

Notice of Eastern BCP Planning Committee

Date: Thursday, 8 May 2025 at 10.00 am

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



Chair:

To be elected

Vice Chair:

To be elected

Membership of the Eastern BCP Planning Committee to be appointed at the full Council meeting on 6 May 2025.

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=6123>

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

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

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

GRAHAM FARRANT
CHIEF EXECUTIVE

29 April 2025

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Members.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Chair**

To elect a Chair of the Eastern BCP Planning Committee for the Municipal Year 2025/26.

4. **Election of Vice Chair**

To elect a Vice Chair of the Eastern BCP Planning Committee for the Municipal Year 2025/26.

5. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

6. **Confirmation of Minutes**

7 - 8

To confirm and sign as a correct record the minutes of the meeting held on 17 April 2025.

7. **Public Issues**

9 - 16

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 7 May 2025 [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:

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.

8. Schedule of Planning Applications

To consider the planning applications as listed below.

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

Councillors are requested where possible to submit any technical questions on planning applications to the Case Officer at least 48 hours before the meeting to ensure this information can be provided at the meeting.

The running order in which planning applications will be considered will be as listed on this agenda sheet.

The Chair retains discretion to propose an amendment to the running order at the meeting if it is considered expedient to do so.

Members will appreciate that the copy drawings attached to planning application reports are reduced from the applicants' original and detail, in some cases, may be difficult to read. To search for planning applications, please use the following link:

<https://www.bcpccouncil.gov.uk/planning-and-building-control/search-and-comment-on-planning-applications>

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>The Captains Club Hotel, Wick Lane, Christchurch BH23 1HU</p> <p>Christchurch Town ward</p> <p>8/23/0616/FUL</p> <p>An extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms.</p> | 17 - 58 |
| b) | <p>The Bridge, 947 Christchurch Road, Bournemouth, BH7 6AZ</p> <p>Boscombe East and Pokesdown ward</p> <p>7-2024-5331-I</p> <p>Demolition of existing flats and Outline Submission for erection of a building of up to seven storeys for up to 46 apartments (with all matters for consideration other than landscaping).</p> | 59 - 88 |
| c) | <p>44 Minterne Road Christchurch BH23 3LE</p> <p>Mudford, Stanpit and West Highcliffe</p> <p>P/25/00365/HOU</p> <p>Bungalow re-modelling. Demolish Garage, erect side & rear extensions, enlarge roof to form first floor accommodation.</p> | 89 - 110 |

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 17 April 2025 at 10.00 am

Present:-

Cllr P Hilliard – Chair

Present: Cllr A Chapmanlaw (In place of Cllr M Gillett), Cllr J Clements,
Cllr G Martin, Cllr Dr F Rice, Cllr J Salmon, Cllr T Slade, Cllr T Trent
(In place of Cllr M Le Poidevin) and Cllr L Williams

Also in attendance: Cllr G Farquhar

99. Apologies

Apologies were received from Cllr D Flagg, Cllr M Gillett, Cllr M Le Poidevin and Cllr M Tarling.

100. Substitute Members

Notification was received that Cllr A Chapmanlaw was substituting for Cllr M Gillett and Cllr T Trent was substituting for Cllr M Le Poidevin for this meeting.

101. Declarations of Interests

Regarding 27 Wolverton Road, the following declarations were made for transparency:

- Cllr G Martin advised that she lived in the ward quite close to the property
- Cllr L Williams reported that he had objected to HMOs in the past but confirmed that he was not predetermined

102. Confirmation of Minutes

The minutes of the meeting held on 20 March 2025 were confirmed as an accurate record for the Chair to sign.

103. Public Issues

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

104. Schedule of Planning Applications

The Committee considered a planning application report, a copy of which had been circulated and which appears as Appendix A to these minutes in the Minute Book.

105. 27 Wolverton Road, Bournemouth BH7 6HU

Boscombe East and Pokesdown ward

7-2024-9356-C

Change of use of dwellinghouse (Class C3) into House in Multiple Occupation (Class C4)

Public Representations

Objectors

- ❖ Della Gwizdala
- ❖ Leo Gwizdala

Applicant/Supporters

- ❖ Adelaide West
- ❖ Diana Parrish

Ward Councillors

- ❖ Cllr George Farquhar

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

Voting: For – 7, Against – 0, Abstain – 2

Note: This item was deferred by the Committee on 20 March 2025 to enable the officer's report to be revised to include reference to the Boscombe and Pokesdown Neighbourhood Plan.

The meeting ended at 10.34 am

CHAIR

PLANNING COMMITTEE - PROTOCOL FOR SPEAKING / STATEMENTS AT PLANNING COMMITTEE

1. Introduction

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

2. Order of presentation of an application

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

3. Guidance relating to the application of this protocol

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

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

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

4. Electronic facilities relating to Planning Committee

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

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

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

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

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

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

7. Questions to person speaking under this protocol

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

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

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

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

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

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

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

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

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

11. Remote speaking at Planning Committee

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

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

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

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

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

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

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

14. Provisions relating to a statement

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

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

15. Assessment of information / documentation / statement

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

16. Guidance on what amounts to a material planning consideration

- 16.1. As at the date of adoption of this protocol, the National Planning Portal provides the following guidance on material planning considerations:

“A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to):

- *Overlooking/loss of privacy*
- *Loss of light or overshadowing*
- *Parking*
- *Highway safety*
- *Traffic*
- *Noise*
- *Effect on listed building and conservation area*
- *Layout and density of building*
- *Design, appearance and materials*
- *Government policy*
- *Disabled persons' access*
- *Proposals in the Development Plan*
- *Previous planning decisions (including appeal decisions)*
- *Nature conservation*

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.”

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing

Note

For the purpose of this protocol:

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

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23



Committee Report

| | |
|---|---|
| Application Address | The Captains Club Hotel Wick Lane Christchurch BH23 1HU |
| Proposal | An extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms |
| Application Number | 8/23/0616/FUL |
| Applicant | FiveM Developments |
| Agent | Abigail Heath, Savills |
| Ward and Ward Member(s) | Christchurch Town Ward – Councillor Mike Cox and Councillor Michael Tarling |
| Report Status | Public |
| Meeting Date | 8 th May 2025 |
| Summary of Recommendation | Grant subject to conditions and the signing of a legal agreement for heathlands mitigation |
| Reason for Referral to Planning Committee | Councillor Cox – call in on 25/09/2023 The increase in the size of the Hotel will continue to have a significant effect on the local neighbours given the bulk and scale of the increase. The effect on the amenity space for neighbours will be detrimental and there will be a significant worsening of traffic and parking for local residents, guests and visitors. As such this development is in contravention of policies HE2 and HE3 |
| Case Officer | Peter Walters |
| Is the proposal EIA Development? | No |

Description of Proposal

1. This proposal is a second submission following the previously refused application (8/22/1069/FUL) by Member at a planning committee meeting. The previous application sought consent for a rear extension and a fourth storey extension to the existing hotel to create additional 29 hotel bedrooms and 7 suites which would have increased the floor space by 1,845.1sqm. In addition, the extensions would re-house the existing and new plant space. 24 of the proposed bedrooms would be within the rear extension and the remaining 5 bedrooms and 7 suites would be located within the fourth storey element of

the extension. The access and parking arrangements would remain the same as existing, with the current provision of 47 parking spaces remaining for guests, visitors and staff.

2. In this current application, the proposal remains largely unaltered and the difference between this proposal and previous submission is that this latest scheme seeks to address the reason for refusal in the previous application which are:

1. *The proposed extension to the hotel, by reason of its design, which introduces significant fenestration to the north elevation, scale which increases the building's height and projects closer to the nearest residential properties and the subsequent proximity to neighbours in Creedy Drive will adversely impact on living conditions at these neighbouring dwellings by reason of a loss of privacy, overlooking and light pollution and disturbance from north facing windows in the proposed extension. The proposal is therefore contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014).*
2. *The proposal is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European Sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 2017, in particular Regulations 48 and 49. If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedures set out broadly in Circular 06/2005.*

The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, the proposed development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development close to the Dorset Heathlands and also the provisions of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD), which took effect in November 2020. The proposal is also contrary to policy ME2 of the Christchurch and East Dorset Local Plan.

3. As such, in this current application, the proposed windows facing Creedy Drive have been raised by 150mm and include transom glazing so that there would be no clear glass below a height of 1680mm on the first floor and 1570mm on the second floor, with the bottom pane opaque. The current application is also now accompanied by a unilateral undertaking to help secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.
4. Subsequent to the submission of this application, the previously refused scheme has been the subject of an appeal which has been allowed. The Inspector disagreed with the Council's assertion that the proposal would have a harmful impact on the amenity of neighbouring residents. They concluded that:

7. The proposal would introduce areas of glazing in the elevation facing Creedy Drive where there are currently very few. There would be windows serving a total of 30 rooms and on this basis, I acknowledge that the sense of being overlooked as well as the levels of privacy would likely change. However, the key question is whether unacceptable harm to the living conditions of occupiers would arise or would the resultant development and associated levels of privacy be appropriate and reasonable bearing in mind the presence of the hotel and the surrounding context.

8. There is no adopted numerical guidance in respect of separation distances between residential properties and commercial uses. In this regard, the consideration of the impact of the proposal upon the living conditions of existing occupiers of nearby houses is one of planning judgement based on the merits of the scheme.

9. The appellant's Overlooking Analysis document indicates that separation distances would vary but there would be a minimum distance of just over 26m between the hotel room windows proposed and 29 Creedy Drive and a distance of around 31m between the hotel and No 21 and I have no substantive evidence before me to dispute the distances set out in this assessment.

10. In my judgement and having regard to the surrounding context the separation and the greater mass and height of the proposal would be acceptable. There would be adequate separation between the windows proposed and nearby dwellings. In any case such relationships between windowed elevations are not unusual in built up areas, such as this.

11. Furthermore, the spatial relationship between the resultant development and nearby dwellings would be more generous than those generally found locally. There would be limited opportunity for direct overlooking of balconies, into windows and garden areas on account of the overall distances involved between the hotel and nearby dwellings. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking that would lead to a loss of privacy.

12. Taking into account the internal layout of the hotel bedrooms and that the outlook from these rooms is onto vehicle parking areas it is unlikely that hotel patrons would spend significant periods of time at windows. It is more likely that they would use the room as a base to rest and refresh prior to and after utilising the hotel facilities or enjoying the local area. In my view the proposal would not result in unduly intrusive views into habitable rooms or balconies from hotel bedrooms. Consequently, I am not persuaded that the proposed development would lead to existing residents altering their behaviour when in their properties.

13. The hotel has 17 bedrooms and 12 suites. The proposal would result in 29 extra rooms and 7 suites and a commensurate increase in the number of guests. Whilst the bulk of the rooms would be to the rear there are no roof terraces facing the car park and the position of the hotel entrance and facilities including the bar and restaurant would remain along the river's edge. As such, noise from occupation of the rooms is unlikely to be perceivable from outside. In addition, a condition has been imposed limiting noise from plant and machinery.

14. With the increased number of bedrooms and suites there would be additional pedestrian and vehicular activity, however, it is not an inevitable consequence that it would give rise to unacceptable levels of noise or anti-social behaviour. I am also mindful that higher noise levels are to be expected in mixed commercial areas and areas of tourist activity.

15. Hotel windows would be illuminated throughout periods of darkness but considering the comings and goings associated with patrons' independence and own work or leisure routines it is likely that lighting window conditions would be constantly changing. There is nothing to suggest that internal light levels would be excessively bright. Given the variable nature of internal lighting and that in evenings curtains would be typically drawn I am satisfied that obtrusive light spill would not occur. Furthermore, it is likely that when patrons are not in their room the key card system would turn off lights.

16. As such, I am satisfied that there would be no harmful loss of privacy, light intrusion or disturbance for existing occupiers. The proposed development would therefore accord with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014) (CS) which, amongst other things, requires new development to be compatible with its surroundings in terms of its relationship with nearby properties.

