

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

In this instance:

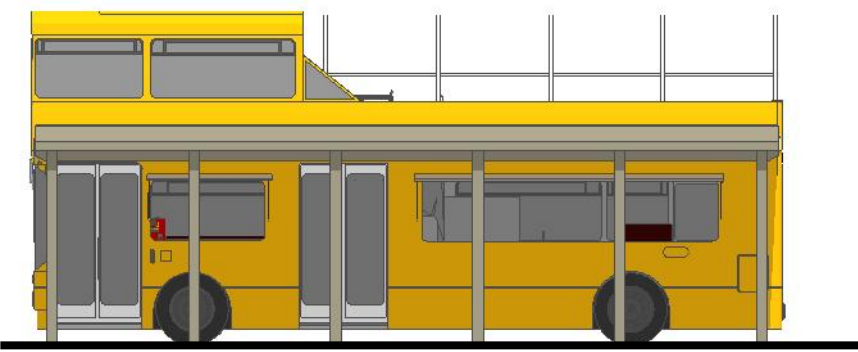
the applicant was not provided with pre-application advice, but the application was dealt with following discussions with the applicant and subsequent amendments.

Background Documents:

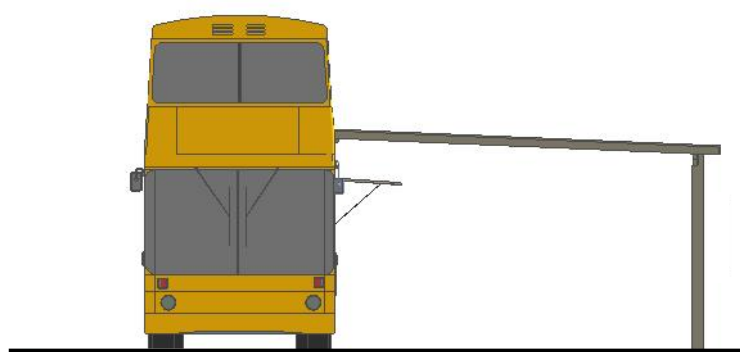
Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.

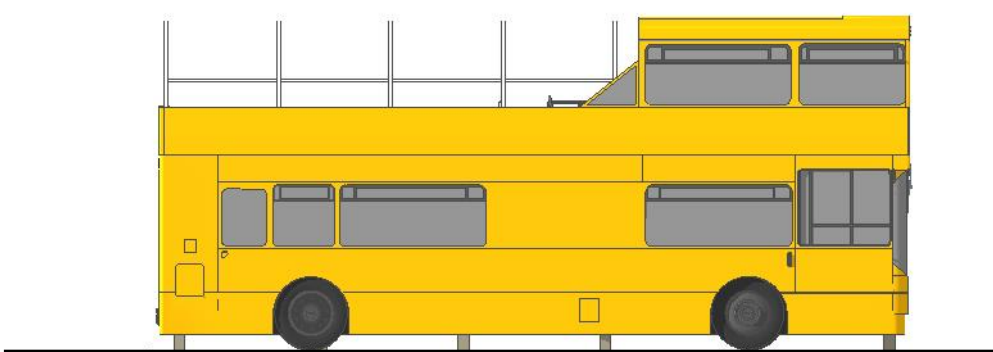
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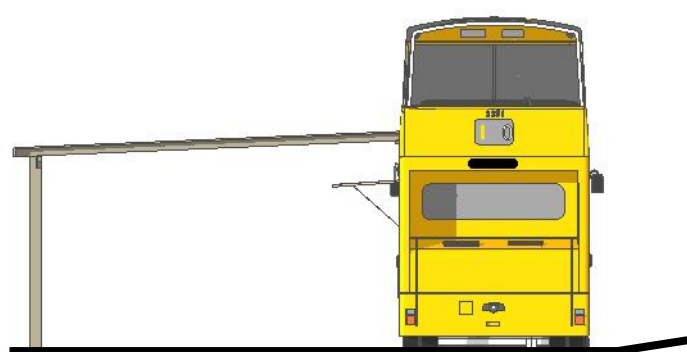
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Proposed West Elevation
1:100



Proposed North Elevation
1:100

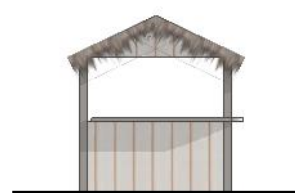


Proposed East Elevation
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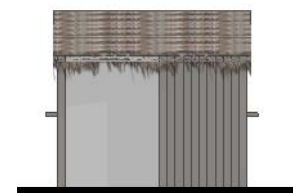
2. Tiki Bar



Proposed South Elevation
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Proposed West Elevation
1:100

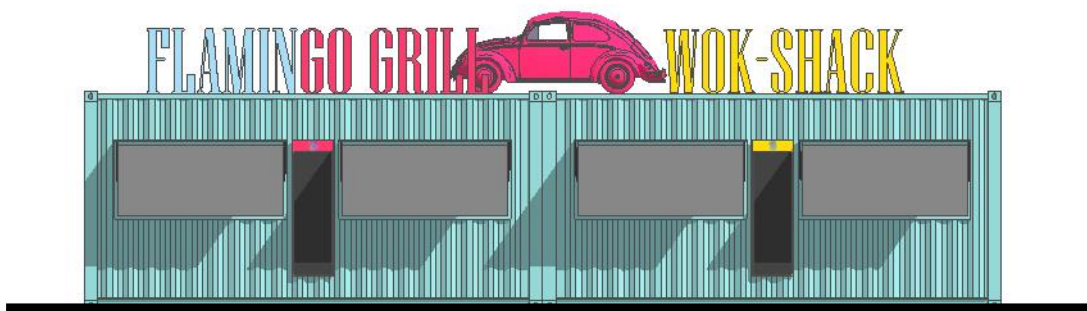


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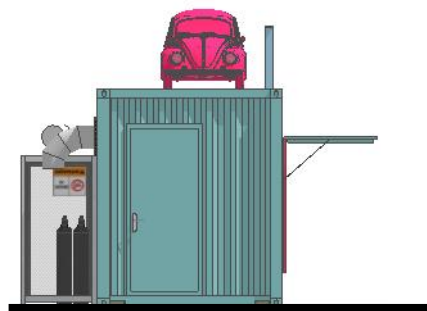


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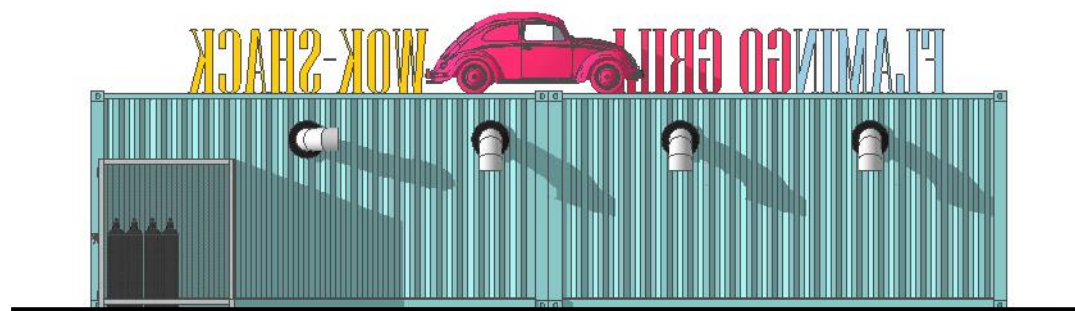
3. Blue Container Serveries



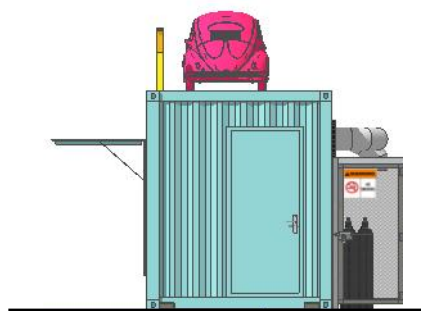
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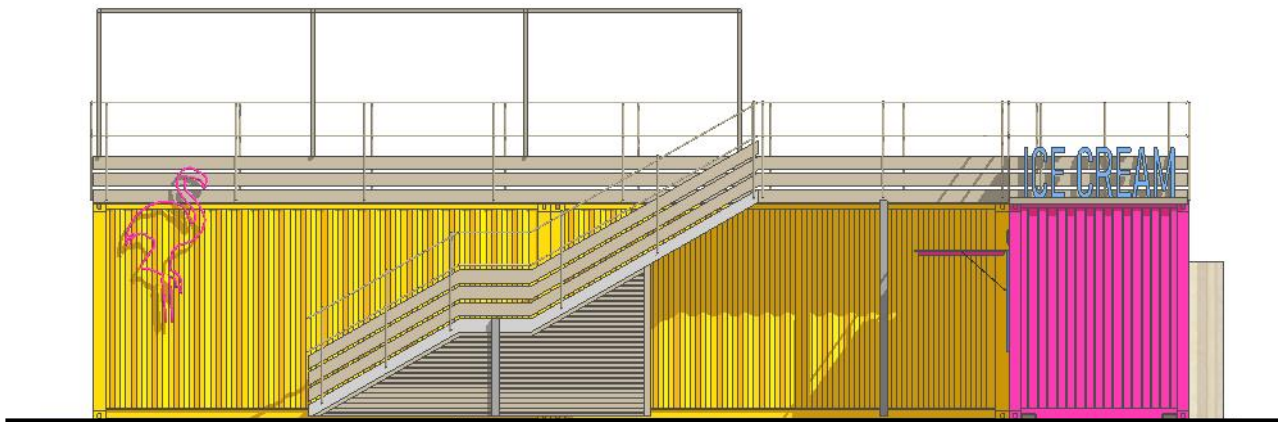


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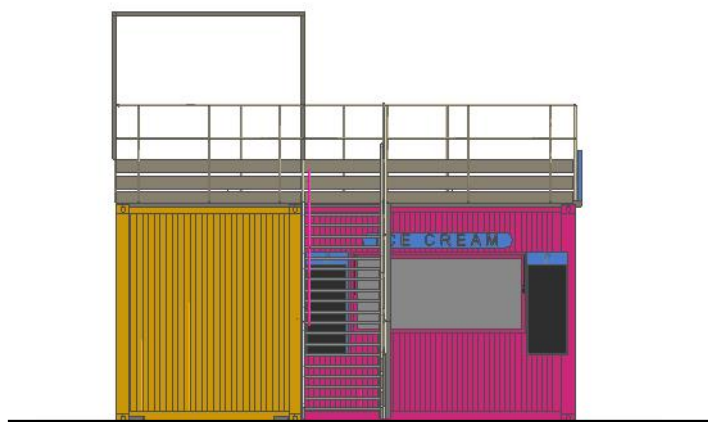


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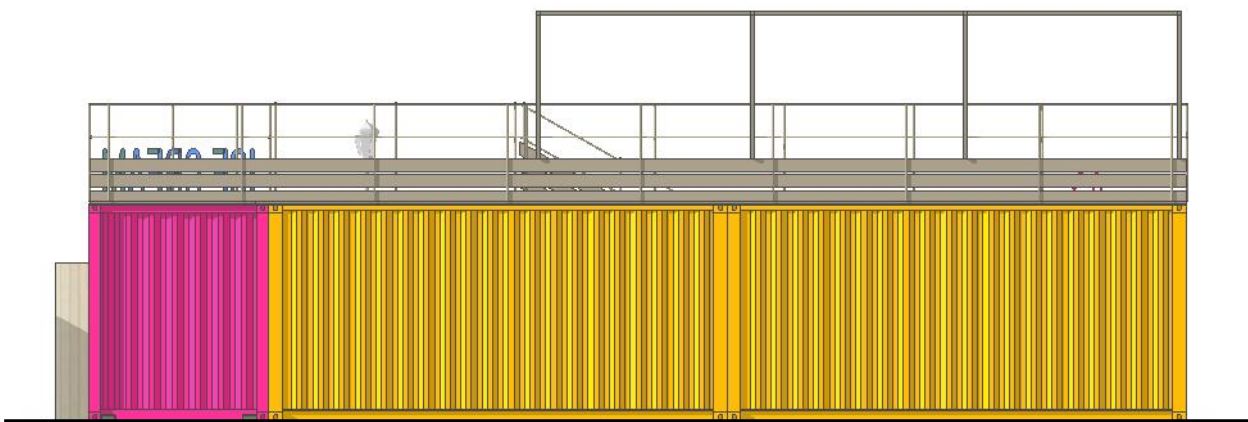
4. Yellow Containers with Pink Ice Cream Concession and Terraced Seating Over



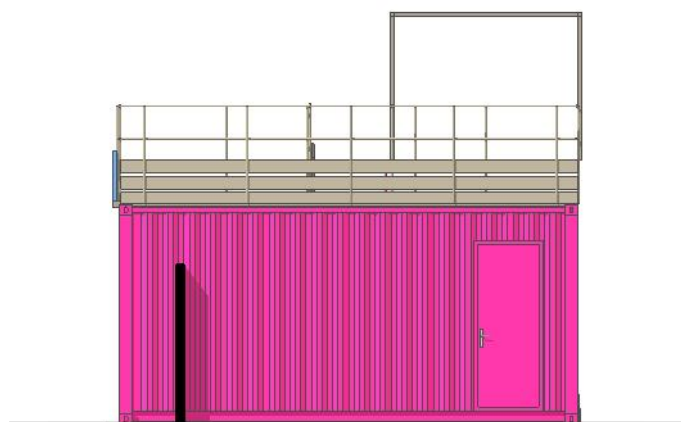
Proposed South Elevation
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Proposed West Elevation
1:100



Proposed North Elevation
1:100



Proposed East Elevation
1:100

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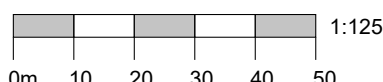
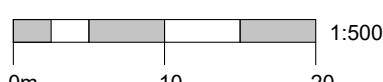
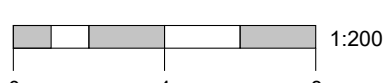
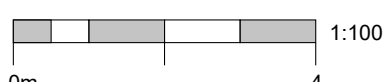
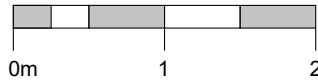
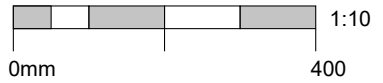
DESIGNERS RISK ASSESSMENT:
HEALTH AND SAFETY
THE CONSTRUCTION (DESIGN AND
MANAGEMENT) REGULATIONS 2007

Building Products and Construction Execution
Hazards

Common/everyday hazards associated with Building Products and Construction processes are not listed below and will be assumed to be controlled by the **Principal Contractor** following good safety, management and site practice procedures.