Description of Site and Surroundings

5. The Captains Club Hotel is located on a prominent riverside location on the River Stour, southwest of the town centre of Christchurch. The existing building is a three storey building, which on the riverside elevation comprises significant glazing to benefit from the panoramic views across the river towards the harbour and Tuckton Gardens public open space. The rear of the building currently has minimal openings and at ground floor level the plant facilities and bin storage are located.
6. Terraced residential properties are located to the west, north and north-east of the Hotel within Creedy Drive, Sopers Lane and Willow Way with the rowing club, sea cadet hall and public car park to the east. The residential properties are 2 and 3 storey in form, with the majority in Creedy Drive which face the Hotel consisting of 3 storey terraced properties with balconies at first floor level.
7. The site lies outside of the Central Christchurch Conservation Area which lies approximately 93 metres to the east. The boundary of the Wick Village Conservation Area runs up the middle of The Stour (approx. 37m from the hotel building) and there is a strong relationship between both sides of the riverbank.
8. The site is located within an area of high flood risk, identified as being within current flood zones 2 and 3 but also within future flood zone 3a (2093 for commercial development) as shown in the Council's Strategic Flood Risk Assessment.
9. The issue of nutrient neutrality was raised by the appeal and continues to be a consideration. The application site is within the catchment of the Christchurch Waste Water Recycling Facility which discharges enriched water into the River Avon which is designated as a Special Area of Conservation under the Habitat Regulations 2017 and listed as a Ramsar site.

Relevant Planning History:

| | | | | |
|---------------|--|---|----------------------------------|---|
| 8/22/1069/FUL | The Captains Club Hotel Wick Lane Christchurch BH23 1HU | An extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms | Refused Appeal allowed | 19/06/23 Appeal allowed on 23/01/25 |
| 8/11/0089 | Captains Club Hotel, Wick Lane | Erection of single storey outbuilding and removal of existing entrance door (Amended description). | Granted | 28/04/11 |
| 8/07/0578 | Captain Club hotel, Wick Lane | Erection of single storey enclosure for waste bins | Granted | 25/10/07 |
| 8/06/0571 | Captains Club Hotel, Wick Lane | Erection of 2 signs displaying hotel name | Granted | 27/10/06 |

Constraints

Within Flood Risk Zones 2 and 3
Within 5km of SSSI heathland
Within an Area Benefiting from Flood Defences
Wessex Water Sewer Flooding reported

Public Sector Equalities Duty

10. 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

11. 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.
12. 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.
13. 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

All consultees comments are summarised below and all full comments can be viewed online with the associated application number;

Christchurch Town Council:

Objection on the following grounds:

- overlooking, loss of privacy and light and noise pollution to neighbouring property
- adverse impact on car parking and increased traffic congestion
- insufficient changes to the proposal to meet the Council's previous objections (**Officer Note: comments received prior to the appeal decision being issued**)

BCP Environmental Health: No objection subject to conditions

Environment Agency: No comment

Natural England – no objection subject to mitigations being secured in regard to the river Avon regarding phosphates.

Wessex Water: No comment

Dorset & Wilts Fire & Rescue Service: no objection subject to the development being designed and built to meet current Building Regulations requirements.

BCP Rights of Way: No comment

BCP Waste and Recycling: No comment

BCP Lead Flood Authority: no objection subject condition

BCP Destination & Culture: support the application, noting the proposal makes a positive contribution to BCP's tourist accommodation and can only improve the facilities offered to guests making it a world class offer.

BCP Design and Heritage comments: they raised no objection to the scheme noting that:

The key changes made are raising the window sill heights of the new windows on the northern elevation and obscuring the lower part of each new window on the northern side.

Although for a residential proposal obscured lower window panes would be opposed due to poor outlook, as this is a hotel proposal the adverse effect on the outlook of the occupiers of the hotel rooms would only be temporary for the duration of their stay and this is considered acceptable in Urban Design and Conservation terms.

The improvements to the privacy of the occupiers of Creedy Drive, as a result of the introduction of raised sill heights and obscured glazing, are supported.

BCP Highways - Major Dev: no objections subject to conditions

BCP Planning Policy: – no comment received

Representations

Of the 55 representations received, 49 are objections, 5 are of support and 1 is a comment and they are summarised below (full comments can be viewed online with the associated application number);

Objections

- Impact on highways, parking, turning and increase in traffic
- No changes from the previous application
- The area is at risk of flooding
- Given the bulk and size, the proposal would appear out of character along the riverside
- Overdevelopment of the site
- Loss of privacy to neighbouring properties
- Light and noise pollution to neighbouring properties
- There are no benefits arising from the development
- Disturbance of river and wildlife
- The riverbank is a historic setting, which requires preservation
- Commercial building should have a greater distance from residential dwelling
- Huge increase in accommodation
- No tree cover so overlooking is still possible
- The opaqueness of the windows are not known

Support

- The proposed development is in accordance with Objective 4 and Policy PC6 of the Core Strategy.
- The earlier refusal of planning permission clearly demonstrates that there will be no adverse impact from the development on the amenities of the residents of nearby housing.
- Need for more hotels in the locality
- Anything that encourages business and tourism in our beautiful town should be encouraged
- The location is ideal and encourages employment

Key Issue(s)

14. The key issues involved with this proposal are:

- Principle of development
- Economy and tourism
- Design, form and scale and impact on visual amenities of area
- Impact on Heritage assets
- Impact upon residential amenities
- Parking and Access
- Flood risk and surface water management
- Biodiversity, Heathland Mitigation and Nutrient Neutrality
- Other Matter
- Energy and Sustainability

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

Policy context

16. 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 Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014) and saved policies of the Christchurch Local Plan (2001).

KS1 Presumption in favour of sustainable development

KS2 Settlement hierarchy

KS7 Role of town centres

KS11 Transport and Development

KS12 Parking provision

PC6 Tourism

HE1 Valuing and conserving our historic environment

HE2 Design of new development

HE3 Landscape quality

ME1 Safeguarding Biodiversity and Geodiversity

ME3 Sustainable Development Standards

ME4 Renewable Energy Provision

ME6 Flood Management, Mitigation and Defence

Saved Policy BE5 Setting of Conservation Areas

Saved policy ENV3 Pollution and existing development

Saved policy ENV5 Drainage and new development

Saved policy ENV21 Landscaping in new development

Saved policy ET1 Redevelopment/change of use of tourist facilities

Emerging BCP Local Plan

Following the recommendation by the Planning Inspector following Stage 1 of the Local Plan examination that the Plan should be withdrawn, the policies in it are at present considered to carry negligible weight. If the Council opts to follow the recommendation of the Inspector, the policies will carry no weight. Policies that would apply to the proposal are as follows

Policy C2: Sustainable construction and low carbon energy

Policy C6: Flood Risk

Policy NE2: Habitats sites and wildlife sites

Policy NE3: Biodiversity

Policy BE4: Building Heights

Policy E9: Visitor Accommodation

Policy E12: Community, sports and leisure facilities

Policy T2: Transport and Development

Policy P10 – Christchurch Town

Supplementary Planning Documents and Guidance

Parking Standards 2021

Christchurch Conservation Area Appraisal

Wick Village Conservation Area Appraisal

National Planning Policy Framework (“NPPF” / “Framework” 2024)

Including in particular the following:

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 strong 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 in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Planning Assessment

Principle of development

- 17. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals. The Core Strategy policies relevant to this application are considered to be up-to-date.
- 18. As noted above, this proposal is a second submission following the previously refused application (8/22/1069/FUL). In the previous application, the principle of the proposal was deemed as acceptable. The Development Plan has not significantly changed since the previous application was assessed and therefore the principle is considered to remain acceptable. It should be noted that the appeal against the previous refusal was granted and therefore there is a realistic fallback indicating that the principle of development is acceptable.
- 19. The existing Hotel is an established business just outside of the town centre of Christchurch and as such its use has already been established. Policy PC6 seeks to promote visitor accommodation in sustainable locations and saved Christchurch Local Plan policy ET1 seeks to avoid the loss of tourist accommodation. BCP
- 20. The BCP Destination and Culture officer has been consulted and states the Captains Club hotel plays a significant role within tourism for the Bournemouth, Christchurch and Poole area attracting visitors from far and wide, including international staying visitors.
- 21. The hotel makes a significant contribution to the guest experience and tourism industry all year round and an extension to the existing hotel to create additional guest bedrooms is in line with the Tourism SPD (2016) which supports continuing investment in and improving the quality of tourism accommodation.

22. On this basis, the proposed development is acceptable in principle subject to assessment and consideration of site-specific impacts and compliance with relevant policies of the plan and provision of the framework in that regard. These matters are addressed under specific issue headings below. The overall planning balance assessment is set out in the conclusion below.

Tourism and the economy

23. Core Strategy policy PC6 promotes new visitor attractions and accommodation in sustainable locations.
24. As referred to above and in the previous application, this Hotel makes a valuable and positive contribution to the local tourism economy and attracts visitors from afar, including international visitors. BCP Destination and Culture, in their consultation response have provided some background to the local tourism industry and confirm that BCP is established as one of the UK's premier seaside resorts, generating over half a billion pounds in visitor spend each year and sustaining local employment. The Council's Planning and Destination Team commissioned an assessment of guest accommodation year-round supply, performance and development potential, new accommodation supply pipeline and future growth and investment plans within Bournemouth, Christchurch and Poole. This indicates that in Christchurch there is an opportunity for an additional 4 – star provision or boutique hotel over the next 10 years, most likely from expansion of existing hotels.
25. It is considered that the expansion of the Captains Club hotel will make a positive contribution to the provision of tourist accommodation within Christchurch and BCP as a whole and this would contribute to the local economy through investment, visitor spending and employment opportunities – this is reflective of the BCP Destination & Culture officer. It is considered the extension to the Captains Club which is in an edge of centre location with links to the town centre and beyond meets the ambition of Policy PC6 to promote tourist accommodation in sustainable locations. Paragraph 85 in the NPPF states; 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. This scheme would enable a local business to expand and improve the offering to visitors and adapt to the changing climate since the pandemic. It is therefore considered that the proposal meets the aims of policy PC6 and the NPPF. Therefore, taking the above into account, the proposal is considered to be acceptable in this regard and accords with Policy PC6 of the Christchurch and East Dorset Local Plan.

Design, form and scale and impact on visual amenities of the locality

26. CS Policy HE2 complements the design requirements in section 12 of the NPPF by requiring that development be compatible with or improve its surroundings in relation to criteria including layout, site coverage, visual impact and relationship to nearby properties. The NPPF states that developments must function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping.
27. As noted above, this proposal is a second submission following the previously refused application (8/22/1069/FUL). Despite the objections received from neighbouring properties and interested third parties, the reasons for refusal in the previous application did not include harm to the character, appearance and visual amenity of the locality. The proposed extension has a very similar form and design to the existing hotel and builds upon and responds to the character of the current building. It is considered that the rear extension

which is to be the same height as the existing building is acceptable in terms of its scale and bulk. It relates well to the building and does not appear intrusive within the street scene and will be clearly read as part of the hotel. At ground floor level, there are minimal openings resulting in a rather blank facade; however, it is appreciated that this is required due to the location of the plant rooms and storage areas at the rear. Given the existing situation, with timber enclosures and a number of different spaces, this proposal rationalises the rear area, enclosing everything within the building, improving the appearance. The amendments to the access points for staff at the rear have minimised potential for anti-social behaviour and collection of litter and material with a reduced undercroft area and a more inviting porch area.

28. The proposed changes to the fenestration will slightly reduce the size of the windows on the northern rear elevation serving the proposed bedrooms and this is considered to be acceptable.
29. In terms of the increased height of the building, it is considered that the form and scale is now more appropriate and the extension respects the existing tower elements and the building would not appear top heavy. BCP Urban Design and Conservation still consider that the top floor still requires a higher proportion of glazing. It is recognised that the floors below show a greater proportion of glazing on the southern elevation; however, the proposed pattern of glazing and the ratio to solid wall in conjunction with the now lighter cladding is considered to be acceptable and would not result in a discordant or top heavy extension. The reduction in floor area of this level along with the lighter material ensure it will appear as a lighter weight structure and not dominate the existing building.
30. Officers note the objections in relation to the built relationship between the proposed development and the neighbouring residential properties, particularly in Creedy Drive to the north and Riverside Park to the west. The rear extension will bring built form closer to these properties; however, there still remains a significant distance between the buildings with the parking and highway maintaining this gap. It is not considered that the resulting built relationship would result in a cramped or oppressive form of development within the street scene.
31. In addition, the allowing of the appeal provides a realistic fallback position in considering that the proposal does not have an unduly harmful impact on the visual amenities of the locality. Taking this into account, the proposal is considered to be acceptable in terms of the impact on the visual amenity of the locality and is therefore in accordance with Policy HE2 of the Christchurch and East Dorset Local Plan.

Impact on Heritage assets

32. Core Strategy HE1 seeks to ensure that the significance of all heritage assets and their settings will be protected and enhanced. As outlined in the Site description, the site is not within the Christchurch Conservation Area but lies to the north of the Wick Village Conservation Area across the River Stour and the Central Christchurch Conservation is located to the east. Wick is a historic village and owes its reputation as the last village on the River Stour to its location and surroundings, and its attractive character.
33. The reasons for refusal in the previous application did not include harm to the significance of the Heritage asset and given the modest alteration proposed in this current application, it is considered that the proposal would not result in harm to the significance of the Heritage asset.

34. Similarly, the Councils Conservation officer has been consulted with respect to the scheme proposal. They have not indicated that harm would be caused to the heritage assets, but they have suggested that a condition requiring details of materials to be used should be applied. Therefore, the scheme is considered to accord with Policy HE1 of the Local Plan and Section 16 of the NPPF. Once again, it is noted that there is a realistic fallback position of the previously refused scheme that was subsequently allowed at appeal. Taking the above into account, the proposal is considered to be acceptable in terms of its impact on designated heritage assets and is therefore in accordance with Policy HE1 of the Christchurch and East Dorset Local Plan.

Impact upon residential living conditions

35. Policy HE2 states that; 'development will be permitted if it is compatible with or improves its surroundings; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy ENV3 refers to development which creates noise, discharges or emissions not harming the amenities of occupants of nearby land.
36. Similar to the previous application, the proposal continues to gather multiple objections from the Town Council, neighbouring properties including third parties some considerable distance from the site regarding overlooking, loss of privacy and noise impacts to impacts to surrounding dwellings, the closest of which are in Creedy Drive.
37. However, as noted in the proposal description above, this proposal seeks to address the reasons for refusal in regard to residential amenities. It is noted that the proposed windows facing Creedy Drive has been raised by 150mm and include transom glazing so that there would be no clear glass below a height of 1680mm on the first floor and 1570mm on the second floor, with the bottom pane opaque. This is considered to represent an improvement on the previous scheme and will protect the amenity of neighbouring residents. A condition requiring the windows not to have clear glass below this height will not be included due to the fallback position of the appeal decision.
38. A officer site visit was conducted to view the relation of the proposed development from within a property on Creedy Drive. Whilst it is considered that there may be some mutual overlooking between the residential properties (mainly from the balcony at the front elevation) and the hotel rooms. There is around 27m & 32m (long range view) separation distances between the neighbouring properties at Creedy Drive and the hotel subject of this application. As such, substantial separation distances exist and for these reasons it is considered the proposed development would not be so detrimental upon the neighbouring properties amenities that permission should be refused. The Inspector who allowed the previous appeal also found no harm to nearby residential properties.
39. Taken together, the acceptable separation distances combined with the use of obscured glazing would significantly help soften views to properties at Creedy Drive. As such, the proposal would not result in harmful overlooking upon these neighbouring properties.
40. Given the increase in the numbers of rooms the proposal potentially could intensify movements and activity within the area. However, this locality is on the edge of the town centre and characterised not only by the hotel and residential properties but by public car parks, a rowing club and areas of open space. Therefore, there exists an intrinsic level of movement and activity in the area. It is considered that the proposal would not give rise to such a significant increase in noise and disturbance to cause sufficient harm to the occupiers of the surrounding properties to warrant refusing the application. A view supported by the Inspector on the appeal.

41. The Councils Environmental Health officer has been consulted. They are happy in principle with the proposal, however they have recommended a planning condition restricting the noise level of the plant and equipment. They also suggest the use of conditions to control disturbance during the construction stages of the proposed development.
42. As noted in the previous application, the proposed extension at the rear and at the fourth storey element will include quite a large amount of glazing, especially on the southern side fronting the river. During the evenings and at night, this could increase the prominence of the building given the light omitted from the building. However, given the existing level of glazing on the southern elevation and the level of built form within the area and street lighting, the light emitted from the building is not considered to cause such an adverse impact on the environment or living conditions of the occupiers of the neighbouring properties. There is no additional external lighting shown on the plans; however, an external lighting strategy can be conditioned to ensure that any new lighting around the hotel is suitable for the locality and does not cause harm to the residential amenities of the surrounding properties.
43. In this respect, it is not considered that the proposal would have an unacceptably harmful impact upon the neighbouring properties to warrant refusal. The applicant has a realistic fallback position of the allowed scheme which is a material consideration in the assessment of this planning application. The proposed scheme reduces this impact, as set out above, and is therefore considered to be acceptable in this respect. The proposal is therefore considered to be in accordance with Policy HE2 of the Christchurch and East Dorset Local Plan and saved policy ENV3 of the Christchurch Local Plan 2001.

Parking and Access

44. The level of parking spaces being provided remains the same as the previous application. The site is situated within Parking Zone B of the Parking Standards SPD but it is on the boundary of Zone A, which requires the least amount of car parking provision. The site is located close to the transport links and amenities of Christchurch Town Centre. Within parking Zone B the SPD guidance sets out that a 65 bedroom hotel facility should ideally provide 49 car parking spaces (in the neighbouring Zone A this would be a 33 space requirement). The existing car park for the hotel has 47 parking spaces, and this is to stay the same, but at present the car park is available for both hotel patrons and the public to use as the hotel offers the parking spaces available as a privately operated pay & display car park. The proposal is to retain the 47 spaces which would now be for hotel patrons, staff, and visitors only, which will likely result in less demand and traffic movements in the car park than the existing arrangement of shared general public use. There are public car parks close to the site and apart from a few peak holiday weekends the Highway Authority are aware that for the majority of the year there is spare capacity in these car parks. The Hotel also has a long term contract to rent 18 car parking spaces in the nearby Willow Way Car Park, a demonstration that this public car park has spare capacity to allow the long term renting out of parking spaces.
45. Therefore, with the 47 car parking spaces within the Hotel car park plus the 18 spaces within the Willow Way Car Park the Hotel has access to car parking well above the Parking Standards SPD guideline of 49 car parking spaces. The shortfall of parking spaces for 2 cars can be absorbed by the nearby Willow Way car park or failing that, there is on street capacity. In addition, it is noted that the site sits on the edge of Parking Zone A, which would require 33 spaces, and in this scenario there would be an overprovision of parking. Therefore, the small shortfall would not lead to significant highway safety issues.

46. The proposal indicates that 13 cycle parking spaces will be provided which is an acceptable figure in line with SPD requirements. 4 of those cycle spaces will be for general public/visitor use and these are the existing cycle stands located close to the main building entrance. The rest will be for staff and are located internally within the service area of the building. The Councils Highways engineer has been reconsulted with respect to the scheme proposal and they have no objection to scheme subject to conditions. Therefore, the scheme is considered to accord with Policy KS11 of the Local Plan and Section 16 of the NPPF. Once again, consideration to the previously allowed appeal will be required, as this provides a realistic fallback position. The proposal is therefore considered to be in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan.

Flood risk and surface water management

47. Policy ME6 of the Local Plan sets out the requirement for developments within flood risk areas and stipulates that all development will be required to demonstrate that flood risk does not increase as a result of the development proposed. The application site is wholly within Future flood zone 3a (2093 for commercial development), and Environment Agency (EA) present day flood zone 2; and a large part of the site is in EA present day flood zone 3. There are existing flood defences in place for up to and including the 1 in 1000 year flood event. The site is more vulnerable to tidal flooding compared to flooding from other sources such as fluvial, surface water or infrastructure failure and it is considered to have high levels of ground water which is stated to be less than 3m from ground level.
48. The NPPF in paragraph 174 sets out the aims and requirement for the Sequential Test to be applied to new development; *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'*. sequential test. However, para 176 of the NPPF (and footnote 62) indicates that the sequential test is not required for small, non-residential extensions (with a footprint of less than 250m²). It has been determined that the increased footprint from the extension, taking into account the footprint of the existing structures to be demolished is just below 250 m². Therefore, it has been concluded that in this particular instance, notwithstanding the overall floor area of the extensions well exceeds 250m² the actual footprint does not and therefore in line with the NPPF the sequential test does not need to be applied to this proposal. Given the Sequential Test is not required there is no need for the Exception Test to be applied to the development.
49. A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have been consulted and not provided any formal consultation response. However, in the previous application they clarified that given the majority of the additional floorspace is above ground floor there would be minimal flood risk concerns and as such the National Standing Advice for extensions would apply. In line with the Standing Advice, the floor levels should either be no lower than existing floor levels or 600 millimetres (mm) above the estimated flood level. The existing and proposed floor levels will be 2.20m AOD. The minimum crest level of the surrounding flood defences is 2.50m AOD which is above the modelled 1 in 1000 year tidal flood level for the site, which is 2.17m AOD. Therefore, the site is protected for up to and including the 1 in 1000 year flood event. The flood risk engineer also notes that the proposal will not increase the flood risk to the site.
50. It was concluded in the previous application that the scheme will not increase the flood risk on the site or in the immediate locality and appropriate measures can be secured by

conditions. The proposed changes from the previous scheme only relate to the windows in the north elevation. The conditions attached to the previous application would be reattached in the instance permission is granted. The proposal is therefore considered to be compliant with Policy ME6 of the Christchurch and East Dorset Local Plan.

Biodiversity and Heathland Mitigation

51. Similar to the previous application, a phase 1 ecological assessment report has been undertaken, which concluded that the site is likely to be suitable for breeding birds, but these habitats would not be affected by the proposed development. There is negligible suitability for bats. Given the location adjacent to the river, the site could be used as a commuting bat route, however the site does not have significant foraging opportunities given the limited vegetation. The applicant is proposing additional planting along the northern boundary of the site, 4no. 3 metre trees to replace those being lost to include field maples and rowan, integral swift nesting boxes and a biodiversity information board as set out in the Biodiversity Enhancement Plan. These are acceptable and will be secured by condition.
52. The site includes a number of trees. These are not the subject of a Tree Preservation Order, nor is the site within a Conservation Area, which would afford protection to the trees. However they are considered to provide amenity value to the area. The application has prepared an arboricultural method statement, with details on the protection of these trees. It is considered appropriate to condition that the recommendations set out in the statement are implemented.
53. The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The previous reasons for refusal included harm to the Dorset Heathland due to the lack of information and the application not being accompanied by a completed unilateral undertaking.
54. The current application is now accompanied by a unilateral undertaking to help secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.
55. Subject to the signing of the Unilateral Undertaking it is considered the proposal will not have a harmful impact upon the protected Dorset Heathland and are therefore in accordance with policy ME2 of the Christchurch core strategy and the Dorset Heathlands Planning Framework.

Nutrient Neutrality

56. The application site is within the catchment of the Christchurch Waste Water Recycling Facility which discharges enriched water into the River Avon which is designated as a Special Area of Conservation under the Habitat Regulations 2017 and listed as a Ramsar site.
57. The River Avon is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). The designated sites are in unfavourable condition due to high levels of nutrients. The river is phosphorus limited which means that any addition either directly or indirectly should be deemed to have an adverse impact on its integrity.

58. An appropriate assessment (AA) must be undertaken to assess the effects of the proposal, in combination with other developments on this SAC. Natural England advise that all new developments which would involve an overnight stay, like this one, within the catchment should achieve 'nutrient/phosphate neutrality'. If they do not, then additional phosphate loads could enter the water environment causing significant adverse effects on the River Avon SAC.
59. Natural England have been consulted with respect to the proposal and advised that the phosphates will need to be suitably mitigated. The Council is the competent body for Appropriate Assessments and ultimately responsible for producing the Habitats Regulation Assessment in this instance.
60. The applicant has submitted a nutrient calculator for the development and has provided evidence of the option to purchase credits to offset the phosphate load generated by the development. Subject to the imposition of a Grampian condition the proposal is considered to be acceptable in this respect and is considered to be in accordance with Policy ME1 of the Christchurch and East Dorset Local Plan.