The proposed works are designed on a well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

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REV	COMMENT	DATE
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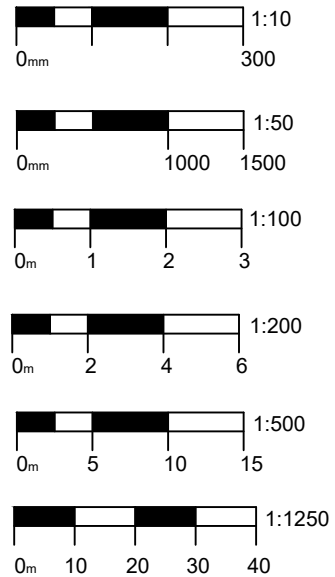
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Client:	Rich Slater
Drawing Title:	Proposed Elevations
Job No:	201004
Drawn:	LW / RM
Date:	02.08.23
Scale:	As Indicated @ A1
Drawing No:	006
Rev:	A

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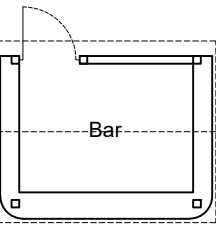


REV	COMMENT	DATE
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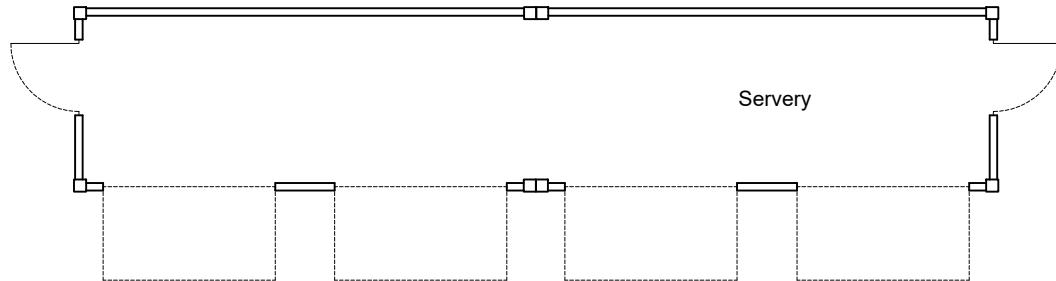
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Drawing Title:	Proposed Plans
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Date:	27.06.23
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Drawing No:	011
Rev:	

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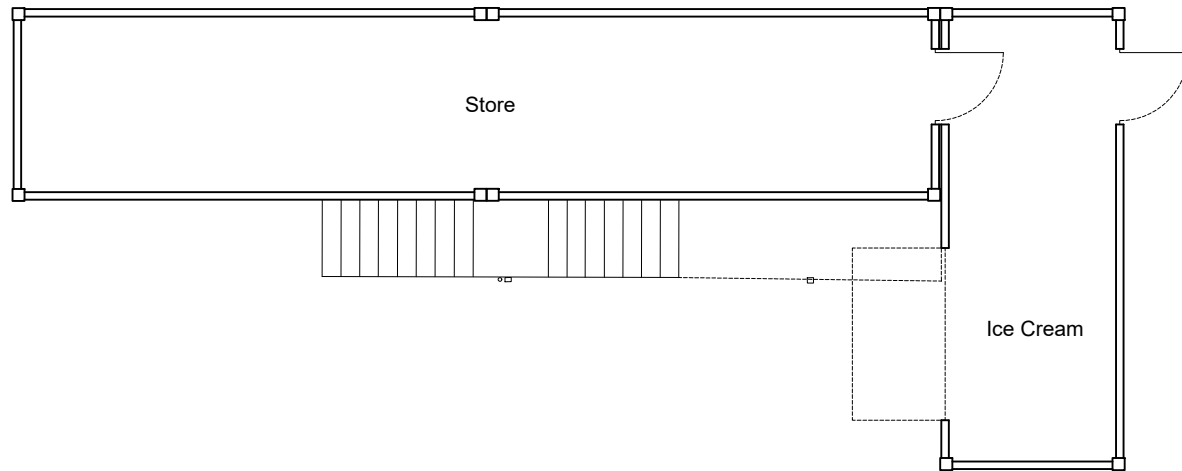
46a East St, Wimborne, Dorset, BH21 1DX
01202 884024 www.dmwa.co.uk



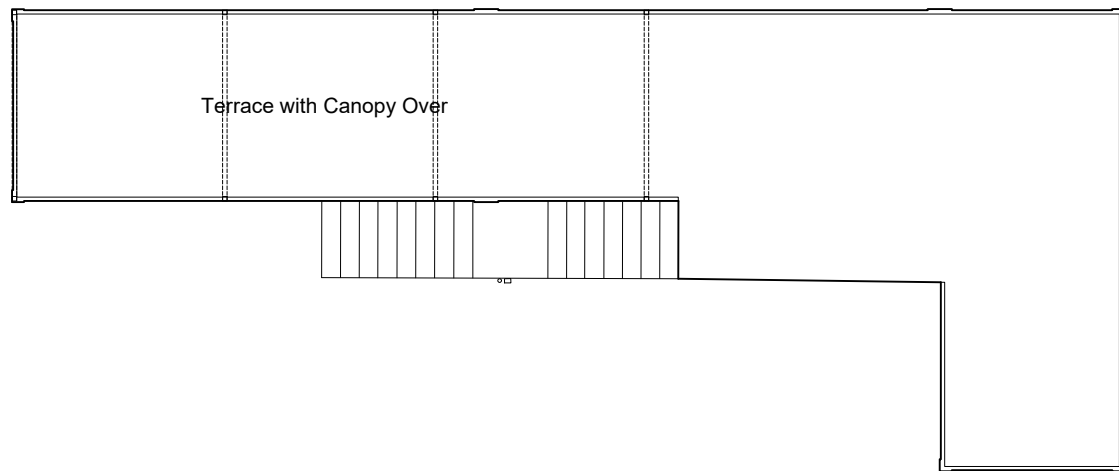
2. Tiki Bar
Ground Floor Plan
1:100



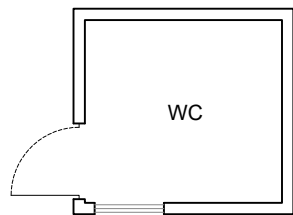
3. Blue Container Servery
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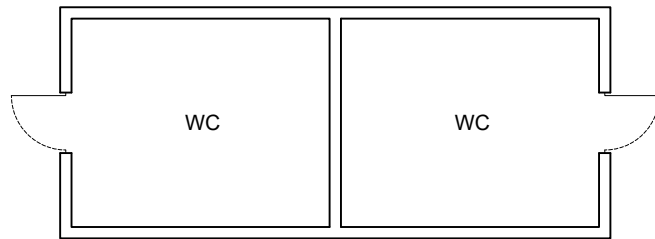
4. Yellow Containers with Pink Ice Cream Concession
Ground Floor Plan
1:100



4. Yellow Containers with Pink Ice Cream Concession
First Floor Plan
1:100



5. Disabled Toilet
Ground Floor Plan
1:100



6. Toilets
Ground Floor Plan
1:100

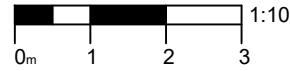
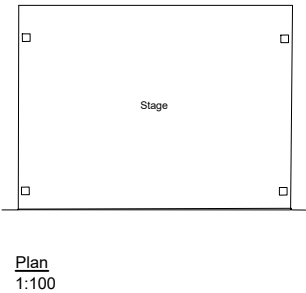
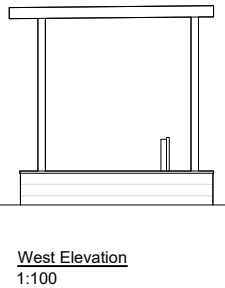
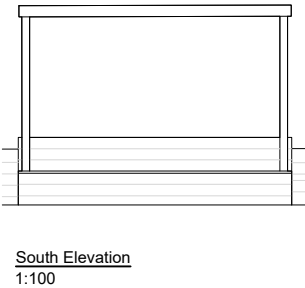
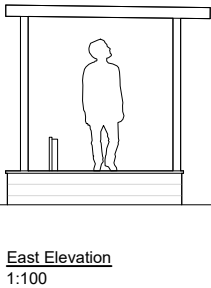
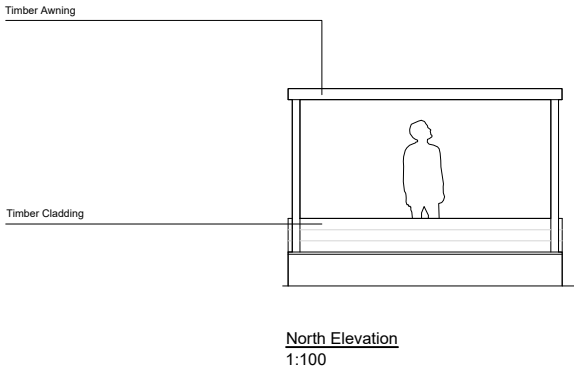
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9. Stage Structure



REV	COMMENT	DATE
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Project: SOBO Beach
Southbourne Beachfront
Bournemouth

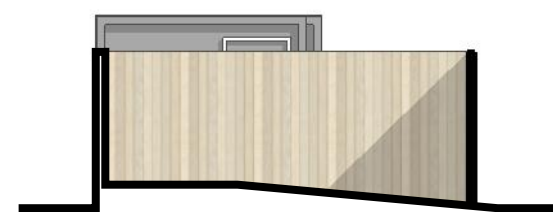
Client: Rich Slater
Drawing Title: Proposed Stage

Job No: 201004
Drawn: LW/RM
Date: 17.08.23
Scale: As Indicated @ A3

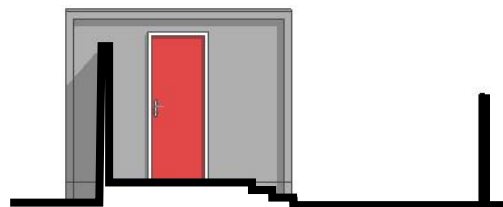
Drawing No: 014
Rev:

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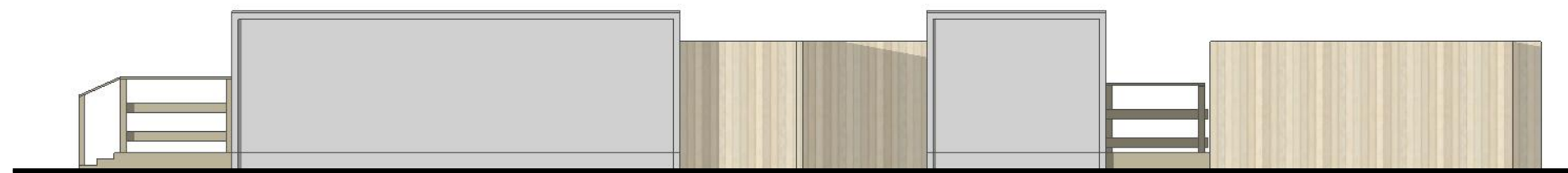
West Elevation of 5. Disabled Toilet
1:100



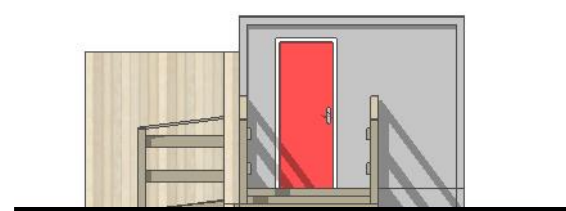
West Elevation of 6. Toilets
1:100



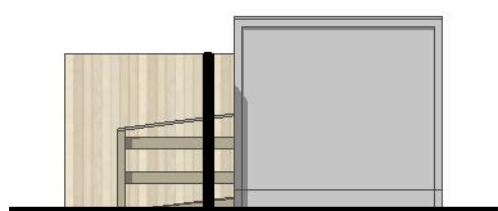
South Elevation of Toilet Blocks and Hoarding
1:100



North Elevation of Toilet Blocks and Hoarding
1:100



East Elevation of 6. Toilets
1:100



East Elevation of 5. Disabled Toilet
1:100

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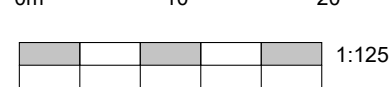
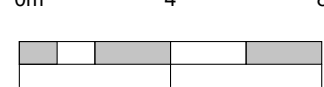
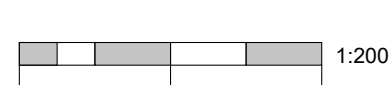
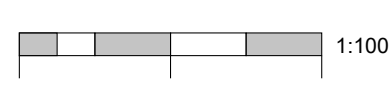
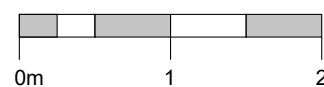
DESIGNERS RISK ASSESSMENT: HEALTH AND SAFETY THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

Building Products and Construction Execution Hazards

Common/everyday hazards associated with Building Products and Construction processes are not listed below and will be assumed to be controlled by the **Principal Contractor** following good safety, management and site practice procedures.

The proposed works are designed on a well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

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PURPOSES



REV	COMMENT	DATE
A	UPDATED WITH SURVEY INFORMATION	02.08.23

Project:	SOBO Beach Southbourne Beachfront Bournemouth
Client:	Rich Slater
Drawing Title:	Proposed Elevations
Job No:	201004
Drawn:	LW / RM
Date:	02.08.23
Scale:	As Indicated @ A1
Drawing No:	007
Rev:	A



Proposed Axonometric Overview
1:100

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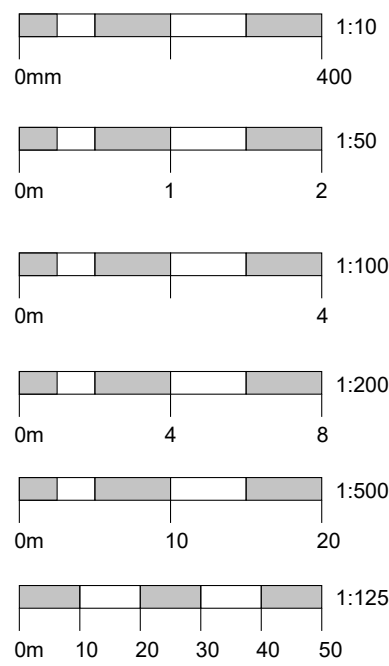
DESIGNERS RISK ASSESSMENT: HEALTH AND SAFETY THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