Biodiversity Net Gain (BNG)

61. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy ME1 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
62. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it was submitted before the provisions of the Environment Act were brought into force.

Energy and Sustainability

63. It was considered in the previous application that measures to reduce carbon emissions and renewable energy provision can be secured by conditions. The proposed changes to the scheme will not alter this. Therefore, the use of conditions in this current application to reduce carbon emissions and secure renewable energy provision is acceptable and the proposal complies with Policy ME3 and ME4 of the Core Strategy.

Conclusion

64. As set out above, the principle of the development has been deemed acceptable. Furthermore, it is considered that the proposal does not harm the significance of the Heritage Assets and character and appearance of the locality.
65. Additionally, it is noted that the revised windowsill heights and obscuring the lower part of each new window on the northern side are sufficient measures to protect the amenity of neighbouring properties. The above is reinforced by acceptable separation distances from neighbouring properties.
66. In the context of the Dorset Heathlands, flooding, energy, sustainability and highways safety/parking, the proposals are considered to be acceptable subject to conditions and securing the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

67. The proposed development will offset the impact of phosphates through the purchase of credits.
68. As set out in the report, the proposal benefits from a realistic fallback position in the form of the allowed appeal decision. As this scheme addresses the concerns that were raised regarding the previous scheme, it is considered that the proposal should be granted.

Recommendation

The Planning Permission be **Grant subject to conditions and the signing of a legal agreement for heathlands mitigation**

Conditions:

1. The development hereby permitted shall begin not later than the expiration of three years beginning with the date this permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

004 Rev B Site Location Plan
007 Rev A Proposed Site Plan Ground Floor
008 Rev A Proposed Site Plan, Roof Plan
200 Rev B Proposed GA Elevations
100 Rev B Proposed GA Ground & First Floor Plans
101 Rev A Proposed GA Second & Third Floor Plans
102 Rev A Proposed GA Roof Plan

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

3. No development shall commence unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the Local Planning Authority. Such proposals must: (a) Provide for mitigation which achieves a phosphorous neutral impact from the development; and (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures. The development shall be carried out in accordance with and subject to the approved proposals.

Reason: To ensure that the development does not increase the phosphate load on the River Avon SAC, which has been demonstrated to cause harm to the SAC.

4. No development shall take place until an energy strategy and sustainable construction scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposal meets the required sustainability thresholds.

5. No development shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Demolition and Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

Reason: To safeguard the amenity of neighbouring residents.

6. No development shall take place until a detailed surface water drainage scheme for the site, including a maintenance and management plan based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure that the development does not result in increased surface water run off.

7. No development, above ground, shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: In order to ensure that the development integrates with its surroundings

8. No development, above ground, shall take place until details of the soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The planting shall be carried out in the first planting and seeding seasons following completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development positively integrates with its surroundings

9. All building services plant (including air conditioning unit and any air handling plant) shall be sited and designed in order to achieve a rating level (BS4142:2014) of 5dB below the background noise levels determined in Section 4 of the Plant Noise Assessment carried out by 24 Acoustics, dated 16th February 2023 (Ref; R9895-1, Rev 0).

Reason: To protect the amenity of neighbouring residents

10. The development hereby permitted shall not be occupied until the cycle parking facilities have been provided in accordance with the approved plans. Thereafter those spaces shall be retained for the parking of cycles only.

Reason: To provide adequate cycle parking facilities for the development

11. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement prepared by Soundwood Tree Consultancy dated November 2022.

Reason: To ensure the protection of trees

12. No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of the neighbouring residents

13. The development hereby permitted shall not be occupied until a Biodiversity Site Enhancement Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the Ecological Assessment dated October 2022.

Reason: To ensure that protected species are adequately protected.

14. The development hereby permitted shall not be occupied until an emergency plan in the event of a flood event has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the plan accorded with for the lifetime of the development.

Reason: To ensure that adequate safeguards are in place in the event of a flood. 1.

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.



Appeal Decision

Site visit made on 20 November 2024 by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/V1260/W/23/3327258

The Captains Club Hotel, Wick Lane, Christchurch BH23 1HU

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

The appeal is made by FiveM Developments against the decision of Bournemouth Christchurch and Poole Council.

The application Ref is 8/22/1069/FUL.

The development proposed is an extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms.

Decision

- 1. The appeal is allowed and planning permission is granted for an extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms at The Captains Club Hotel, Wick Lane, Christchurch BH23 1HU in accordance with the application 8/22/1069/FUL subject to the schedule of conditions set out at the end of this decision.*

Preliminary Matters

- 2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no interested parties have been prejudiced by my approach.*
- 3. The appellant has submitted a certified copy of a Unilateral Undertaking (UU) providing a financial contribution towards mitigating the impact of the proposed development upon habitat sites. I have addressed this in my reasoning below.*

Main Issues

- 4. The main issues are:*
 - The effect of the proposed development upon the living conditions of nearby occupiers with regard to overlooking, light pollution and disturbance;*
 - The effect upon the integrity of the Dorset Heathlands Special Protection Area (SPA), Ramsar and the Dorset Heaths Special Area of Conservation (SAC); and*
 - The effect of the proposed development upon the River Avon Special Area of Conservation (SAC);*
 -

Reasons

Living conditions of existing occupiers

5. *The appeal site comprises The Captains Club Hotel which occupies a prominent position on the River Stour. The hotel has a modern appearance incorporating large amounts of glazing and is a distinctive landmark feature within the area.*
6. *The area is generally mixed in character comprising the hotel, a rowing club and residential development. In this context located to the north are three storey dwellings on Creedy Drive with habitable rooms and balconies facing the rear of the hotel. The highway and a pay and display car park separate the built form of the dwellings and hotel with hedgerow and trees defining the common boundary.*
7. *The proposal would introduce areas of glazing in the elevation facing Creedy Drive where there are currently very few. There would be windows serving a total of 30 rooms and on this basis, I acknowledge that the sense of being overlooked as well as the levels of privacy would likely change. However, the key question is whether unacceptable harm to the living conditions of occupiers would arise or would the resultant development and associated levels of privacy be appropriate and reasonable bearing in mind the presence of the hotel and the surrounding context.*
8. *There is no adopted numerical guidance in respect of separation distances between residential properties and commercial uses. In this regard, the consideration of the impact of the proposal upon the living conditions of existing occupiers of nearby houses is one of planning judgement based on the merits of the scheme.*
9. *The Appellant's Overlooking Analysis document indicates that separation distances would vary but there would be a minimum distance of just over 26m between the hotel room windows proposed and 29 Creedy Drive and a distance of around 31m between the hotel and No 21 and I have no substantive evidence before me to dispute the distances set out in this assessment.*
10. *In my judgement and having regard to the surrounding context the separation and the greater mass and height of the proposal would be acceptable. There would be adequate separation between the windows proposed and nearby dwellings. In any case such relationships between windowed elevations are not unusual in built up areas, such as this.*
11. *Furthermore, the spatial relationship between the resultant development and nearby dwellings would be more generous than those generally found locally. There would be limited opportunity for direct overlooking of balconies, into windows and garden areas on account of the overall distances involved between the hotel and nearby dwellings. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking that would lead to a loss of privacy.*
12. *Taking into account the internal layout of the hotel bedrooms and that the outlook from these rooms is onto vehicle parking areas it is unlikely that hotel patrons would spend significant periods of time at windows. It is more likely that they would use the room as a base to rest and refresh prior to and after utilising the hotel facilities or enjoying the local area. In my view the proposal would not result in unduly intrusive views into habitable rooms or balconies from hotel bedrooms. Consequently, I am not persuaded that the proposed development would lead to existing residents altering their behaviour when in their properties.*
13. *The hotel has 17 bedrooms and 12 suites. The proposal would result in 29 extra rooms and 7 suites and a commensurate increase in the number of guests. Whilst the bulk of the rooms would be to the rear there are no roof terraces facing the car park and the position of the hotel entrance and facilities including the bar and restaurant would remain along the river's edge. As such, noise from occupation of the rooms is unlikely to be perceivable from outside. In addition, a condition has been imposed limiting noise from plant and machinery.*
14. *With the increased number of bedrooms and suites there would be additional pedestrian and vehicular activity, however, it is not an inevitable consequence that it would give rise to*

unacceptable levels of noise or anti-social behaviour. I am also mindful that higher noise levels are to be expected in mixed commercial areas and areas of tourist activity.

15. Hotel windows would be illuminated throughout periods of darkness but considering the comings and goings associated with patrons' independence and own work or leisure routines it is likely that lighting window conditions would be constantly changing. There is nothing to suggest that internal light levels would be excessively bright. Given the variable nature of internal lighting and that in evenings curtains would be typically drawn I am satisfied that obtrusive light spill would not occur. Furthermore, it is likely that when patrons are not in their room the key card system would turn off lights.
16. As such, I am satisfied that there would be no harmful loss of privacy, light intrusion or disturbance for existing occupiers. The proposed development would therefore accord with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (2014) (CS) which, amongst other things, requires new development to be compatible with its surroundings in terms of its relationship with nearby properties.

Impact upon the Dorset Heathlands SPA, Ramsar and Dorset Heaths SAC

17. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site and the Dorset Heaths SAC. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. As such, it is recognised by the Conservation of Habitats and Species Regulations 2017 (the Regulations) as an area of international importance.
18. Adopting a precautionary principle and without mitigation new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an Appropriate Assessment (AA) in relation to the effect of the development on the integrity of the SPA, Ramsar and SAC sites.
19. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) provides a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. The document sets out Strategic Access Management and Monitoring Measures which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.
20. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.
21. The appellant has submitted a signed and dated UU which commits them to a financial contribution towards measures outlined in the SPD. I am satisfied that the contributions would sufficiently mitigate the development's impact on the integrity of the SPA, Ramsar Site and SAC.
22. As such, the proposal would accord with CS Policy ME2 and the SPD which, amongst other things, seek to protect the Dorset Heathlands.

Impact upon the River Avon SAC

23. The appeal site falls within the catchment of the River Avon SAC. It is a large lowland river system that is recognised by the Regulations as an area of international importance for its various aquatic species.
24. The River Avon SAC is in an unfavourable condition due to high levels of nutrients. New overnight accommodation development has the potential to cause adverse effects either alone or in combination with other developments through discharge, within the river

catchment, of additional phosphate and thus potentially harming the water quality of the River Avon SAC.

25. Adopting a precautionary approach - the conservation objectives of the habitat site may be undermined and thus it is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an AA in relation to the effect of the development on the integrity of the River Avon SAC.
26. The appellant has put forward mitigation, in the form of purchasing nutrient credits from the Bickton Strategic mitigation scheme, which I am told is the Natural England approved scheme for the River Avon SAC. In this regard, the appellants have received confirmation from Pennyfarthing Homes who operate the mitigation scheme that sufficient capacity would be available to provide the proposed development with credits.
27. Natural England has confirmed that the proposed measures would be sufficient to avoid an adverse impact to the integrity of the habitat site in relation to its specified qualifying features. Accordingly, based on the evidence before me there is reasonable certainty that the necessary mitigation can be delivered and secured by way of a Grampian condition.
28. As such, I am satisfied that the impact of the development as proposed could be mitigated and that a likely significant effect on the integrity of the River Avon SAC would not occur.