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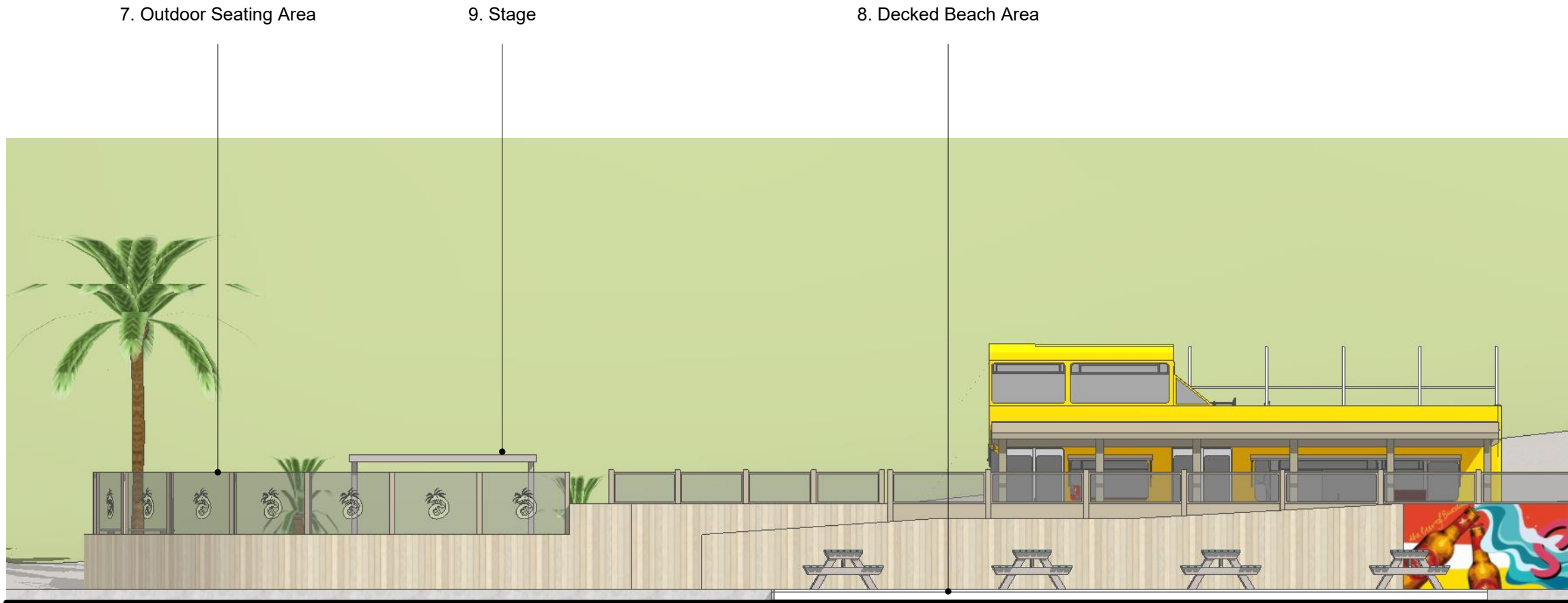


REV	COMMENT	DATE
A	UPDATED WITH SURVEY INFORMATION	17.08.23

Project:	SOBO Beach Southbourne Beachfront Bournemouth
Client:	Rich Slater
Drawing Title:	Proposed Axonometric Overview
Job No:	201004
Drawn:	LW / RM
Date:	17.08.23
Scale:	As Indicated @ A1
Drawing No:	009
Rev:	A

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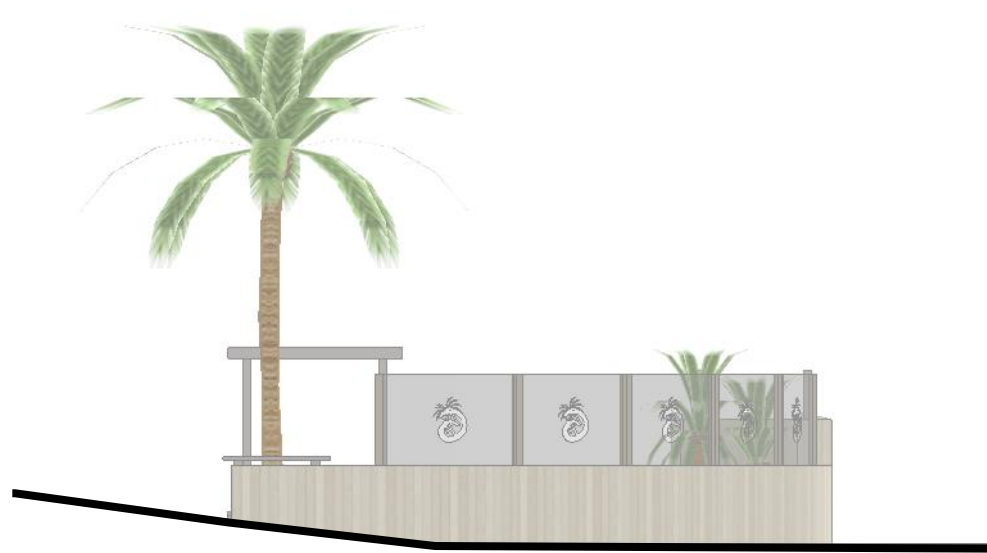
Proposed Street Scene
1:100

(Additional Street Scene Information. See Westerly portion of Street Scene on drawing 004)

7. Outdoor Seating Area



South Elevation of Outdoor Seating Area
1:100

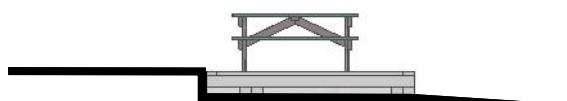


East elevation of Outdoor Seating Area
1:100

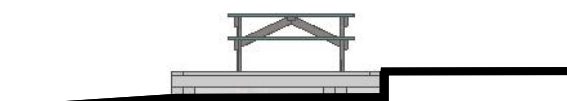
8. Decked Seating Area



South Elevation of Decked Seating Area
1:100



West Elevation of Decked Seating Area
1:100



East Elevation of Decked Seating Area
1:100

P L A N N I N G

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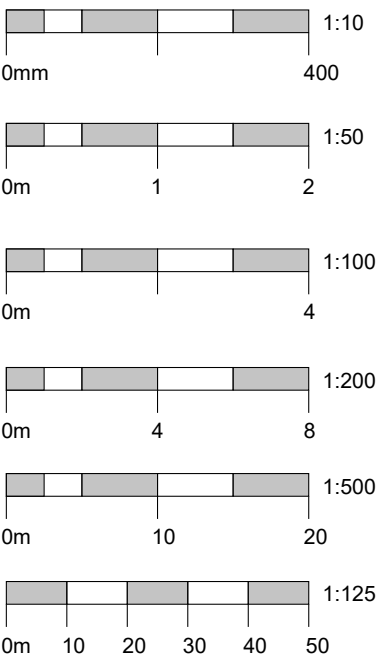
DESIGNERS RISK ASSESSMENT: HEALTH AND SAFETY THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

Building Products and Construction Execution Hazards

Common/everyday hazards associated with Building Products and Construction processes are not listed below and will be assumed to be controlled by the **Principal Contractor** following good safety, management and site practice procedures.

The proposed works are designed on a well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

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PURPOSES



REV	COMMENT	DATE
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Project:	SOBO Beach Southbourne Beachfront Bournemouth
Client:	Rich Slater
Drawing Title:	Proposed Elevations
Job No:	201004
Drawn:	LW / RM
Date:	17.08.23
Scale:	As Indicated @ A1
Drawing No:	010
Rev:	

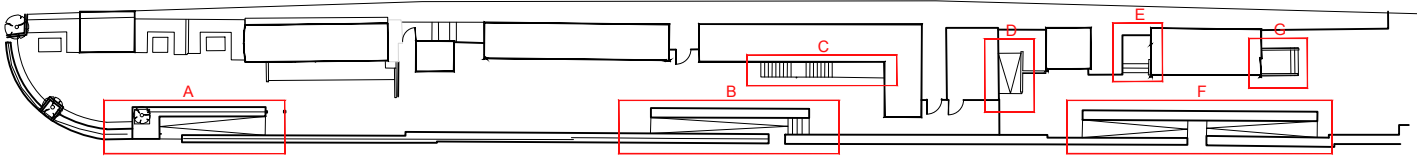
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PLANNING

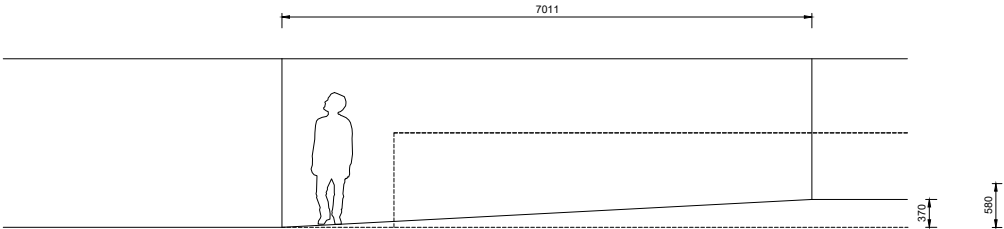
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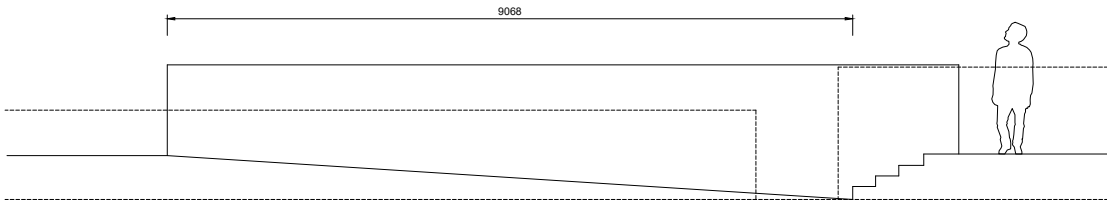
All dimensions to be checked on site and any discrepancies reported to the Architect immediately. Please see structural engineers specification prior to any construction works



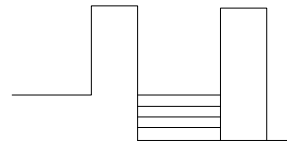
Key to Views
1:500



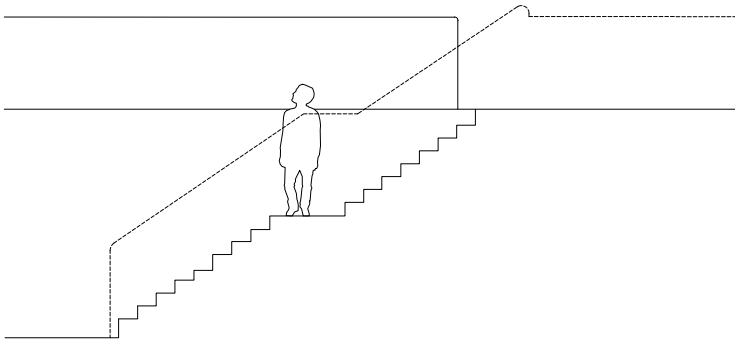
A. Ramp Section
1:100



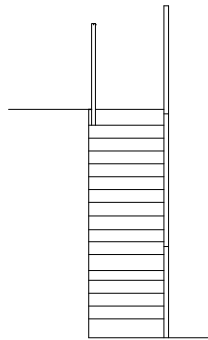
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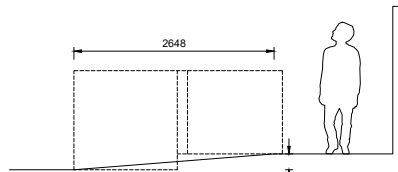
B. Ramp Elevation
1:100



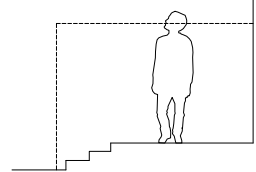
C. Stair Section
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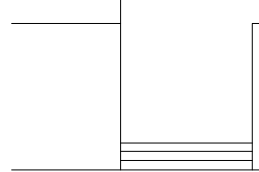
C. Stair Elevation
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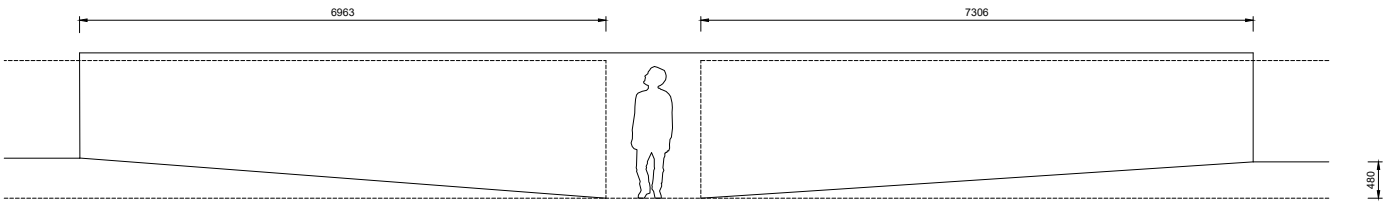
D. Ramp Section
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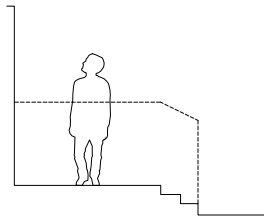
E. Stairs Section
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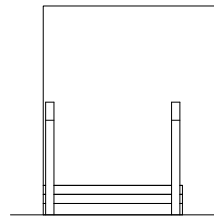
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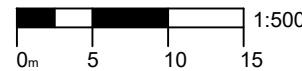
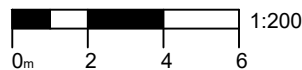
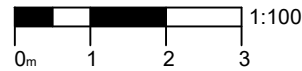
F. Ramp Section
1:100



G. Steps Section
1:100



G. Steps Section
1:100



REV	COMMENT	DATE
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Project: SOBO Beach
Southbourne Beachfront
Bournemouth

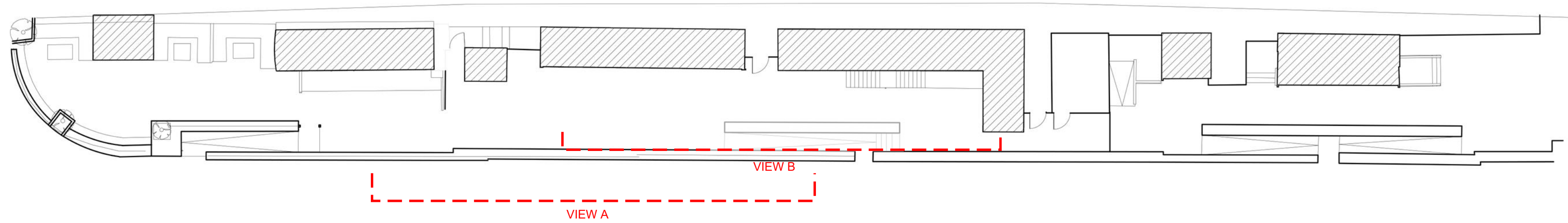
Client: Rich Slater
Drawing Title: Proposed Signage

Job No: 201004
Drawn: LW/RM
Date: 27.06.23
Scale: As Indicated @ A3

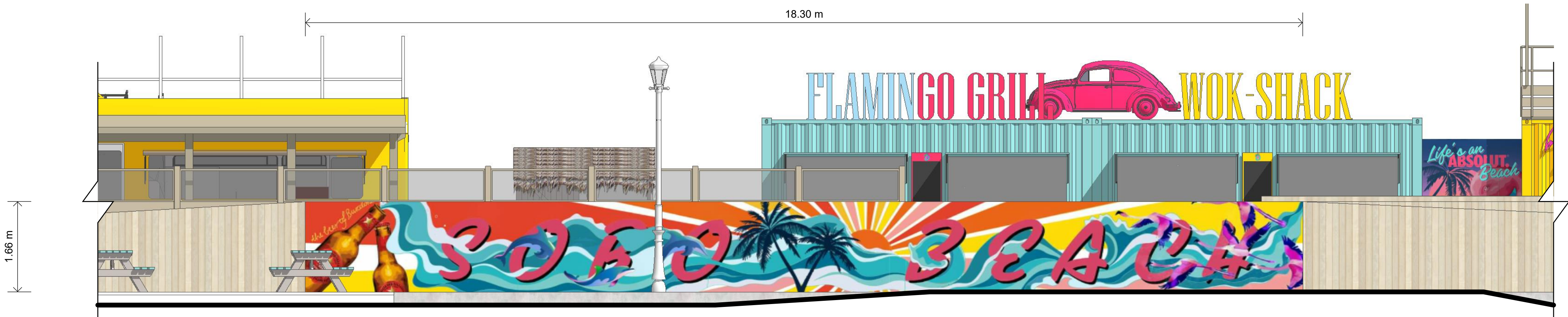
Drawing No: 013
Rev:

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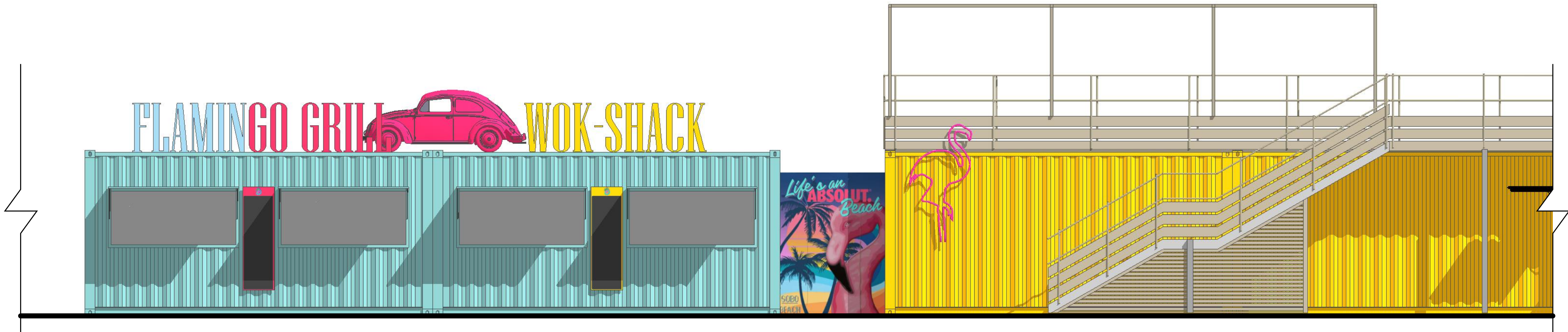
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Key to Views



VIEW A - Proposed Elevation of Painted Mural
1:50



VIEW B - Proposed Elevation of Painted Gate Mural
1:50

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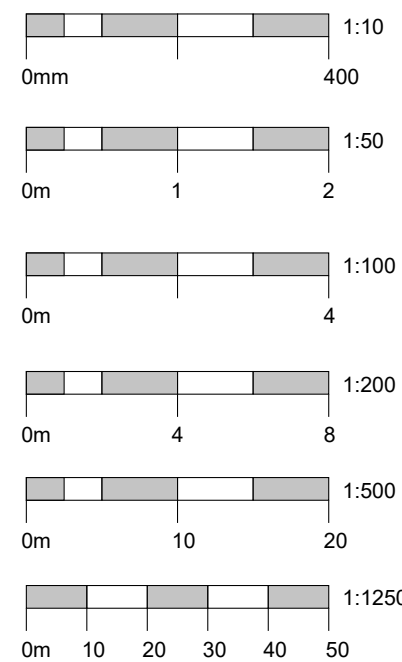
DESIGNERS RISK ASSESSMENT: HEALTH AND SAFETY THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

Building Products and Construction Execution Hazards

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The proposed works are designed on a well established method of construction, which can be carried out by a competent contractor. However, should the contractor find any area of concern he must inform the designer immediately in order that appropriate action can be taken.

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REV	COMMENT	DATE
A	UPDATED WITH SURVEY INFORMATION	02.08.23

Project:	SOBO Beach Southbourne Beachfront Bournemouth
Client:	Rich Slater
Drawing Title:	Proposed Elevations of Painted Murals
Job No:	201004
Drawn:	LW / RM
Date:	02.08.23
Scale:	As Indicated @ A1
Drawing No:	008
Rev:	A

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Planning Committee

Application Address	The Noisy Lobster restaurant, Avon Beach, Mudeford Christchurch, BH23 4AN
Proposal	Alterations to existing ground floor entrance. Extension to and partial demolition of ground floor, with enlargement of first floor terrace above. Enlargement of front dormers. Removal of side window. Internal re configurations throughout.
Application Number	8/24/0596/FUL
Applicant	Noisy Lobster Ltd
Agent	Studio Arkell
Ward and Ward Member(s)	Mudeford, Stanpit and West Highcliffe Councillor Lesley Dedman Councillor Paul Hilliard
Report Status	Public
Meeting Date	19 December 2024
Summary of Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Referred for consideration by the Director of Planning & Transport as BCP Council are the land owner
Case Officer	Charlotte Haines
Is the proposal EIA Development?	No

Description of Proposal

1. This application follows a grant of Planning Permission (ref. 8/23/0603/FUL) in October 2023 for alterations to the existing ground floor entrance, an extension to and partial demolition of ground floor, with enlargement of first floor terrace above. In addition, the enlargement of front dormers and the removal of a side window were also approved. These works are also being re-applied for under this revised full planning application. In addition, this application seeks the following two amendments: -

- Omit canopy entrance (retain existing floor space at ground floor)
- Replace and square off dormer at first floor

Description of Site and Surroundings

2. The site is an existing restaurant located on the beachfront at Mudeford. The application site is occupied by a detached 2-storey building which is located on the beachfront at Avon Beach, directly adjacent the Avon Beach public car park and located within the Mudeford Quay Conservation Area. Directly to the front of the café is a pedestrian promenade which links to the beach. Currently the building is operated as a café/restaurant at over two storeys.
3. It is the only two storey building visible from the promenade and it is sited within a prominent beachfront position. The building has benefitted from a number of other extensions over time, including the provision of a kitchen to the east, a raised terrace to the front of the toilet block, a fish and chip takeaway within the existing shop, and a detached timber hut and decking for the sale of hot and cold food and drinks.
4. Further along the sea front to the east is a long length of beach huts. There is a public footpath directly to the rear of the café which is located on a raised bank and which provides panoramic views across to the Isle of Wight in between the belt of Holm Oak trees which lie directly to the rear of the site. Directly to the rear of the site is an additional sunken public car park, and beyond this are the residential properties of Avon Run Road which are sited around 100 metres to the west and north.

Relevant Planning History:

5. The site has the following history:

8/23/0603/FUL	The Noisy Lobster Avon Beach Mudeford Christchurch BH23 4AN	Alterations to existing ground floor entrance. Extension to and partial demolition of ground floor, with enlargement of first floor terrace above. Enlargement of front dormers. Removal of side window. Internal re configurations throughout.	Granted	19/10/23
8/20/0224/NMA	Noisy Lobster Rest Avon Beach Mudeford Christchurch BH23 4AN	Non material amendment to planning application: 8/19/1296/FUL to amend glazing layout on South Elevation.	Granted	29/06/22
8/19/1296/FUL	Avon Beach Cafe Mudeford Christchurch BH23 4AN	To form terrace at first floor level.	Granted	24/02/20
8/18/1123/CON DR	Avon Beach Cafe, Mudeford, Christchurch, Dorset, BH23 4AN	Variation of condition 4 of Application No. 8/17/3034/FUL to allow natural ventilation to the first floor	Granted	23/08/18
8/17/3034/FUL	Avon Beach Cafe, Mudeford,	Construct first floor extension along with	Granted	21/02/18

	Christchurch, Dorset, BH23 4AN	internal alterations to ground and first floors		
8/16/0622/FUL	Avon Beach Cafe, Mudford, Christchurch, Dorset, BH23 4AN	Erection of first floor extension to existing cafe & restaurant (Revised scheme following withdrawal of 8/15/0568)	Refused	21/09/16
8/15/0568	Avon Beach Cafe, Avon Beach (Mudford Quay Conservation Area)	Erection of first floor extension to existing cafe to include external balcony	Withdrawn	27/01/16

Constraints

6. The following constraints have been identified:

- The site falls partly within present day Flood Zone 2 of the Strategic Flood Risk assessment (medium probability of flooding) and part within the future Flood Zone 3a (high probability). Part of the building lies outside of the area of flood risk.
- The site lies within the Mudford Quay Conservation Area. 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.

Public Sector Equalities Duty

7. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

8. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
9. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.
10. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.

Consultations

11. **Environment Agency** No response received
12. **BCP Trees & Landscaping** No objections.
13. **BCP Environmental Health** No comments.
14. **Christchurch Town Council** Objects to the proposal due to its detrimental impact on neighbouring amenities and the public highway.
15. **BCP Rights of Way** No response received
16. **BCP Highways - Minor Dev** No objections.
17. **BCP Destination & Culture** No response received

Representations

18. One letter of objection has been received raising a number of concerns as summarised below: -
 - Over development of the area as a result of a number of permissions that have been granted;
 - Additional developments are eroding the natural character of the area;
 - Further development being allowed would impact on carparking, local residents and the natural beauty of the area.

Key Issue(s)

21. The key issue(s) involved with this proposal are:
 - Principle of the development
 - Impact on heritage asset (Conservation Area) and the character of the area
 - Noise and Impact to Neighbours' Living Conditions
 - Impact upon Flood Risk
 - Highway & Parking Matters
 - Impact on Trees
22. These issues will be considered along with other matters relevant to this proposal below.

Policy context

23. 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.

The following policies are of particular relevance in this case:

KS1	Presumption in favour of sustainable development
KS2	Settlement Hierarchy
KS11	Transport and Development
KS12	Parking Provision
HE1	Valuing and Conserving our Historic Environment
HE2	Design of new development
HE3	Landscape Quality
ME6	Flood Management, Mitigation and Defence
BE 4	New Development in Conservation Area

ENV 3	Pollution and Existing Development
ENV 9	Development in the Coastal Zone
BE 16	Views and Vistas
PC6	Tourism

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

Including in particular the following:

Section 2 – Achieving Sustainable Development

Paragraph 11 –

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

.....

For decision-taking this means:

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

Planning Assessment

Principle of development:

25. The site lies within the urban area as identified in the adopted Local Plan. The settlement hierarchy in Policy KS2 of the Local Plan identifies Christchurch as a Main Settlement which will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. Paragraph 16.18 of the Local Plan notes that tourism is a key part of the local economy which employs 1,700 people and is a growing sector which plays an important role in creating jobs and sustaining the local economy. Policy PC6 on Tourism seeks to attract visitors to the area and encourage investment through the protection of the beaches, river front and Christchurch Harbour and supporting appropriate sustainable tourist related development.
26. Saved Policy ENV9 permits development within the identified Coastal Area subject to the criteria in the Policy. Paragraph 3.22 of the 2001 plan advises that the Council recognises the importance of its coastline in terms of landscape, nature conservation, leisure and recreational value and the wider economic impact.
27. The application site is an existing restaurant facility in a location important to tourism, jobs and investment in the area. The proposal seeks minor changes to the previously approved scheme which included changes that would result in a modest loss of covers. There are 253 pre-existing covers inside and out, which was reduced to 235 in the approved scheme. In approving the previous application, this reduction in covers was acknowledged. However, it was noted the alterations and extension proposed would contribute to the improvement of the restaurant and subsequently, it would help secure the longevity and existing economic benefit of the restaurant in accordance with the local plan and NPPF.
28. The current application seeks to amend this previously approved scheme with a couple of minor changes now proposed. These changes would seek to further contribute to the improvement of the restaurant.
29. Therefore, it is considered that the amended proposal subject of this application is acceptable in principle, complying with KS2, subject to material consideration and site-specific impact which are

addressed further below under specific headings. The planning balance is addressed in the conclusion.

Impact on heritage asset (Conservation Area) and the character of the area:

30. The site lies within the designated Mudeford Quay Conservation Area and as such; Section 72 (1) of the Act 1990 requires that Local Planning Authorities in determining planning application affecting Conservation Area pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
31. Paragraph 201 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any Heritage asset that may be affected by the proposal (including any development affecting the setting of a Heritage asset). Paragraph 206 and 207 of the NPPF requires local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. There are no nearby listed buildings or other non-designated heritage assets in the vicinity of the site which will be affected by the proposals and it is solely the Conservation Area which is potentially affected.
32. Policy HE1 of the Core Strategy states that assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment.
33. With regards to the significance of the heritage asset (Conservation Area), the Mudeford Quay Conservation Area Appraisal (CAA) identifies the mature trees along Avon Run Road above the promenade as Important Trees. No important buildings, landmarks, views or spaces are identified in the CAA in the vicinity of the site. The document concludes that this part of the CA has no historic buildings and very little evidence of historic development that relates directly to Mudeford or Mudeford Quay (p.40) and proposes the area for removal from the CA subject to otherwise protecting the trees (via a TPO). Nonetheless this was evidently not done.
34. The Mudeford Quay Conservation Area Appraisal states the 'lane' part of Mudeford that leads to Avon Beach is strongly defined by trees and hedges and these enclose and narrow the streetscape in a very positive way.
35. The application seeks minor changes to the previously approved scheme through this new full planning application. The October 2023 approved scheme involved alterations to the existing ground floor entrance, as well as extension, reconfiguration and partial demolition of the ground floor, with enlargement of the first floor terrace above. These were considered to be limited in scale and subservient to the host building with materials to match the existing building. The minor changes now proposed include removal of the inset front entrance on the southern side with the retention of the internal floor space of that part of the restaurant now as it currently exists. The second change involves squaring off the dormer on the north east front corner to simplify the roof form, which would also be of a modest nature with matching materials that would be sympathetic to the host building. The applicant states that the roof is fire damaged from a previous fire and needs replacing. The change to this part of the roof would enlarge it slightly and provide more of a squared off appearance, but it would otherwise be in keeping with the design of the building and the approved additions.
36. Therefore, when viewed from public vantage point, the proposal would appear subservient to the host building and setting of the Conservation Area. As noted below, the scheme is compatible with the retention of the nearby mature trees which is sole aspect of significance identified in the Conservation Area Appraisal in the vicinity of the site.
37. Whilst not objecting specifically to the changes proposed in the application, a neighbouring resident has objected to the cumulative effect of repeated applications for development and alterations to the premises. However, each application is considered on its own merits and given the modest nature of the changes proposed, it is not considered that the proposed alterations to the building would give rise to any harmful impacts on the character of the area.

38. Therefore, the proposed alterations subject of this application would continue to ensure that the significance of the conservation area is preserved. The proposed minor changes to the building would not harm the character and appearance of the Conservation Area and therefore, the proposal is in accordance with local plan Policies HE1 and HE2 and the relevant paras of the NPPF.

Noise and Impact to Neighbours' Living Conditions:

39. The application building is around 90m from the nearest residential properties in Avon Run Road which are elevated above the site. It was therefore considered that the previously approved scheme would not result in any significant overlooking or overbearing impact.
40. The proposal seeks minor changes to the previously approved scheme which included the modest loss of covers. In approving the previous application, this reduction in covers was acknowledged. Environmental Health were consulted on the application but did not comment. However, it is noted that they were consulted on the previously approved scheme where they raised no objection and did not recommend the use of conditions.
41. The proposed minor changes to the approved scheme would not result in any overbearing impact or overlooking nor would it lead to any noise and disturbance to neighbouring properties. There is likely to be a slight increase in capacity over the approved scheme but still comparable to the existing use.
42. The scheme is 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.