Other Matters

29. There is no doubt that the local environment would change on account of the increase in the maximum height of the hotel, the overall bulk and mass of the development and the introduction of new fenestration to the rear. However, it would not be significantly taller than nearby dwellings with a recessed top floor. The design of the building would also taper down at the edges reducing its physical and visual impact. As such, there would not be an unacceptable change to the outlook experienced by occupiers in views so as to materially harm their living conditions.
30. There is no substantive evidence that the proposed development would unacceptably block sunlight or daylight to neighbouring dwellings. As such, I give this very limited weight in coming to my decision.
31. The Council's Parking Standard Supplementary Planning Document (SPD) indicates that the resultant optimum car parking provision would be 49 spaces. There is a privately operated pay and display 47 space car park immediately next to the hotel which is available for hotel guests and members of the public. This would provide a convenient option for most visitors. Even if this was at capacity patrons would have the option of parking at either Willow Way or Mayors Mead public car parks. Whilst capacity may be reduced due to use of the slipway at the Mayors Mead car park by boat enthusiasts this would be short term and does not significantly undermine its availability.
32. Whilst some suites would have more than one bedroom it is not necessarily the case that they would generate more vehicular demand. It is conceivable that visitors such as groups or families may well choose to book a suite rather than multiple rooms and travel together in one vehicle. Furthermore, visitors would also have the option to arrive at the hotel via taxi and therefore not generate a need for parking spaces. As such, I am satisfied that sufficient parking spaces exist locally to serve the proposed development.
33. Given the period of time patrons would spend at the hotel, either using its facilities or for overnight stays, visitors are likely to park considerately in designated areas rather than in an indiscriminate manner. It would be at the discretion of others under different legislation to enforce any perceived traffic or parking contraventions.
34. I have been provided with photographic evidence demonstrating instances of flooding close to the site. The application is supported by a site-specific Flood Risk Assessment and Drainage Strategy and there is no substantive evidence, before me, to suggest that the development would increase the risk of flooding locally or that the overall strategy proposed would not be sufficient to serve the development. Furthermore, conditions have been

imposed for the detailed drainage strategy including its implementation and long-term maintenance and for an emergency flood plan.

Conditions

- 35. I have considered the imposition of conditions in accordance with the Framework and the Planning Practice Guidance.*
- 36. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions for details of the external materials, soft landscaping and external lighting have been imposed in order to ensure the satisfactory appearance of the development. In the interests of sustainability a condition for an energy statement and sustainable construction scheme is considered necessary.*
- 37. In order to safeguard the living conditions of nearby residents a condition for a Demolition and Construction Environmental Management Plan and maximum noise levels from plant and machinery have been imposed.*
- 38. The Council has suggested a condition for improvement of the National Cycle Network route. However, sufficient justification as to why this condition is necessary has not been provided. As such, the condition has not been imposed. A condition for parking and cycling provision has also been suggested. The existing parking layout is to remain unaltered and thus the condition has been amended to require the provision of cycle parking only.*
- 39. So as to minimise flood risk conditions for a sustainable drainage system and an emergency flood plan are necessary. The Council has suggested a condition for the finished ground floor levels to accord with the submitted site section plan and for flood resilient measures. However, in my view, sufficient justification for the particular flood resilient measures outlined has not been provided and the proposal would have to be carried out in accordance with the approved plans. As such, this condition is not necessary and has not been imposed.*
- 40. In the interests of biodiversity conditions for a mitigation scheme in respect of the River Avon SAC and a Biodiversity Site Enhancement Plan have been imposed. Finally, a condition for the works to be carried out in accordance with the submitted Arboricultural Method Statement is considered reasonable so as to protect nearby trees.*
- 41. The Council has suggested a condition restricting construction hours. However, such matters would form part of the Demolition and Construction Environmental Management Plan and therefore a separate condition is not necessary.*

Conclusion

- 42. For the reasons set out above the appeal succeeds.*

B Thandi
INSPECTOR

Schedule of conditions

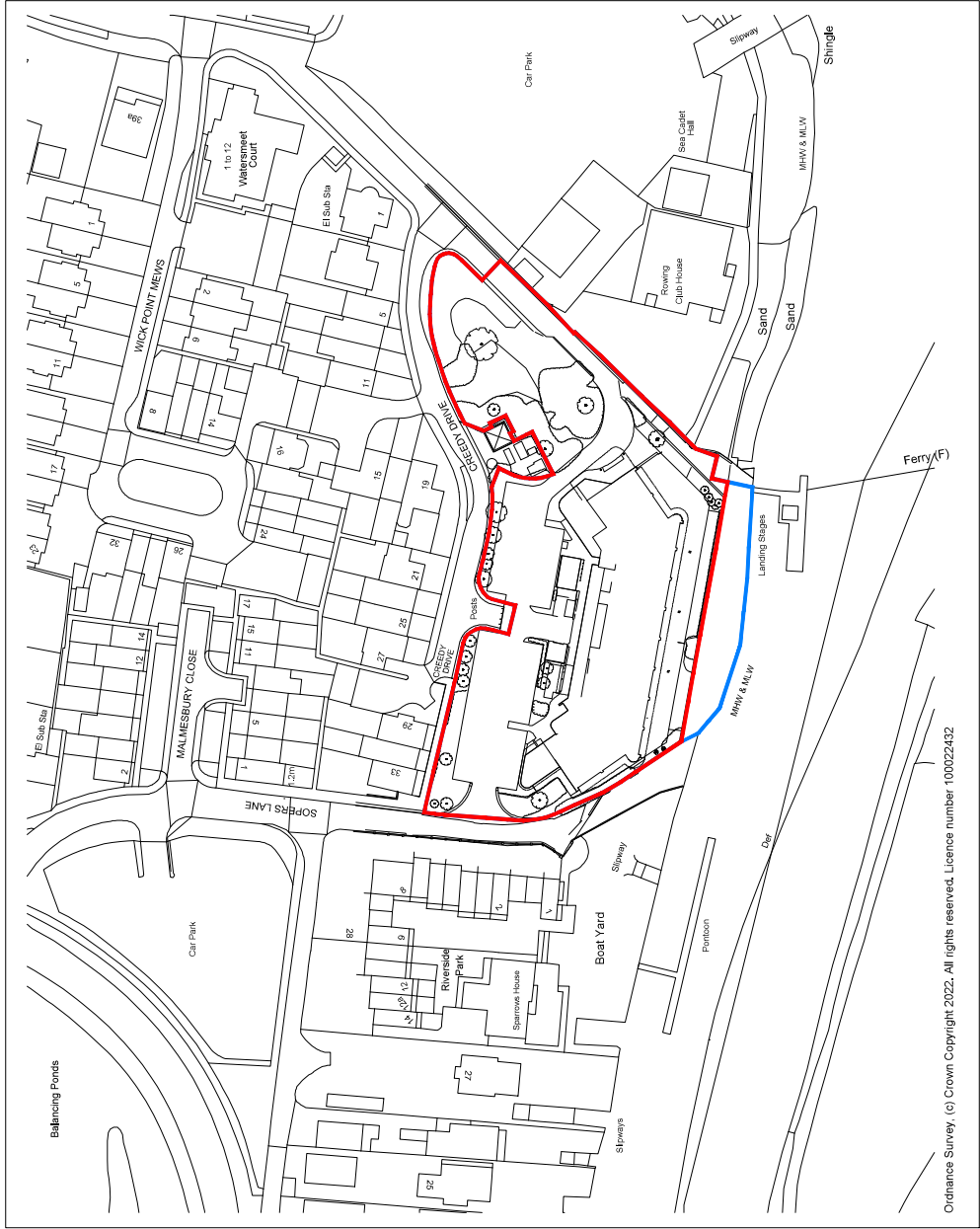
- 1. The development hereby permitted shall begin not later than three years from the date of this decision.*
- 2. The development hereby permitted shall be carried out in accordance with drawing nos Site Location Plan Drawing Number 004 Rev B; Existing GA Ground & First Floor Plan Drawing Number 001; Proposed GA Second*

Floor & Roof Plan Drawing Number 002; Existing GA Elevations Drawing Number 003; Existing Site Plan Ground Floor Drawing Number 005; Existing Site Plan Roof Plan Drawing Number 006; Proposed Site Plan Ground Floor Drawing Number 007 Rev A; Proposed Site Plan Roof Plan Drawing Number 008 Rev A; Proposed Site Section Drawing Number 009 Rev A; Proposed GA Ground & First Floor Plans Drawing Number 100 Rev A; Proposed GA Second & Third Floor Plan Drawing Number 101 Rev A; Proposed GA Roof Plan Drawing Number 102 Rev A; Proposed GA Elevations Drawing Number 200 Rev A; 3D Views Drawing Number 201 Rev A and 3D Views 2 Drawing Number 202 Rev A.

- 3. No development shall take place unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation, including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:*
 - a. Provide for mitigation which achieves a phosphorous neutral impact from the development; and*
 - b. Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures. The development shall be carried out in accordance with and subject to the approved proposals.*
- 4. No development shall take place until an energy strategy and sustainable construction scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.*
- 5. No development shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Demolition and Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.*
- 6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with an approved management and maintenance plan.*
- 7. No development, above ground, shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.*
- 8. No development, above ground, shall take place until details of the soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The planting shall be carried out in the first planting and seeding seasons following completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are*

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9. All building services plant (including air conditioning unit and any air handling plant) shall be sited and designed in order to achieve a rating level (BS4142:2014) of 5dB below the background noise levels determined in Section 4 of the Plant Noise Assessment carried out by 24 Acoustics, dated 16th February 2023 (Ref; R9895-1, Rev 0). Within 6 months of the first use of any of the new plants hereby approved, a noise assessment shall be submitted to and approved in writing by the local planning authority.*
- 10. The development hereby permitted shall not be occupied until the cycle parking facilities have been provided in accordance with the approved plans. Thereafter those spaces shall be retained for the parking of cycles only.*
- 11. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement dated November 2022.*
- 12. No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.*
- 13. The development hereby permitted shall not be occupied until an updated Biodiversity Site Enhancement Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the Ecological Assessment dated October 2022.*
- 14. The development hereby permitted shall not be occupied until an emergency plan in the event of a flood event has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the plan maintained for the lifetime of the development.*



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Notes:

- All drawings are subject to Planning and Building Control consent.
- The details shown are for design intent purposes only and are subject to further design development with suppliers and sub-contractors.
- Proposals subject to consultation and approval from Local Authority Building Control or an Approved Inspector.
- All building and dimensions shown should be checked on-site prior to construction and any discrepancies and/or omissions should be reported to the Architect immediately.

Issued for: **PLANNING**

Project No: **20016**

Project/Client: **Captain's Club Hotel & Spa**

Drawing: **Site Location Plan**

Drawn By: **JT**

Date: **12/04/22**

Scale: **1:1250 @A3**

Checked By: **JT**

Date: **12/04/22**

Draw No: **004**

Rev: **B**

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1 South Elevation
200 Scale: 1/100



2 North Elevation
200 Scale: 1/100



4 East Elevation
200 Scale: 1/100



3 West Elevation
200 Scale: 1/100

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- All building line dimensions should be checked on site prior to construction and any errors should be reported to the Architect immediately.

Scale 1:500

PLANNING

Issued for: Project/Client: Captain's Club Hotel & Spa

Project No: 007 Rev: A

Project to: 20016

Scale: 1:500 @A3

Date: 09/11/22

Checked By: JT

Date: 09/11/22

Drawn By: JT

Date: 09/11/22

BrightSPACE architects

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Notes:

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- All building line dimensions should be checked on site prior to construction and any errors should be reported to the Architect immediately.