Impact upon Flood Risk:

43. The existing building falls partly within present day Flood Zone 2 of the Strategic Flood Risk assessment (medium probability of flooding) and part within the future Flood Zone 3a (high probability). Part of the building lies outside of the area of flood risk. The development type is classified as 'less vulnerable' in Table 2 of the NPPF Technical Guidance and is therefore considered to be appropriate development within flood zones 2 and 3a.
44. The Environmental Agency (EA) have been consulted with respect to the proposal although they did not comment on the application. However, it is noted that they did comment on the previously approved application of which the current proposal seeks to amend.
45. The EA advised that the consultation of the previously approved application did not fall within a category to which they need to be consulted. The EA concluded that the flood risk standing advice should be applied by the Council - this involves the raising of the finished floor level of any proposal.
46. On this basis, a condition was attached to the previous planning permission requiring existing floor levels to be retained. Given this current application incorporates the previously approved changes relating to the existing ground floor, it is considered necessary to attach this same condition.
47. The proposed minor changes that are being proposed under this application remain modest in scale and would continue to make minor changes to its footprint when compared to the approved scheme. As such, it is considered that the development will not introduce additional assets at risk into the flood risk area, nor would it increase the risk of flooding elsewhere. As such the development complies with Policy ME6.

Highway & Parking Matters:

48. Policy KS12 requires adequate parking provision to serve the needs of the proposed development. The site adjoins the Avon Beach car park at the seafront (99 spaces) and directly above the site are a further 221 spaces in the Avon Run Road car park.

49. The Council's Highways engineer have raised no objections to the minor changes that are being proposed under this application.
50. However, it is noted that the proposal would be contained within the application site boundary and the footprint would not be brought forward or altered. As such, it is noted that the existing situation with regard to the right of way is not altered.
51. Acceptable access and parking facilities will be provided and the scheme is considered to comply with the tests in Policies KS11 & 12 to provide;
- a) safe access onto the existing transport network;
 - b) allow safe movement of development related trips on the immediate network; and
 - c) adequate vehicle and cycle parking facilities to serve the needs of the proposed development.

Impact on Trees:

52. The proposal is within proximity of protected trees and BCP trees within a conservation area. As such, the Council's arboricultural officer has been consulted who notes that the proposal will not bring the built form closer to these trees or involve any works within their root protection area (RPA). They have also seen the Proposed Site Plan drawing: ARK.HNY.311 Rev 1, dated 05/09/24 and notes the area designated for the storing and mixing of materials. They raise no object subject to condition which ensures the development is carried out in accordance with the submitted Proposed Site Plan.

Planning Balance / Conclusion

53. The proposal at the Noisy Lobster on Avon Beach is considered to be acceptable in principle. It is noted the alterations and extension proposed would contribute to the improvement of the restaurant and subsequently, it would help secure the longevity and significant existing economic benefit of the restaurant in accordance with the local plan and NPPF. There are also social benefits from the provision of the facility to beach visitors.
54. The proposal seeks minor changes to the previously approved scheme. These changes are considered to be acceptable and do not harm the visual amenities of the site or wider street scene as such they would have a neutral impact on the Conservation Area. The changes would also not result in any adverse impact on residential amenities and has not generated objections from the Highways Authority in respect of highway safety or the capacity of the network. Furthermore, the proposed changes would not adversely affect protected trees. The environmental impacts are therefore acceptable.
55. The proposal is therefore considered to represent sustainable development, complying with the Development Plan as a whole and in accordance with the NPPF.

Recommendation

56. **GRANT permission for the reasons as set out in this report subject to the following conditions**

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:

Block and Location Plan – Drawing Number ARK.HAY.300 Rev 1 received on 06/09/2024
Block and Location Plan – Drawing Number ARK.HAY.312 Rev 1 received on 06/09/2024
Proposed Site Plan – Drawing Number ARK.HAY.311 Rev 1 received on 06/09/2024
Proposed Ground Floor Plan – Drawing Number ARK.HAY.306 Rev 1 received on 06/09/2024
Proposed First Floor Plan Drawing Number ARK.HAY.307 Rev 1 received on 06/09/2024
Proposed Roof Plan Drawing Number ARK.HAY.308 Rev 1 received on 06/09/2024
Proposed Front and Side Elevations Drawing Number ARK.HAY.309 Rev 1 received on 06/09/2024
Proposed Rear and Side Elevations Drawing Number ARK.HAY.310 Rev 1 received on 06/09/2024

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 in the approved application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. The ground floor finished floor level of the proposed development shall be set no lower than the existing floor level of the restaurant.

Reason: To minimise the risk of flooding with the building, which is located in Flood Risk Zone 2/3.

5. The development hereby approved shall be carried out in accordance with the tree protection measures as shown on the approved Proposed Site Plan drawing no. ARK.HNY.311 Rev 1, dated 05/09/24 and no building materials shall be stored elsewhere within the site during the course of the construction of the development.

Reason: To ensure the protected trees on site are given adequate protection before and during the works on site in accordance with Policies HE2 and HE3 of the Local Plan.

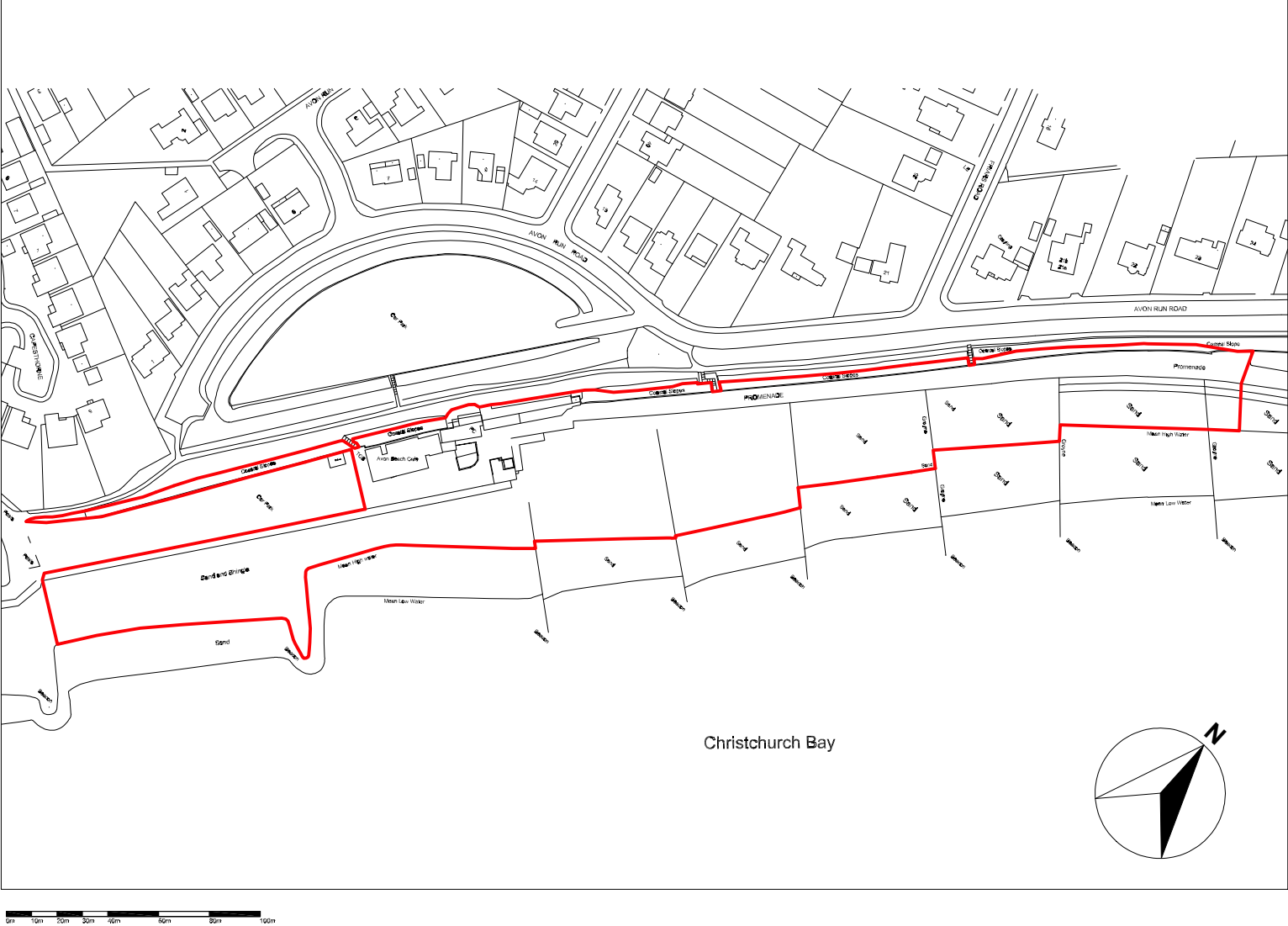
Informatives

n/a

Background Documents:

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

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Notes:

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3. Contractors must verify all dimensions and report any discrepancies before putting work in hand or making any shop drawings.
4. Design and construction retaining structure to be structural engineer's design.

DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:500 Block and Location Plans

CLIENT: Peter Hayward

DRAWING N°: ARK.HAY.312

REV: 1

SCALE @ A3: 1:2500

DATE: 05.09.24

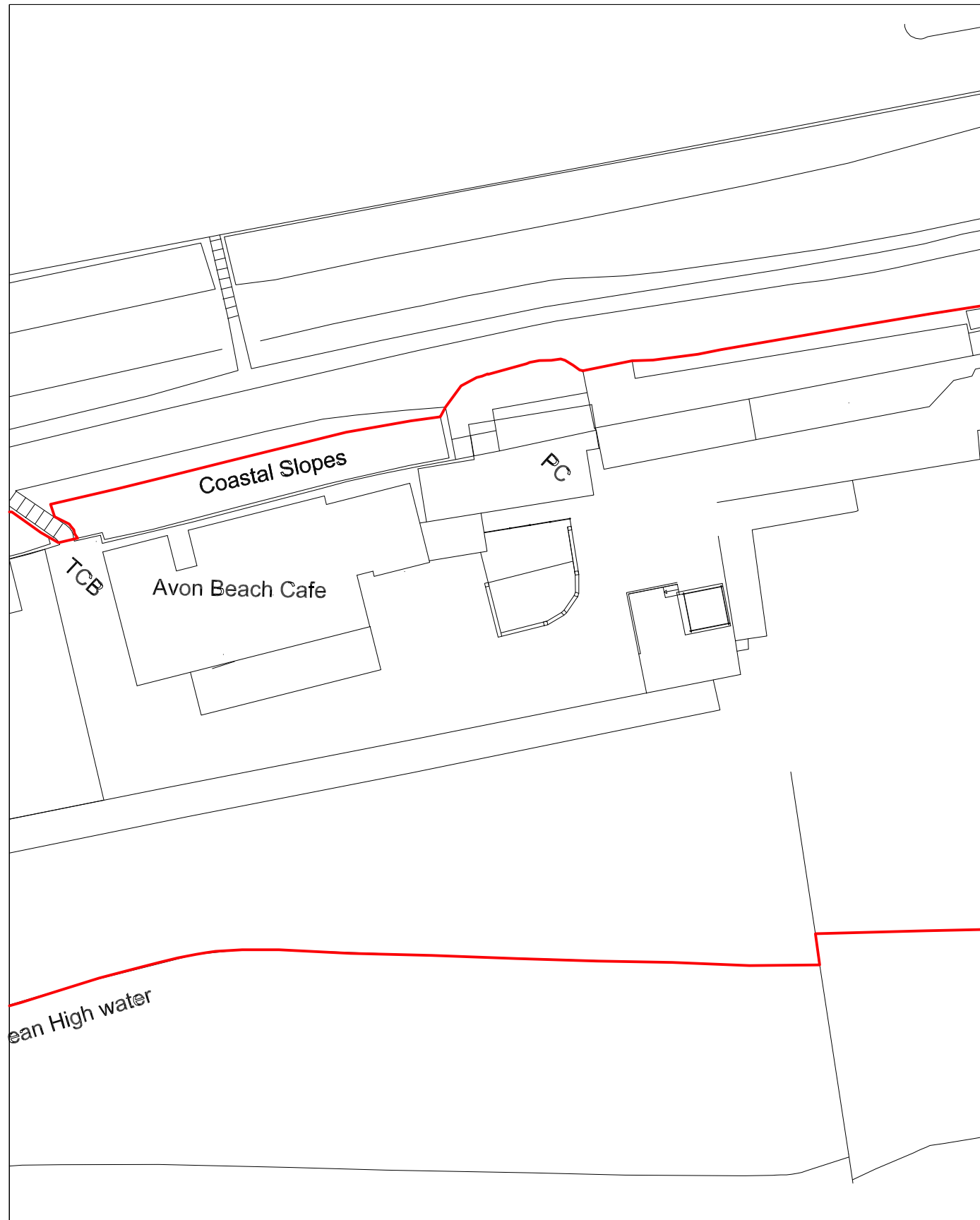
DRAWN BY: ER

CHECKED BY: HA

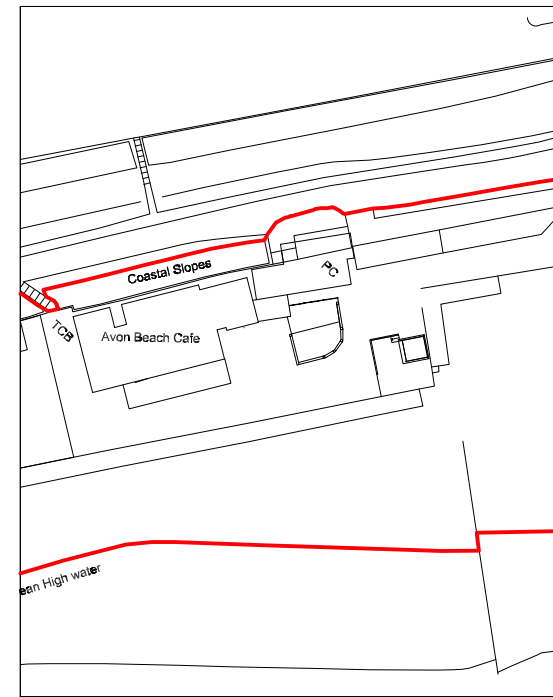
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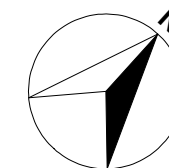
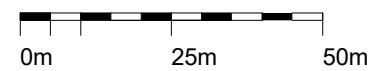
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SCALE 1:500 @ A3



SCALE 1:1250 @ A3



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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:500 Block and Location Plans