Scale 1:500

Issued for:

Project/Client:
Captain's Club
Hotel & Spa

Project No:
008

Rev: A

Drawn By:
JT

Date:
09/11/22

Checked By:
JT

Date:
09/11/22

Project No:
20016

Scale:
1:500

@A3

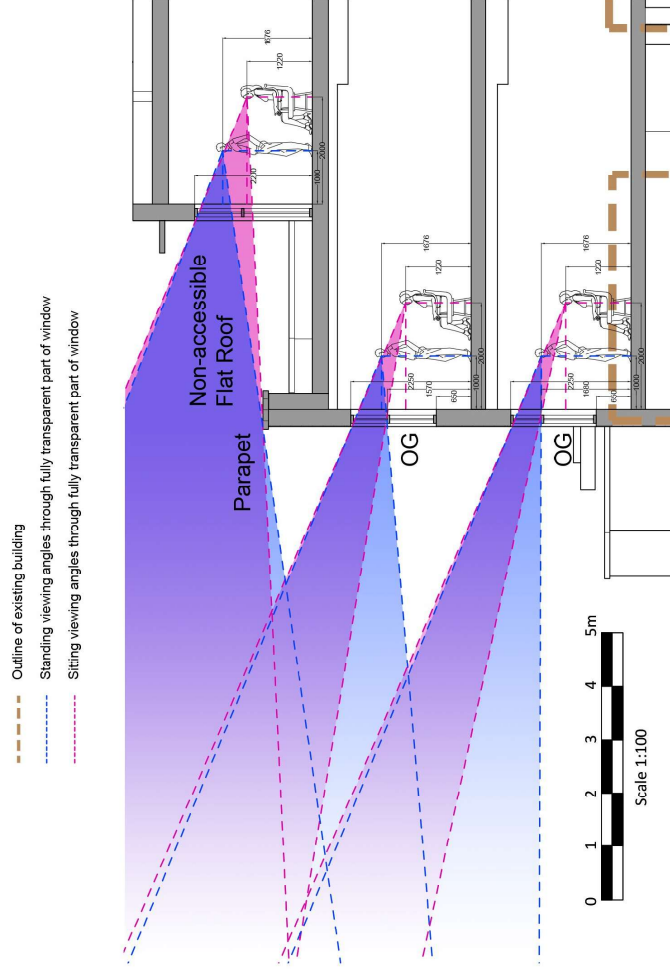
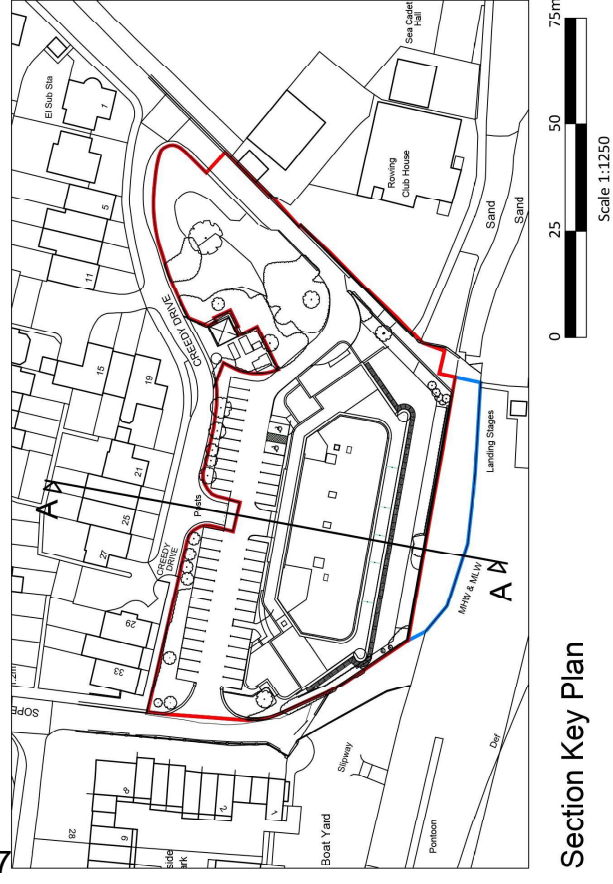
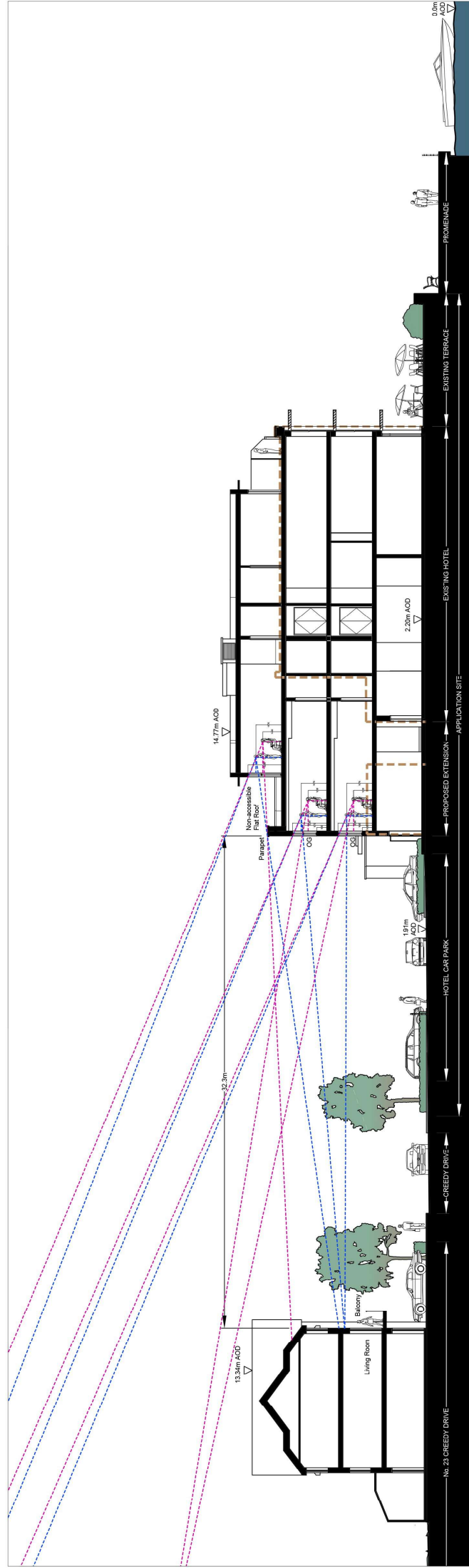
PLANNING

Drawing:
Proposed Site Plan
Roof Plan

BrightSPACE architects

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Notes:

- All drawings are subject to Planning and Building Control consent.
- The details shown are for design intent purposes only and are subject to further design development with suppliers and sub-contractors
- Proposals subject to consultation and approval from Local Authority Building Control or an Approved Inspector
- All selling out dimensions should be checked on-site prior to construction and any discrepancies and/or omissions should be reported to the Architect immediately



| | Drawn | Checked | Rev. | Date | Revised | Drawn |
|--|----------|---------|------|------|---------|-------|
| B | 04/08/23 | | | | | |
| A | 11/04/23 | | | | | |
| North facing windows design amended, opaque glass added JF | | | | | | |
| Drawing amended to planning comments JF | | | | | | |

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| Drawn By: | Project No: |
| JT | 20016 |
| Date: | Scale: |
| 10/11/22 | 1:250 @A3 |
| Checked By: | Dwg No: |
| JT | 009 |
| Date: | Rev: B |
| 10/11/22 | |

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| Issued for: | PLANNING |
| Project/Client: | Drawing: |
| Captain's Club Hotel & Spa | Proposed Site Section (with viewing ang(es)) |

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Planning Committee

| | |
|---|---|
| Application Address | The Bridge, 947 Christchurch Road, Bournemouth, BH7 6AZ |
| Proposal | Demolition of existing flats and Outline Submission for erection of a building of up to seven storeys for up to 46 apartments (with all matters for consideration other than landscaping). |
| Application Number | 7-2024-5331-I |
| Applicant | Park Place Properties Ltd |
| Agent | Chapman Lily Planning Ltd |
| Ward | Boscombe East & Pokesdown Cllr Eleanor Connolly and Cllr George Farquhar |
| Report Status | Public |
| Meeting Date | 8 May 2025 |
| Recommendation | Refuse |
| Reason for Referral to Planning Committee | Called in by Councillor Farquhar Considers that the proposal is contrary to the following Boscombe and Pokesdown Neighbourhood Plan policies: <ul style="list-style-type: none"> • BAP 1 Scale and density of development • BAP 2 good design for the 21st Century • Bap 6 Proposals for 10 or more units which include: – 50% 3 bedrooms or larger dwellings; – 40% 2 bedroom dwellings; – 10% 1 bedroom dwellings; |
| Case Officer | Peter Walters |
| Is the proposal EIA development | No |

1. Description of Development

- 1.1 Outline planning consent is sought for the demolition of existing flats and the erection of a replacement building of up to seven storeys for up to 46 apartments. Matters relating to access, scale, layout and appearance are to be considered under this application. Landscaping is to remain a reserved matter.

2. Key Issues

2.1 The considerations involved with this application are:

- The principle of development
- Impact on character and appearance of the area
- Housing Mix
- Impact on the amenity of neighbouring residents
- Amenity of Future Occupiers
- Highway Safety and Parking
- Impact on Neighbouring Railway
- Heathland Mitigation
- Biodiversity Net Gain
- Affordable Housing Provision
- Bin Storage

2.2 These points will be discussed as well as other material considerations at para 8.5 to 8.43 below.

3. **Planning Policies**

Core Strategy (2012)

CS1: National Planning Policy Framework – Presumption in Favour of Sustainable Development

CS13: Increasing Opportunities for cycling and walking

CS16: Parking Standards

CS18: Increasing Opportunities for Cycling and Walking

CS21: Housing Distribution Across Bournemouth

CS33: Heathland

CS41: Design Quality

District Wide Local Plan (2002) Saved policies:

Policy 4.25 – Landscaping

Policy 6.10 – Flats Redevelopment

Policy 8.1 – Development on Primary & County Distributor Routes

Emerging BCP Local Plan

Following the recommendation by the Planning Inspector following Stage 1 of the Local Plan examination that the Plan should be withdrawn, the policies in it are at present considered to carry negligible weight. If the Council opts to follow the recommendation of the Inspector, the policies will carry no weight. Policies that would apply to the proposal are as follows

Policy C2: Sustainable construction and low carbon energy

Policy C7: Sustainable Drainage (SuDS)

Policy NE2: Habitats sites and wildlife sites

Policy NE3: Biodiversity

Policy H1: Housing Delivery

Policy H2: Affordable Housing

Policy H3: Housing Mix

Policy H4: Internal and external space standards

Policy T2: Transport and Development

Boscombe and Pokesdown Neighbourhood Plan (2019)

BAP1 – The scale and density of development

BAP2 – Good design for the 21st Century

BAP6 – The number and type of new homes

BAP7 – The quality of new homes

Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2020-2025

Residential Development: A Design Guide – PGN (2008)

Sustainable Urban Drainage Systems (SUDS) - PGN

Bournemouth Parking – SPD

The National Planning Policy Framework (2024)

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 strong 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 in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

4. Relevant Planning Applications and Appeals:

- 7-2003-5331-C – Erection of a three/four storey block of ten flats, formation of new vehicular accesses and parking spaces – Granted
- 7-2003-5331-D – Erection of 3 /4 storey block of 14 flats, formation of vehicular accesses and parking spaces. Granted
- 7-2004-5331-E – Erection of a 3 / 4 storey block of 14no. flats, formation of vehicular access and parking spaces – Amended plan for application 7-2003-5331-D. Granted
- 7-2021-5331-F - Prior approval procedure – Erection of 2 additional storeys on the existing block of flats to create 11 additional units. Refused
- 7-2021-5331-G – Prior approval procedure – Erection of 2 additional storeys on the existing block of flats to create 9 additional flats. Granted
- 7-2022-5331-H – Outline submission for a seven storey side extension, rear extension, exterior redesign with internal alterations, and extension to roofspace for three additional floors to form 31x flats with some matters reserved (45 flats in total) (amended plans). Refused for the following reasons:

- *The proposed development, by reason of the excessive height, scale, mass, bulk, site coverage, detailed design, and excessive density of the development, would form an overly large and unsympathetic development which would appear too large for the site and out of keeping with the character and appearance of the area. The proposals would therefore be contrary to the aims of Policy 6.10 of the Bournemouth District Wide Local Plan (2002), Policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), Policies BAP1 and BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (2019), Residential Development: A Design Guide (2008), and the NPPF.*
- *The proposed development, by reason of the mix of units provided, would result in a development that does not cater to identified local housing need. The proposals fail to provide sufficient evidence to demonstrate that the density and housing mix is appropriate on this site. In addition, it has not been sufficiently demonstrated that future occupants of the site would have a satisfactory standard of living having regard to the size and outlook of the units as well as potential noise and disturbance. The proposed development would therefore fail to meet the aims of Policies BAP1, BAP6 and BAP7 of the Boscombe and Pokesdown Neighbourhood Plan (2019) as well as CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) and of Policy 6.10 of the Bournemouth District Wide Local Plan (2002).*
- *Furthermore, it is considered that the development would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).*

5. **Representations**

- 5.1 Site notices were posted in the vicinity of the site on 16/02/2024 with an expiry date for consultation of 08/03/2024.
- 5.2 4 representations have been received, 3 raising objection; 0 in support and 1 comments. The issues raised comprise the following:-
- Overlooking
 - Concerns regarding publicity of the application
 - Density of development too high
 - High density development with poor amenity results in social issues and is contrary to policy BAP 1 of the Boscombe and Pokesdown Neighbourhood Plan.
 - Contrary to Policy BAP 2 as the development would be out of keeping with the area. It would exceed the general height in adjacent and original buildings which is described as consisting of "mainly detached and pairs of semi-detached and terraced housing dating from the Edwardian period. The area is generally of a domestic, two storey scale"
 - Loss of 2 bed and 3 bed flats to be replaced by 1 bed flats will displace families living in the existing property, contrary to Policy BAP6
 - Concerns regarding loss of existing shrubbery and trees
 - Road is too congested
 - Lack of car parking a concern
 - Highway safety concerns for pedestrians

6. Consultations

- **Urban Design: Object**
In my opinion there is some potential for intensification on this site given the location on a main road with shops, facilities and public transport within a short walk. However, the proposed density of 460 dwellings per hectare is too high. This is completely at odds with Neighbourhood Plan policy BAP 1 which resists densities above 100 dwellings per hectare. In my opinion this is overdevelopment and the building would appear bulky, overbearing and unrelated to its surroundings. I note that the existing building was only consented 20 years ago. I can't see any explanation for the need to redevelop such a new building and I would have thought that modest extensions and modifications would make better use of resources as well as sitting more comfortably in the context.
- **Health and Safety Executive: Comments**
"Should the Local Planning Authority be minded to grant outline planning permission, we strongly recommend the following:
 - the outline planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application; and,
 - that HSE (Planning Gateway One) is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application."
- **Network Rail: Comments**
Developer must ensure that the proposal does not affect the neighbouring railway during or after construction.
Subsequent maintenance must be able to be done without encroaching onto the railway.
- **Highways: No objection**

25/03/2025 – following further submission of details

Highways initially objected due to the siting of the underground bin store (which has now been removed from amended plans) and the failure to provide an SPD compliant cycle store. Amended plans shows an integral cycle store with 68 spaces in an SPD compliant arrangement. SPD compliant arrangement ensures that sufficient onsite parking is provided.

Vehicular and pedestrian access arrangements, as well servicing arrangements utilising an operational parking bay, remain as previously proposed and considered acceptable. Details pertaining to necessary alterations to the footway to facilitate access, and to reinstate the kerb to improve the walking network, can be secured by condition.

As stated within the LHA's previous consultation response, a car-free development of this scale is expected to result in a significant increase in non-car trips, namely those undertaken on foot, by cycle and via public transport. To mitigate the impact of the proposed development and to improve the sustainable travel infrastructure, namely the construction of the primary cycle route along Christchurch Road, as identified within the LCWIP, a financial contribution of £12,144.00 is required.

7. Constraints

Bournemouth Airport Safeguarding Area (maximum height of buildings limited to 45m.
Officer note – building height is 29m)
Within 5km of heathlands
Adjacent Railway line

8. Planning Assessment

Site and Surroundings

- 8.1 The area is transitional, from the secondary shopping area of Christchurch Road, beginning on the western side of the railway line, with a variety of different dwellings and architectural styles. Immediately adjacent and opposite the site are residential properties, however further to the east are a series of commercial properties including retail units and a vehicle tyre garage. Beyond this, are predominantly residential dwellings.
- 8.2 Residential properties are largely two storeys and predominantly consist of dwellinghouses. However, there are a number of blocks of flats, including on the northern side of Christchurch Road. There are a few examples of three storey buildings in the area, the existing building is the tallest building in the immediate vicinity.
- 8.3 The site is adjacent to the A35 Christchurch Road, which is key route within Bournemouth and is served by regular buses. The site is approximately 100m from Pokesdown Train Station, which is on the Bournemouth to London mainline, and the railway line runs immediately to the south of the site. The site is located in a highly sustainable location.
- 8.4 The application site itself is a triangular shape and measures approximately 0.1ha, and currently comprises 14 flats with parking to the east and the west of the building. The existing building reaches a maximum height of 4 storeys and has a traditional appearance.

Key Issues

Principle of development

- 8.5 The heart of the NPPF includes a presumption in favour of sustainable development, and this is reiterated in Policy CS1 of the Core Strategy of the Bournemouth Local Plan. NPPF paragraph 11 applies this presumption to decision making whether the local plan is classed as out of date or not. In this instance, some of the policies of the Local Plan are considered to be out of date. Footnote 8 of paragraph 11 classifies a local plan as out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
- 8.6 The 5-year housing supply and HDT results continue to be applied to each local plan area separately until replaced by a BCP wide Local Plan. In the Bournemouth area there is a 2.1 year housing land supply with a 20% buffer (a shortfall of 4,862 homes) and a 2022 HDT result of 73%. The local plan policies retaining to housing are therefore considered as out of date as the Local Planning Authority is unable to demonstrate a five-year supply of homes and under the HDT test threshold of 75%. The presumption in favour of sustainable development applies.
- 8.7 NPPF Paragraph 11 states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the

Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 8.8 For this planning application the benefits provided from the supply of new homes will have significant weight and a 'tilted balance' in favour of the grant of planning permission. For the local planning authority to refuse this development, the benefits of the provision of new homes must be significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a strong reason for refusal, in line with Footnote 7 of the NPPF.
- 8.9 In this particular case the site is considered acceptable in principle for residential intensification, as acknowledged by Policy CS21 of the Core Strategy because it is located on a key transport route. The development would make a notable contribution towards local housing supply in a sustainable location. Paragraph 124 of the NPPF states "planning policies and decisions should support development that makes efficient use of land".
- 8.10 The site is not an allocated site in the neighbourhood plan, but residential is considered an acceptable use for the location, as evidenced by the existing block of flats.
- 8.11 The Boscombe and Pokesdown Neighbourhood Plan (2019) is relevant to the proposal, and forms part of the development plan documents.

Impact on character and appearance of the area

- 8.12 The design of the building, in contrast to the existing building, would take a contemporary approach. In terms of materials, the applicant proposes the use of aluminium fascia and metalworks, Weinerberger Forum Smoked Branco, Avenue Smooth black and Ashley Red multi-bricks. The form of the building is mildly staggered, with the eastern end being 4 storeys, rising to 7 storeys throughout the rest of the building. The top floor is inset to reduce the prominence of the building. The southern elevation of the building is tapered to accommodate the shape of the site, as a result the building would be wider at its eastern end than it would be at the western end. Most of the buildings along Christchurch Road follow a more conventional rectilinear form. The acute angle would therefore appear jarring in the street scene in comparison to the character of the area around it.
- 8.13 The proposed building would utilise a flat roof instead of the pitched roofs that tend to prevail in the area and are most prominent on residential buildings. As such, the roof form does not relate well to the context of the area.
- 8.14 The building would have a height of 7 storeys. This is significantly higher than the buildings in the surrounding area (the tallest building in the area is the existing building that would be replaced) and the area has a generally domestic scale. It is acknowledged that a prior approval has previously been approved (7-2021-5331-G) which would allow an increase in the height of the building. However, the proposed scheme would represent an increase in the height of approximately 2m along much of the building line. While it is acknowledged that the tower element would be taller, this represents only a small element of the approved building. The width of the proposed building extends further than the existing building and therefore the difference in height of the proposed and the approved is more pronounced at

the eastern and western ends of the site. The difference in height between the existing and approved building increases to approximately 5.5m and then 7.5m. As a result, the building would be more visually dominant within the street scene than the existing building would be. It should also be noted that more than three years have passed since the Prior Approval was granted and therefore this has now lapsed. As such, this does not form an immediate fallback position for the applicant, however, there have been no substantive changes since the prior approval application was granted and therefore it is likely that a future prior approval application would be supported.

- 8.15 In addition, the proposal would result in the loss of the existing car parking spaces with the footprint of the building covering a much greater extent of the site. As the footprint of the building is staggered (to accommodate the railway line to the rear of the site) this results in a taller building in an area currently serving as a car park. Although the staggered effect will serve to reduce to a degree the visual impact on Christchurch Road and the most easterly part of the building has a lower roof height (approximately 17.7m instead of 20.7m) it will still be read in the street scene as a significantly larger structure with a much greater massing than either what has been approved or what exists on the site. The scale of the proposed building is significantly larger than anything that is noted in the area.
- 8.16 The tower feature on the existing building is visible for approximately 450m to the west of the site along Christchurch Road. Due to the change in land levels and curves in the road the existing building cannot be seen from a significant distance to the east. The applicant has opted not to show CGI visualisations of the proposed building from the east, however, given the road rises towards the site, it is considered likely that it would be visually prominent when approached from this direction.
- 8.17 In addition to the increased mass of the building, the increased footprint reduces any opportunities for landscaping. However, as this is a reserved matter, it cannot be considered in detail at this stage of the application process.
- 8.18 The density of the development is also considered to be excessive in the area. The Boscombe and Pokesdown Neighbourhood Plan Policy BAP1 seeks to resist density above 100 dwellings per hectare unless the need for the density can be justified by means of viability or to meet identified housing need. In this instance, the proposed development would have a density of 460 dwellings per hectare. The justification for this is the Council's Housing Land Supply position resulting in an identified housing need. This is considered in greater detail later in the report. Unless this justification is considered appropriate the proposed development is considered to constitute overdevelopment of the site and is therefore contrary to the Boscombe and Pokesdown Neighbourhood Plan. It is noted that Policy BAP1 also resists the demolition of buildings unless they are of poor quality design and out of keeping with the wider area. In this instance, the existing building is one of the most prominent in the area, visible for some distance to the west of the site along Christchurch Road. As such, the demolition of the building would be acceptable.
- 8.19 Taking account of the above, the proposal does not accord with Policy CS41 of the Bournemouth Local Plan and BAP1 of the Boscombe and Pokesdown Neighbourhood Plan. In addition, the NPPF has placed increased importance on high quality design. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Impact on the amenity of the neighbouring residents

- 8.20 The area is predominantly residential in nature, although there are some commercial properties on Christchurch Road. The nearest residential properties are immediately to the east of the site. At its closest point the building would be approximately 2m from the boundary of the neighbouring properties to the east (2 storey 951 and 953 Christchurch Road). The previously approved building features a pitched roof on the eastern elevation that rises to a height of approximately 10.3m, however, the eaves height nearest the neighbouring properties reach a height of approximately 5m. The existing building is approximately 6.2m from the boundary of the neighbouring property. In contrast, while the proposed building is stepped back a little further on the first floor (approximately 6.5m from the eastern boundary, it rises to a height of approximately 11.5m. the roof is flat so in contrast to the approved scheme with its pitched roof. As such, there is considered to be a greater impact of the increased height of the building than would be the case if a pitched roof was employed.
- 8.21 Both the approved scheme and the proposed scheme step up in height. However, the height of the proposed building projects further to the east (and therefore closer to the neighbouring property. As such, within 10m of the boundary the height of the building steps up approximately 17.6m. Within 12.5m of the boundary the height of the proposed building reaches the height of approximately 20m.
- 8.22 The rear elevation of the building projects closer to the boundary of the 951 Christchurch Road (approximately 2m). The building is less staggered than the front elevation and as such, with approximately 2.5m of the boundary of the neighbouring property the building rises to a height of approximately 18m.
- 8.23 It is considered that this relationship between the proposed development and 951 Christchurch Road would be harmful. The proposed development would have an overbearing impact on the neighbouring residential property from the rear windows of the property. This would result in a sense of side enclosure to the property, particularly as a result of the height of the proposed development in comparison to the existing neighbouring property. Officers note that Inspectors have previously concluded that this can be harmful to the amenity of neighbours (for example 2-4 Ringers Road and 5 Ethelbert Road, Bromley – ref APP/G5180/W/24/3340223 where the Inspector states: “Residents of these properties would be subject to a sense of side enclosure of garden spaces, and of intrusion due to the buildings’ overbearing effects”). Given the significant difference in heights of the neighbouring property and the proposed development, officers consider that this relationship would be harmful in this respect.
- 8.24 In terms of privacy, it is noted that there are some windows in the side (eastern) elevation of the property overlooking the neighbouring property. These windows are serving the stairwell and communal halls for the apartments. As such, they are not considered to have an impact on the privacy of neighbouring residents. Apartments on the first to third floors also have balconies and eastern aspect windows. However, these will not overlook the rear gardens of the neighbouring properties and there are no windows in the western elevation of the neighbouring properties. As such, officers consider that the proposal would not have a harmful impact on the privacy of 951 and 953 Christchurch Road.
- 8.25 As noted there are residential properties across Christchurch Road to the north of the site. Although there will be a degree of mutual overlooking between the neighbouring properties

this relationship is accepted in an urban area. However, once again, the mass and height of the proposed building is considered to be likely to have a harmful impact on the neighbouring properties, particularly 968 and 974. The proposed development is situated to the south of these neighbouring properties and will therefore be in shadow as a result of the proposed development. This will impact the living conditions of the occupants of the neighbouring properties. In addition, the mass and height of the building is considered to have a domineering effect on 960 – 974 Christchurch Road given its height and massing.