CLIENT: Peter Hayward

DRAWING N°: ARK.HAY.300

REV: 1

SCALE @ A3: 1:500

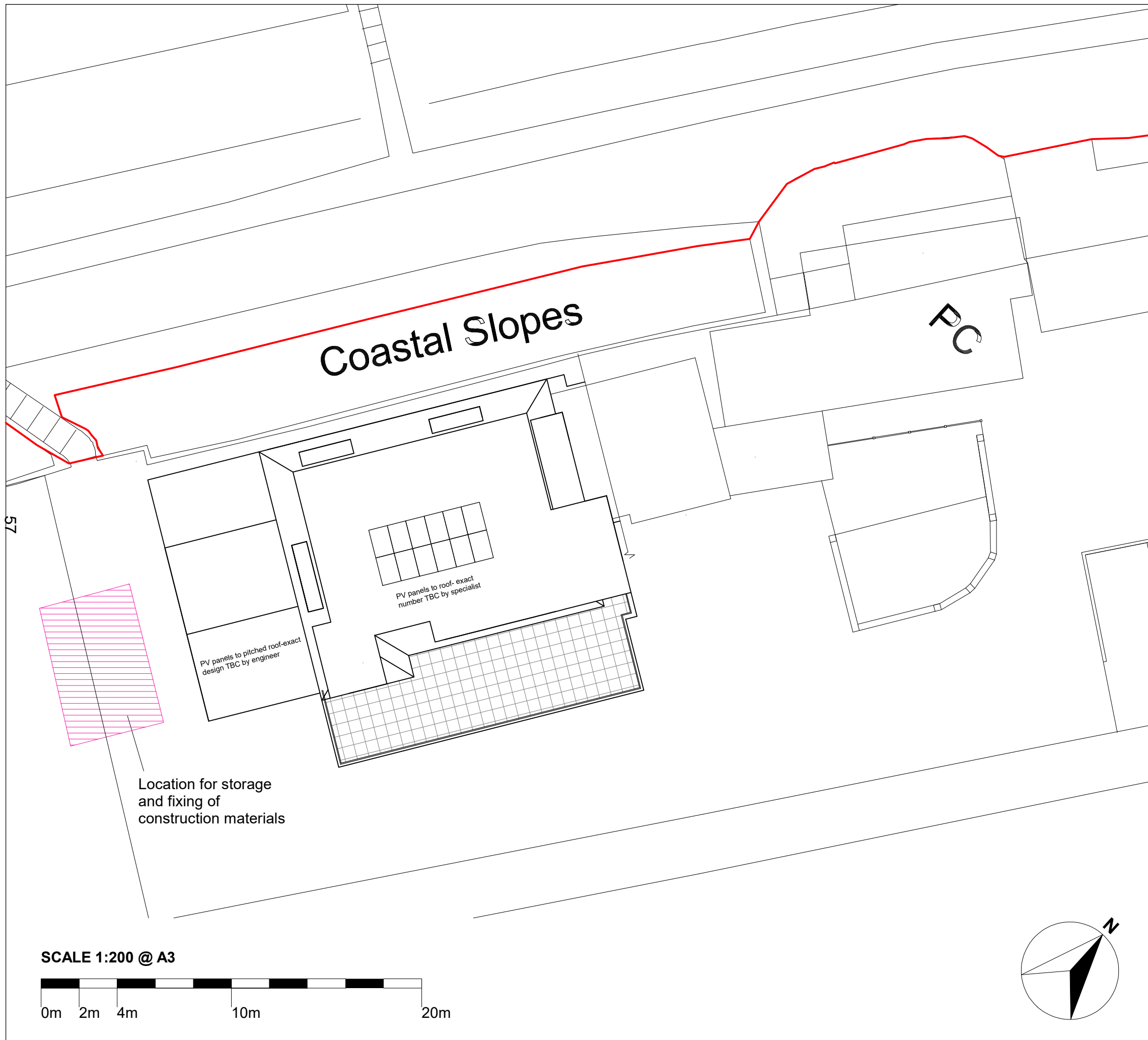
DATE: 05.09.24

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 4. Design and construction retaining structure to be structural engineer's design.

DATE: 05.09.24 DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:200 Proposed Site Plan

CLIENT: Peter Hayward

DRAWING N°: ARK.HAY.311 REV: 1

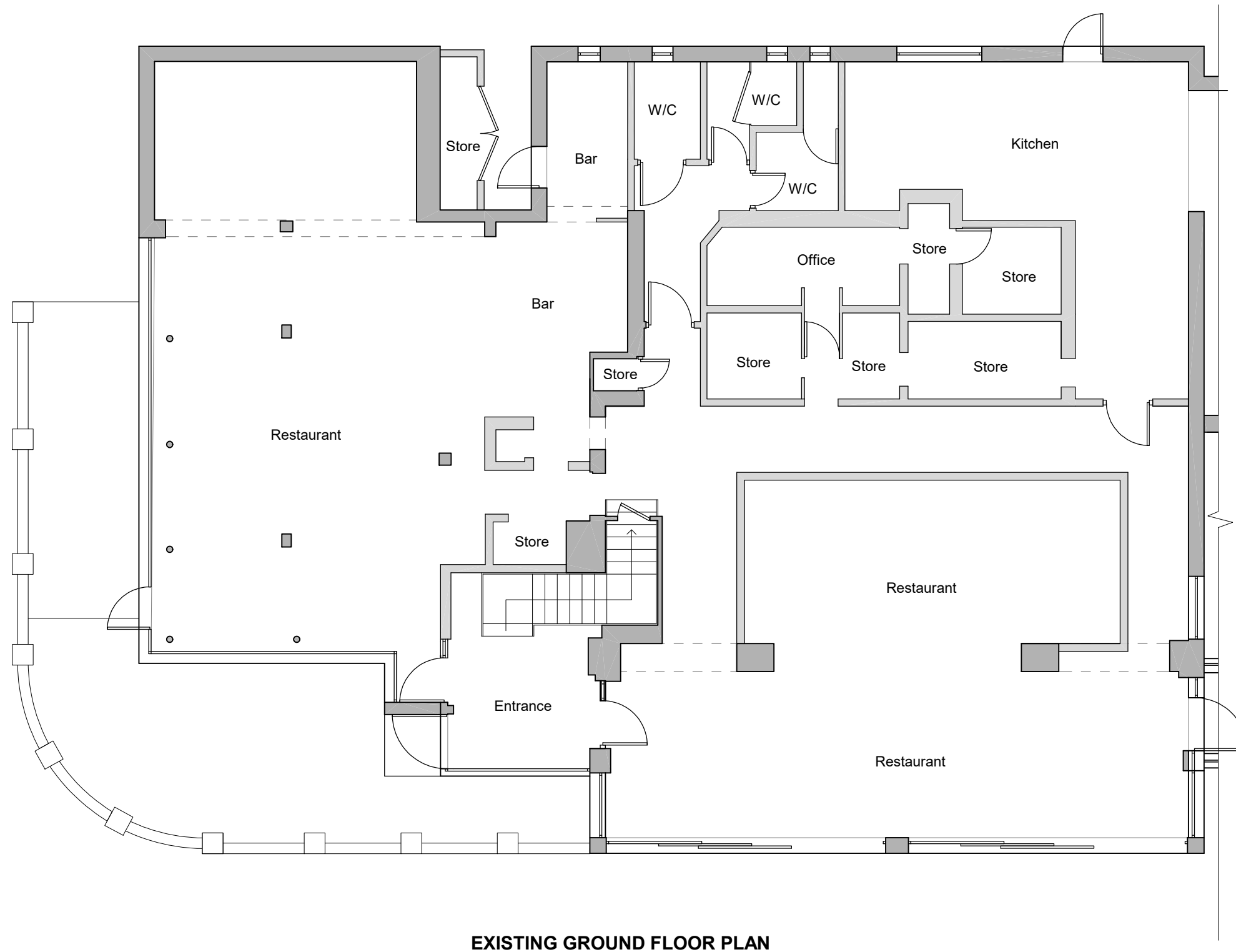
SCALE @ A3: 1:200 DATE: 05.09.24

DRAWN BY: ER CHECKED BY: HA

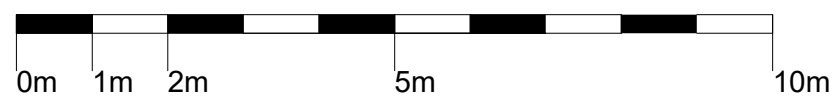
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SCALE 1:100 @ A3



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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Existing Plans

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.301

REV: 1

SCALE @ A3: 1:100

DATE: 05.09.24

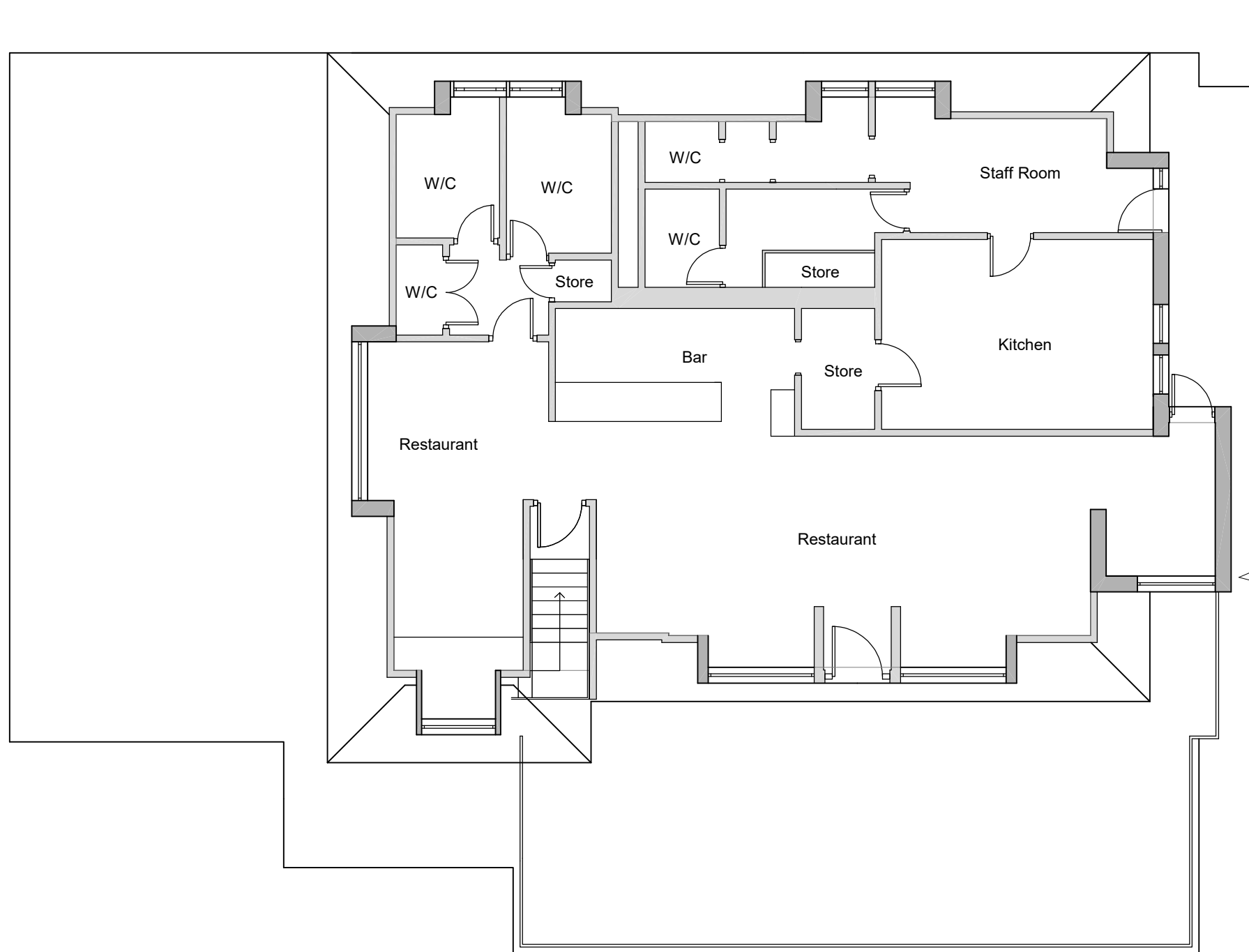
DRAWN BY: ER

CHECKED BY: HA

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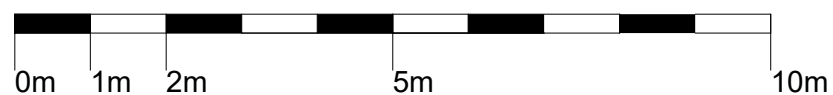


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EXISTING FIRST FLOOR PLAN

SCALE 1:100 @ A3



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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Existing Plans

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.302

REV: 1

SCALE @ A3: 1:100

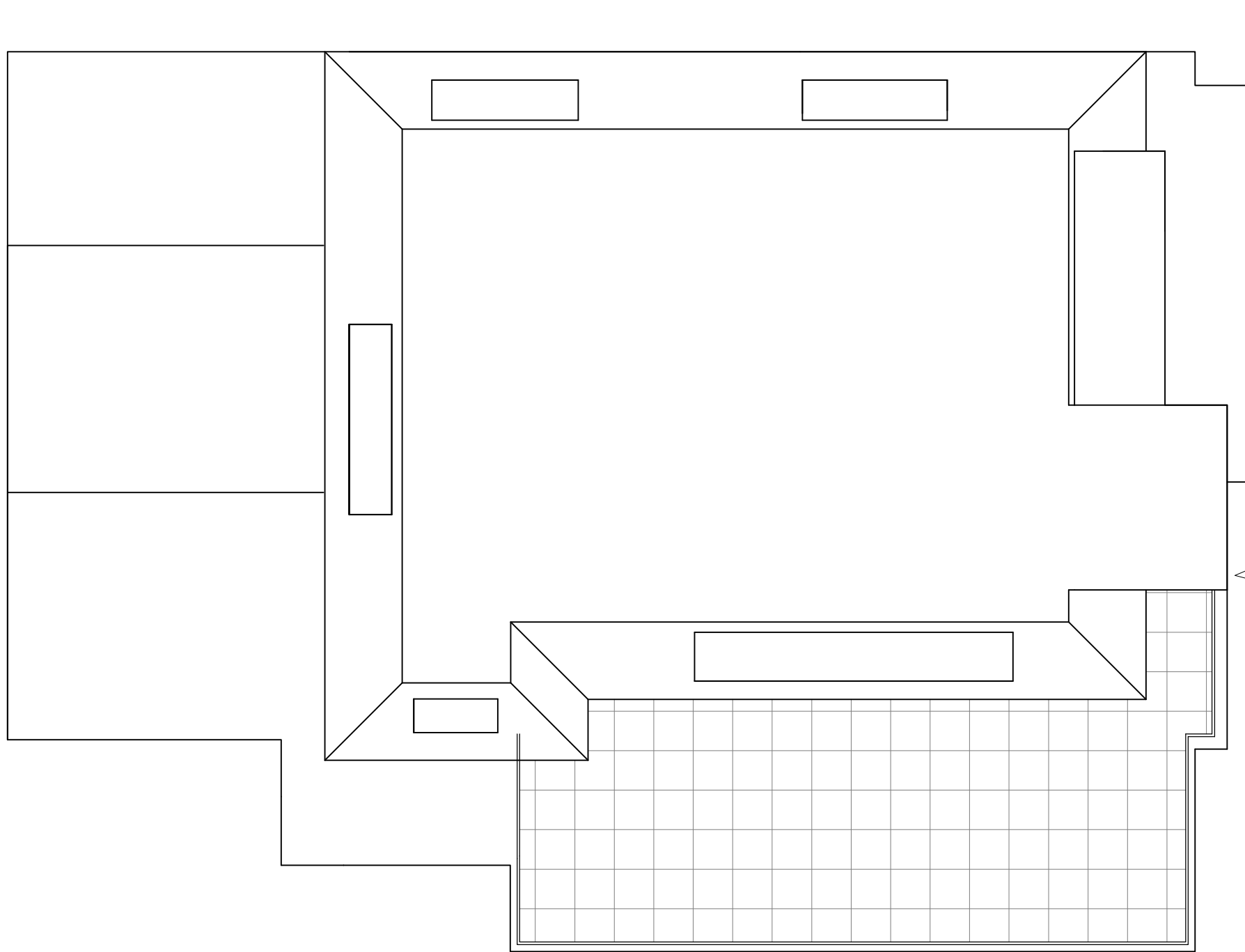
DATE: 05.09.24

DRAWN BY: ER

CHECKED BY: HA

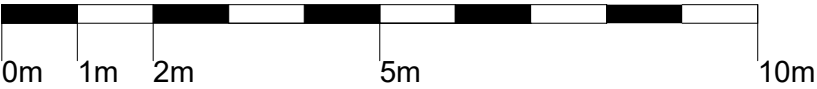
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EXISTING ROOF PLAN

SCALE 1:100 @ A3



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DATE: 05.09.24		DRAWN BY: ER	
PROJECT STAGE:			
Planning			
PROJECT:			
Noisy Lobster, Avon Beach			
DRAWING TITLE:			
1:100 Existing Plans			
CLIENT: Peter Haywood			
DRAWING N°: ARK.HAY.303		REV: 1	
SCALE @ A3: 1:100		DATE: 05.09.24	
DRAWN BY: ER		CHECKED BY: HA	

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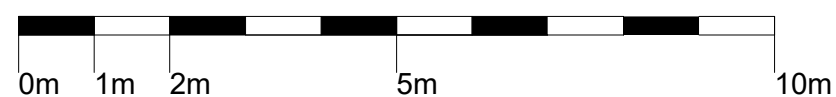


EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION

SCALE 1:100 @ A3



Notes:

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4. Design and construction retaining structure to be structural engineer's design.

DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Existing Elevations

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.304

REV: 1

SCALE @ A3: 1:100

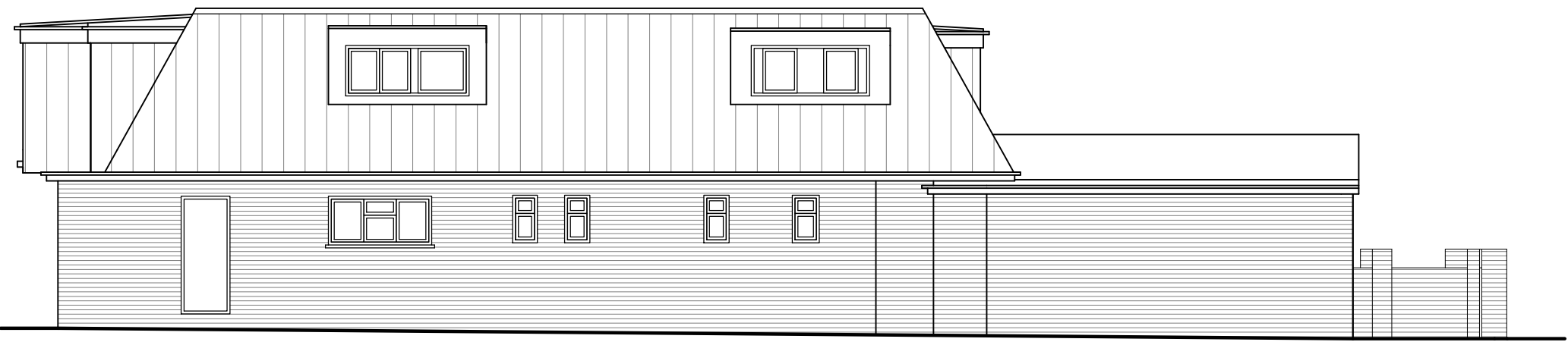
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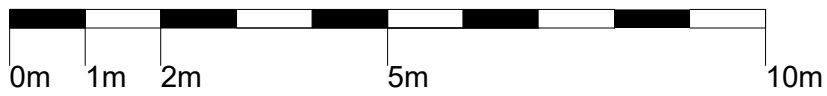


EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION

SCALE 1:100 @ A3



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PROJECT STAGE:			
Planning			
PROJECT:			
Noisy Lobster, Avon Beach			
DRAWING TITLE:			
1:100 Existing Elevations			
CLIENT: Peter Haywood			
DRAWING N°: ARK.HAY.305		REV: 1	
SCALE @ A3: 1:100		DATE: 05.09.24	
DRAWN BY: ER		CHECKED BY: HA	

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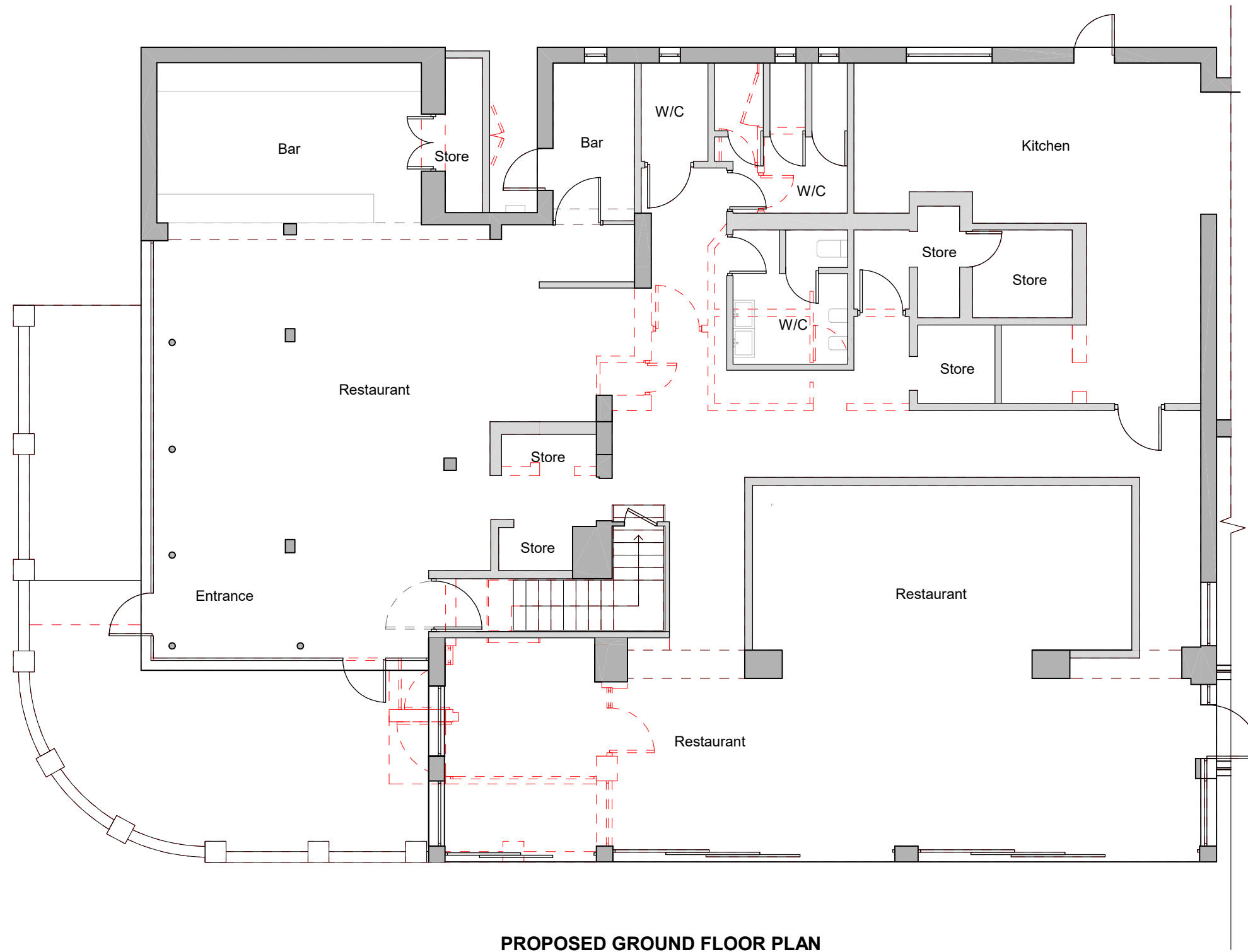


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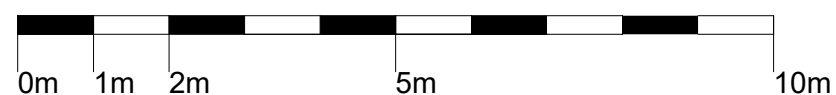
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SCALE 1:100 @ A3



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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Proposed Plans

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.306

REV: 1

SCALE @ A3: 1:100

DATE: 05.09.24

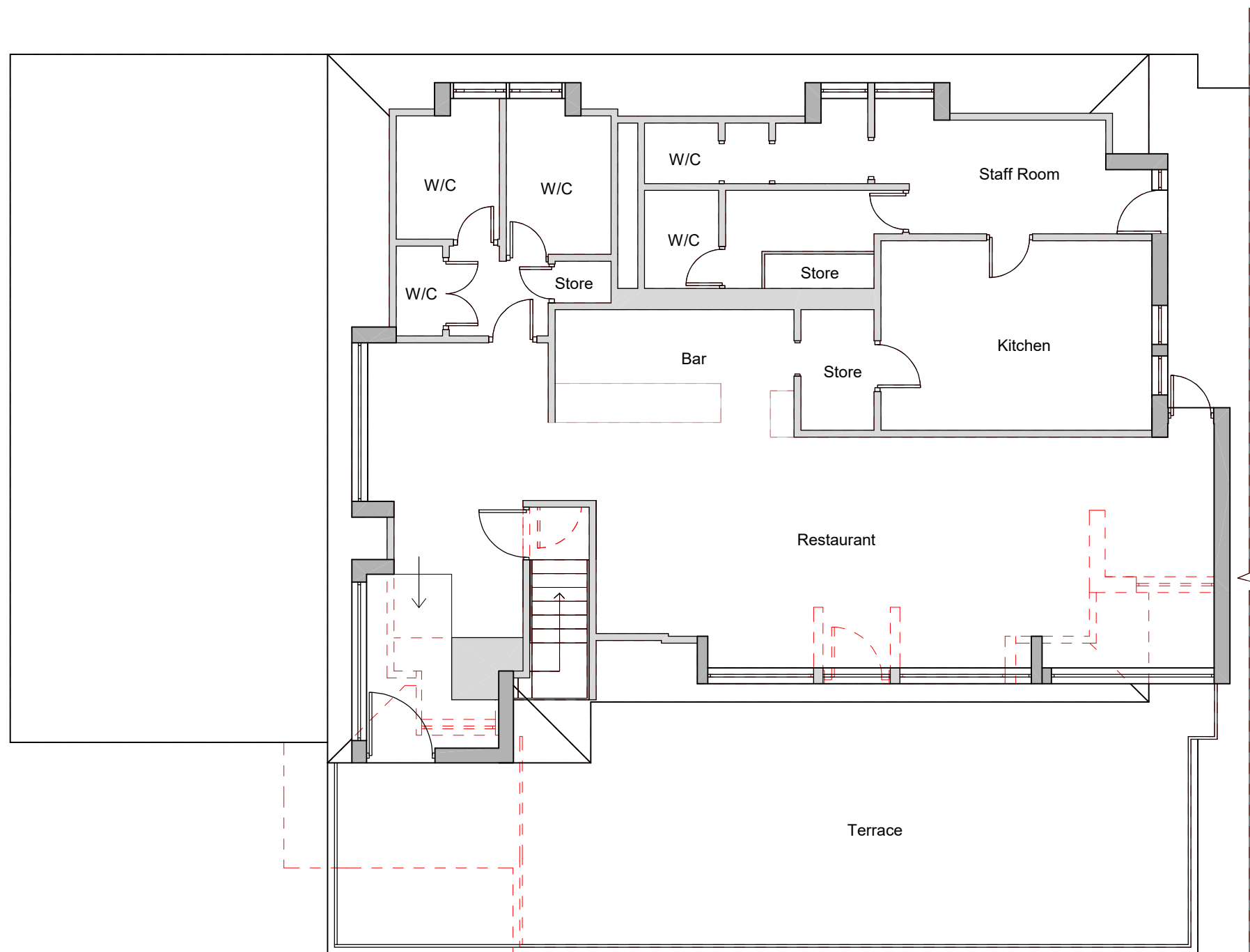
DRAWN BY: ER

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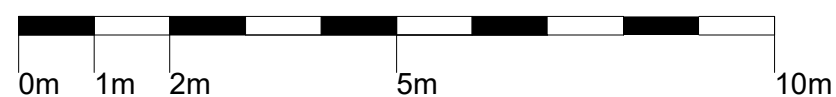


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PROPOSED FIRST FLOOR PLAN

SCALE 1:100 @ A3



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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Proposed Plans

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.307

REV: 1

SCALE @ A3: 1:100

DATE: 05.09.24

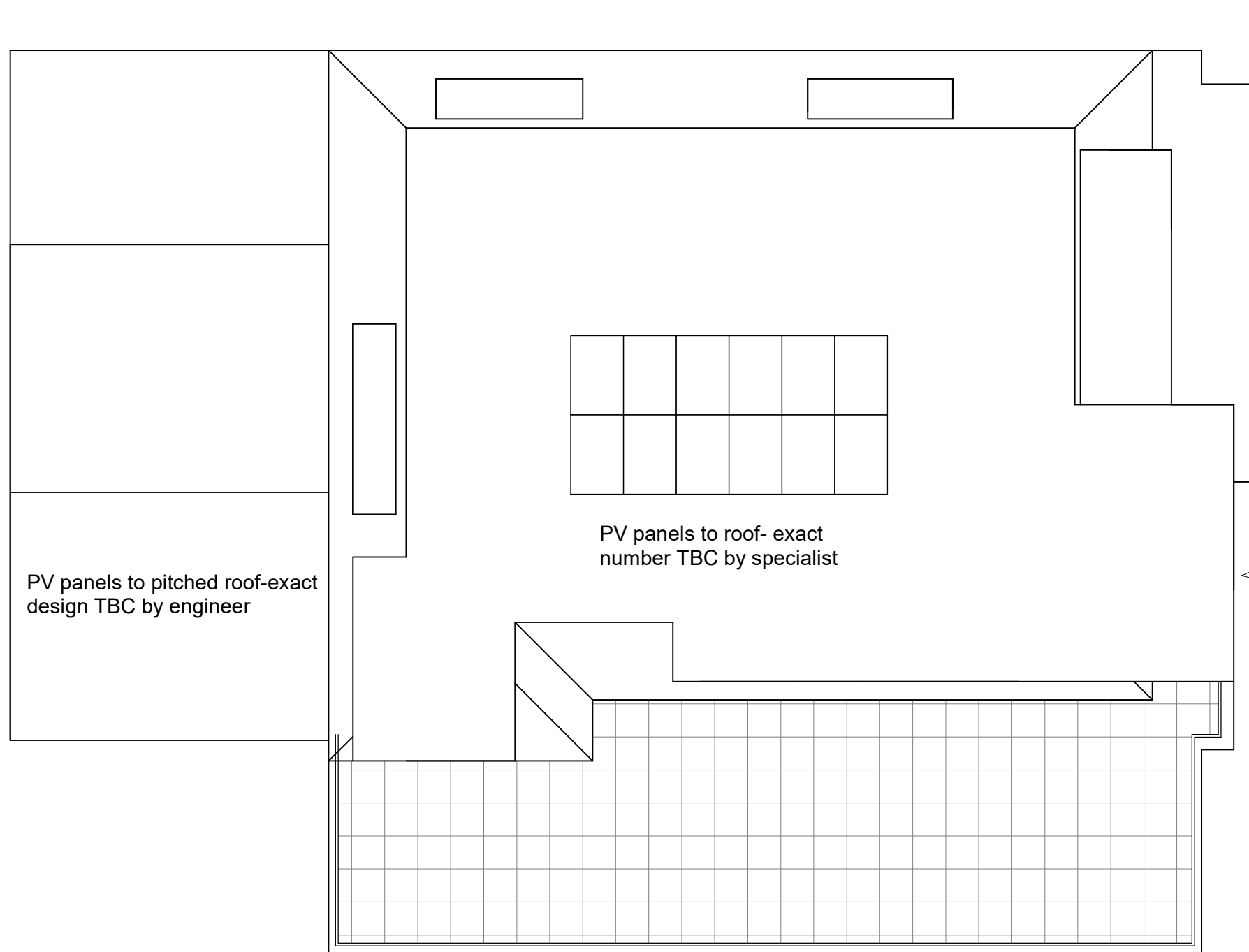
DRAWN BY: ER

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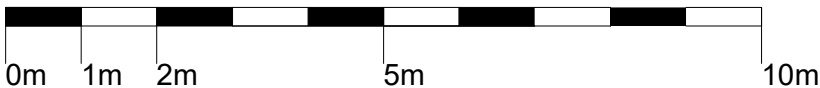


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PROPOSED ROOF PLAN

SCALE 1:100 @ A3



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 - 4. Design and construction retaining structure to be structural engineer's design.

DATE: 05.09.24		DRAWN BY: ER	
PROJECT STAGE:			
Planning			
PROJECT:			
Noisy Lobster, Avon Beach			
DRAWING TITLE:			
1:100 Proposed Plans			
CLIENT: Peter Haywood			
DRAWING N°: ARK.HAY.308		REV: 1	
SCALE @ A3: 1:100		DATE: 05.09.24	
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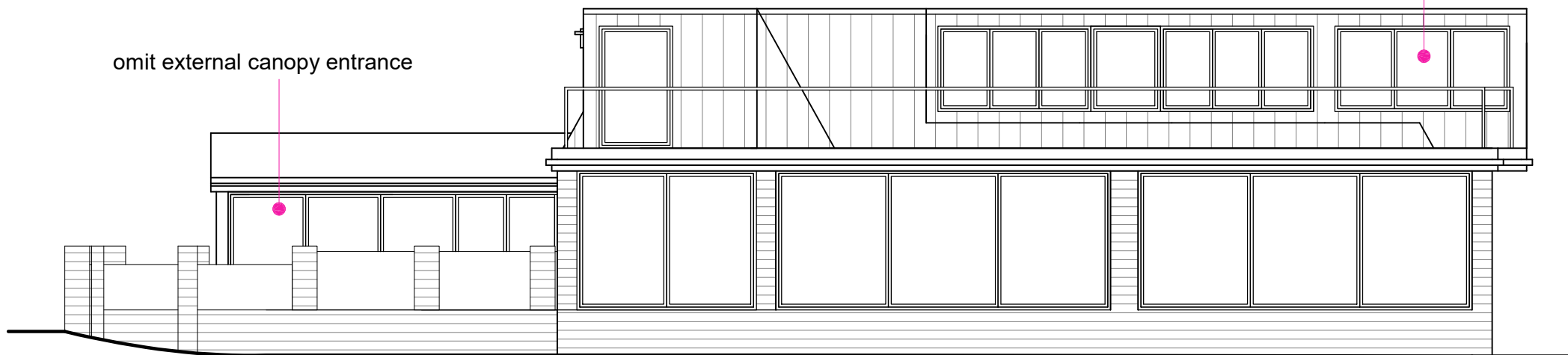
omit external canopy entrance



PROPOSED SIDE ELEVATION

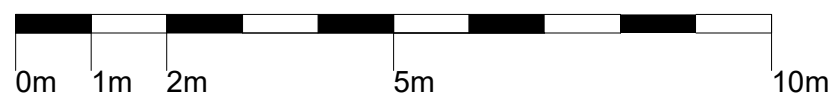
existing roof has been exposed and needs
replacing- propose to square off

omit external canopy entrance



PROPOSED FRONT ELEVATION

SCALE 1:100 @ A3



Notes:

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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Proposed Elevations

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.309

REV: 1

SCALE @ A3: 1:100

DATE: 05.09.24

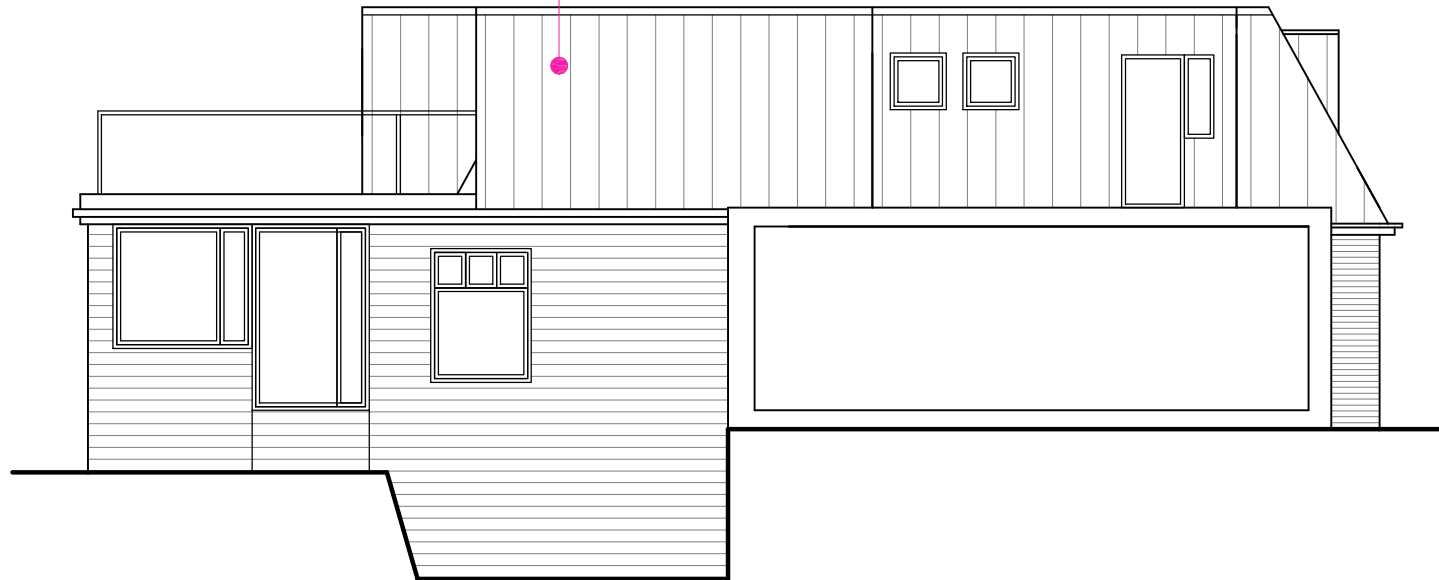
DRAWN BY: ER

CHECKED BY: HA

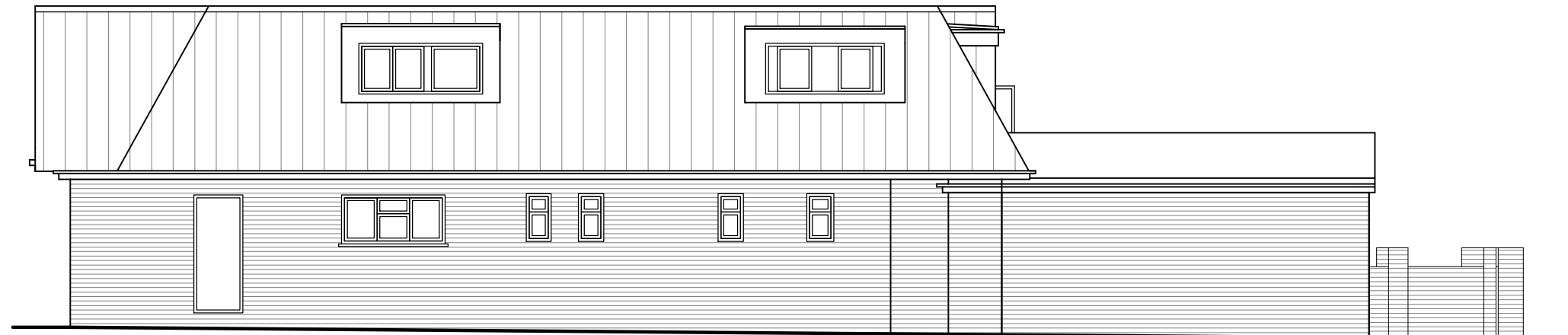
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existing roof has been exposed and needs
replacing- propose to square off

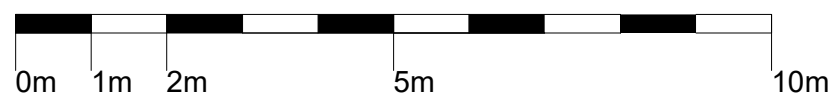


PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

SCALE 1:100 @ A3



Notes:

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DATE: 05.09.24

DRAWN BY: ER

PROJECT STAGE:

Planning

PROJECT:

Noisy Lobster, Avon Beach

DRAWING TITLE:

1:100 Proposed Elevations

CLIENT: Peter Haywood

DRAWING N°: ARK.HAY.310

REV: 1

SCALE @ A3: 1:100

DATE: 05.09.24

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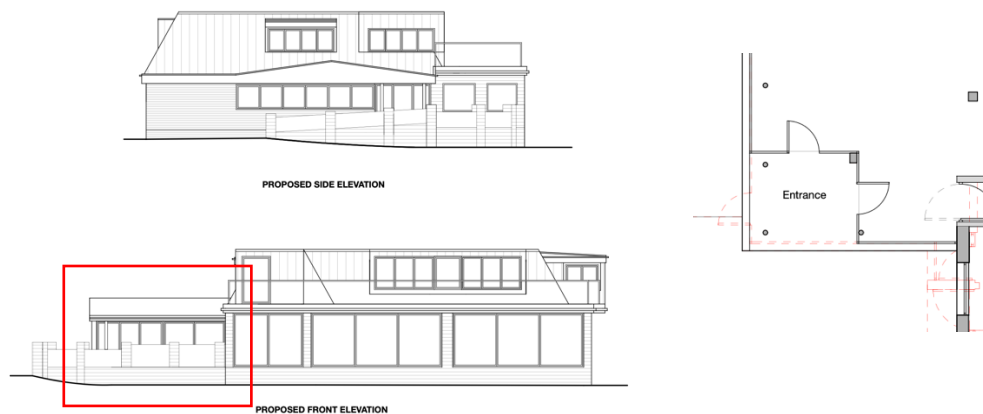
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Full Planning (8/23/0603/FUL) was granted in October 2023 for the majority of works in this application. The two minor amendments are as follows:

1. Omit canopy entrance (retain existing floor space at ground floor)
2. Replace and square off dormer at first floor

Justification:

1. The proposed alteration removes the previously approved inset entrance. The amendments mimic the existing build line and form. The external change is minor, please see reference to previously approved and omitted entrance below.

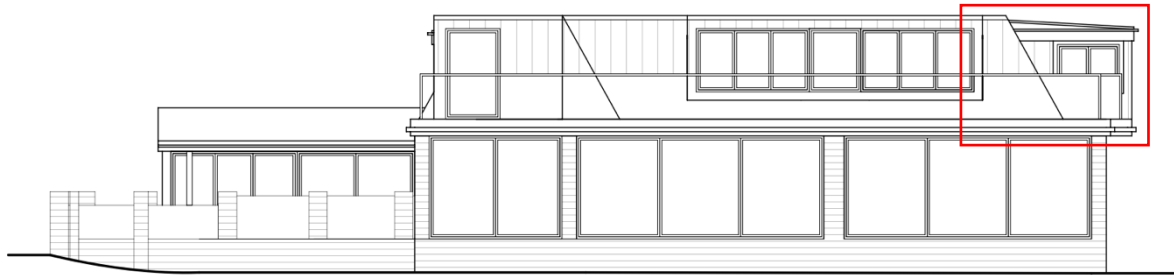


Application (8/23/0603/FUL) with recessed entrance



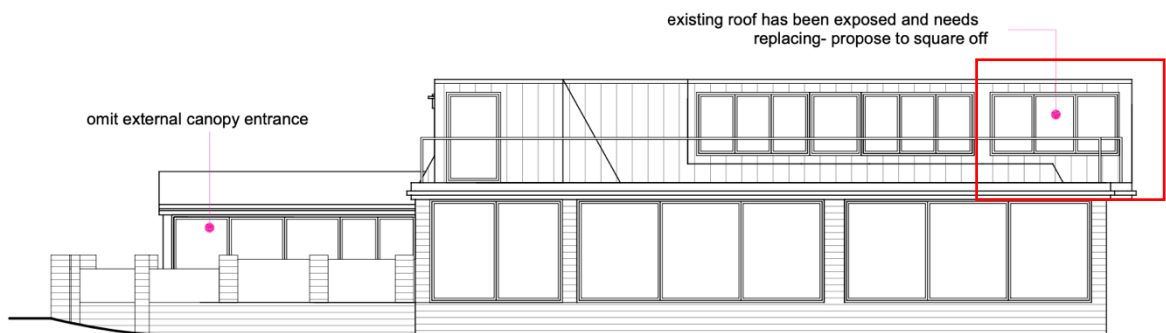
Current application omitting recess (retaining existing build line)

- The existing roof at first floor has now been exposed. It has been confirmed by the structural engineer and contractor that the existing roof has degraded due to a historic fire and will need replacing to meet current building regulations. The amended proposal seeks to simplify the roof form and square off, linking into the existing flat roof.



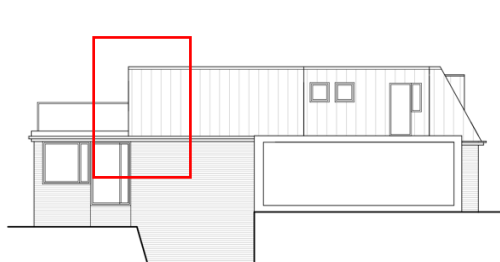
PROPOSED FRONT ELEVATION

Application (8/23/0603/FUL) with existing mansard hip and flat roof



PROPOSED FRONT ELEVATION

**Current application consolidating roof form and simplifying design
Ridge line retained, additional perceived mass is negligible from the front elevation**



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

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