- 8.26 Taking account of the above, the proposal is considered to have a harmful impact on the amenity of neighbouring residents and is therefore considered to fail to comply with Policy CS41 of the Bournemouth Local Plan Plan Core Strategy CS41 – Quality Design and Policy BAP 2 – Good Design for the 21st Century of the Boscombe and Pokesdown Neighbourhood Plan. It is also contrary to paragraph 135 of the NPPF, which requires developments to “create places... with a high standard of amenity for existing and future users”.

Amenity for Future Occupiers

- 8.27 The proposal includes a mix of flats from 1 to 3 bedroom, with different intended bedspaces for the flats. All of the flats meet the minimum space standards set out in the national Technical Guidance and are in this respect therefore considered to be acceptable. The flats from the first floor upwards have access to outside space by means of balconies or the roof terrace. However, the ground floor flats do not benefit from direct access to outdoor space. The outdoor space that is available is limited due to the footprint of the building and therefore is unlikely to provide sufficient external amenity space. In addition the Urban Design Officer has commented that we would expect to see patios for the ground floor flats to provide easy access to outside space, this has not occurred. This is therefore considered to have a harmful impact on the amenity of the future occupiers of the ground floor flats and is therefore considered to be contrary to Policy CS41 – Quality Design of the Bournemouth Local Plan and Policy BAP 7 – The quality of new homes of the Bournemouth and Pokesdown Neighbourhood Plan (2019) which requires new residential units to provide adequate amenity space.

Highway Safety and Parking

- 8.28 The proposed development site is located within a short walking distance of the local centre of Pokesdown with access to shops and amenities including Pokesdown Rail Station, two primary schools and leisure and recreation facilities at Kings Park. In accordance with BCP Parking Standards (2021), the site is located within Parking Zone A. The site fronts Christchurch Road (A35), a classified road and strategic bus route subject to a 30mph speed limit with footways on both sides. On-street parking is available fronting the site although double yellow line restrictions are in place a few metres to the west and single yellow line restriction on the opposite side of the road, within the eastbound lane.
- 8.29 Christchurch Road is also designated as a County Distributor Road in the Bournemouth District Wide Local Plan 2002 (BDWLP). To enhance traffic flow and safety on these routes, it will be necessary to restrict parking, turning movements and development access. Saved Policy 8.1 of the BDWLP seeks to permit development where it will not result in direct access, parking or turning movements on these routes or, in the case of existing developments, where the access arrangements will be improved.

- 8.30 Given the sustainable location of the site, parking is not required for the flats. However, an operational parking bay is required. This has been relocated following initial comments from the Local Highway Authority. Slight alterations to the westernmost vehicular crossover may be required to provide access to the operational parking bay, however this can be resolved by planning condition and therefore is considered to be acceptable and in accordance with saved Policy 8.1 of the Bournemouth District Wide Local Plan. This should also ensure adequate pedestrian safety. Officers note the comments of objectors regarding pedestrian safety of the development due to the increased footfall generated. The development would link to the existing footway which crosses the railway and is slightly removed from the highway. The footway then continues to the junction between Christchurch Road and Seabourne Road. There are traffic light controlled crossing points providing access to Pokesdown Railway Station. As such, the development is not considered to have a harmful impact on pedestrian safety.
- 8.31 Cycle parking is proposed, with a requirement of 69 resident spaces and 5 visitor spaces being needed for the proposal. The applicant is proposing 3x Sheffield Stands (providing 6 spaces) for the visitor spaces. The Local Highway Authority consider that this is acceptable. Cycle parking for the residents is provided by an integral cycle store with 68 spaces which is an arrangement that is compliant with the Parking SPD.
- 8.32 Given that the proposed development will result in a significant increase in the number of non-car trips a contribution to mitigate the impact of the proposed development and to improve sustainable travel infrastructure, in this instance the construction of a primary cycle route along Christchurch Road a financial contribution of £12,144.00 is required. As the application is not supported, the applicant has not agreed to this and as such this forms a reason to refuse the application.

Impact on neighbouring railway

- 8.33 Immediately to the south of the site is the south west main line railway and associated land. Network Rail have been consulted on the proposal. They have provided comments about the proposal. It is noted that the building would be more than 3m from Network Rail land which is required to allow for access and maintenance of the proposed building without needing to enter Network Rail land. There are a series of statutory requirements that the applicant would need to comply with if the application were to be supported. Subject to compliance with the Network Rail requirements the proposal is considered to be acceptable in terms of the impact on the railway.

Heathland Mitigation

- 8.34 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI. Therefore, as of 17th January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required. There is a net gain

of three houses; therefore the financial contribution is £10,592 (to be index linked), plus an administration fee of £529.

- 8.35 A signed legal agreement would be required to secure this contribution but has not been progressed in view of the recommendation to refuse.

Biodiversity

- 8.36 The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy CS35 – Natural and Geological Conservation Interests sets out policy requirements for the protection and where possible, a net gain in biodiversity. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it was received prior to the implementation of the Act. The applicant is proposing a number of biodiversity enhancements including 1 x swift box, 2 x sparrow terraces and 3 x bat tubes and a sedum roof which are considered to be acceptable.

Affordable Housing Provision

- 8.37 The proposal is expected to provide policy compliant affordable housing in accordance with the Bournemouth Affordable Housing Development Plan Document which sets the requirement at 40%. The applicant has provided evidence that the scheme would not be viable for the development if affordable housing is provided. The District Valuer has not provided confirmation of whether this is the case. As the application is not being supported this has not been explored further.

Housing Mix

- 8.38 The proposed development would replace the existing flats with a building that has a greater scale and a larger footprint. The new building would replace the 14 existing flats with up to 46 apartments, with the following mix:

- 26 x 1 bedroom
- 16 x 2 bedroom
- 4 x 3 bedroom

The Boscombe and Pokesdown Neighbourhood Plan policy BAP6 requires 50% of the housing mix of new development to provide 3 bedrooms unless it is demonstrated that this is not viable. The development fails to do so, however, as the application is to be refused on other grounds this has not been explored further.

Bin Storage

- 8.39 The proposal initially included a bin store that be underground, supported by a crane lift. These would have been external and would not have sat comfortably within the street scene. These have been replaced with internal bin stores that are considered to be more appropriate. The bin store is less than 10m from the highway.

Other Issues

- 8.40 It is noted that some members of the public are concerned regarding the publicity of the application. The application has been publicised by a site notice displayed on 9th February 2024 and a press notice, in accordance with the Development Management Procedure Order.

Planning Balance

- 8.41 The Council is currently not in a position to demonstrate a 5-year housing supply. This means that Paragraph 11 of the NPPF applies, and the balance is tilted in favour of sustainable development to grant planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a strong reason for refusal.
- 8.42 The proposed scheme would contribute to the need for new housing, delivering 46 additional homes within a sustainable location. However, as detailed above, the proposed development is considered to have a harmful impact on the character and appearance of the area, does not provide affordable housing or a policy compliant housing mix. In addition, it has a harmful impact on the amenity of neighbouring occupants and future occupiers of the flats. These are considered to constitute strong reasons for refusal.
- 8.43 In applying significant weight to the provision of additional housing, in the instance where the Council cannot demonstrate a 5-year supply of housing, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. While the proposals would deliver new housing, they would cause significant and demonstrable harm as outlined above. Therefore, in accordance with paragraph 11d (ii) of the NPPF, the proposal should not be supported. In addition, as set out in the report, the proposal is not considered to be in accordance with the Development Plan when read as a whole. The Development Plan Policies considered in reaching this decision are set out throughout this report.

Summary

- 8.44 It is considered that the proposal would result in significant and demonstrable harm to the character of the area, the amenity of neighbouring residents and future occupiers. The application is therefore recommended for refusal.

Recommendation

REFUSE planning permission for the following reasons:

1. The proposal, by virtue of the height, scale and massing of the building will have a harmful impact on the character of the area. The proposal is therefore contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).
2. The proposal, by virtue of the height, scale and massing of the building will have a harmful impact on the amenity of the residents of 951, 968 and 974 Christchurch Road, by introducing a sense of enclosure to 951 and appearing overbearing on all three of the neighbouring residential properties. The proposal is therefore contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).

3. The proposal, by virtue of failing to provide any external amenity space to the occupiers of the ground floor flats, will have a harmful impact on the amenity of the future residents. This is contrary to Policy CS41 of the Bournemouth Local Plan Core Strategy (2012) and Policy BAP1 of the Boscombe and Pokesdown Neighbourhood Plan, as well as paragraph 135 of the NPPF (2024).
4. The proposal fails to provide policy compliant affordable housing without providing justification that is agreed by the Council and therefore is contrary to Bournemouth Affordable Housing DPD and paragraph 64 of the NPPF (2024).
5. The proposal fails to provide a financial contribution towards sustainable transport to mitigate the impact of the development. The proposal is therefore contrary to Policy CS18 of the Bournemouth Local Plan Core Strategy (2012) and paragraph 115 of the NPPF (2024).
6. The site lies between 400m and 5km of Dorset heathlands which are protected under European legislation for their wildlife importance. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 sets out the means by which the cumulative impacts of additional residential development in this zone can be mitigated. In this instance the proposal fails to secure the mitigation measures identified as necessary in the SPD such that it would be contrary to policy CS33 of the Bournemouth Local Plan Core Strategy (2012) and the provisions of the National Planning Policy Framework (2024).

Informative Notes

1. In the case of an appeal or any resubmission the applicant is advised that reason 6 could be overcome by the submission of a completed legal agreement securing the Strategic Access, Management and Monitoring contribution in accordance with the Dorset Heathlands SPD 2020-2025. Reason 5 could be overcome by providing an agreed financial contribution towards sustainable transport. Reason 4 could be overcome by demonstrating that affordable housing could not be provided due to the viability of the proposal.
2. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

PT212 PA01 001 Rev A Location Plan and Block Plan
PT212 PA01 002 Rev C Proposed Ground and First Floor Plan
PT212 PA01 003 Rev B Proposed Second and Third Floor Plan
PT212 PA01 004 Rev B Proposed Fourth and Fifth Floor Plan
PT212 PA01 005 Rev B Proposed Sixth and Roof Plan
PT212 PA01 006 Rev B Proposed Elevations Sheet 1 of 2
PT212 PA01 007 Rev B Proposed Elevations Sheet 2 of 2
3. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

The applicant was advised that the proposal did not accord with the development plan and that the material planning considerations were not sufficient to outweigh these problems.

4. The development proposal is liable to a Community Infrastructure Levy (CIL) charge but a liability notice will not be issued as the application is being refused planning permission.
5. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this application is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed are considered to apply, namely the application was registered prior to arrangements taking force.

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.

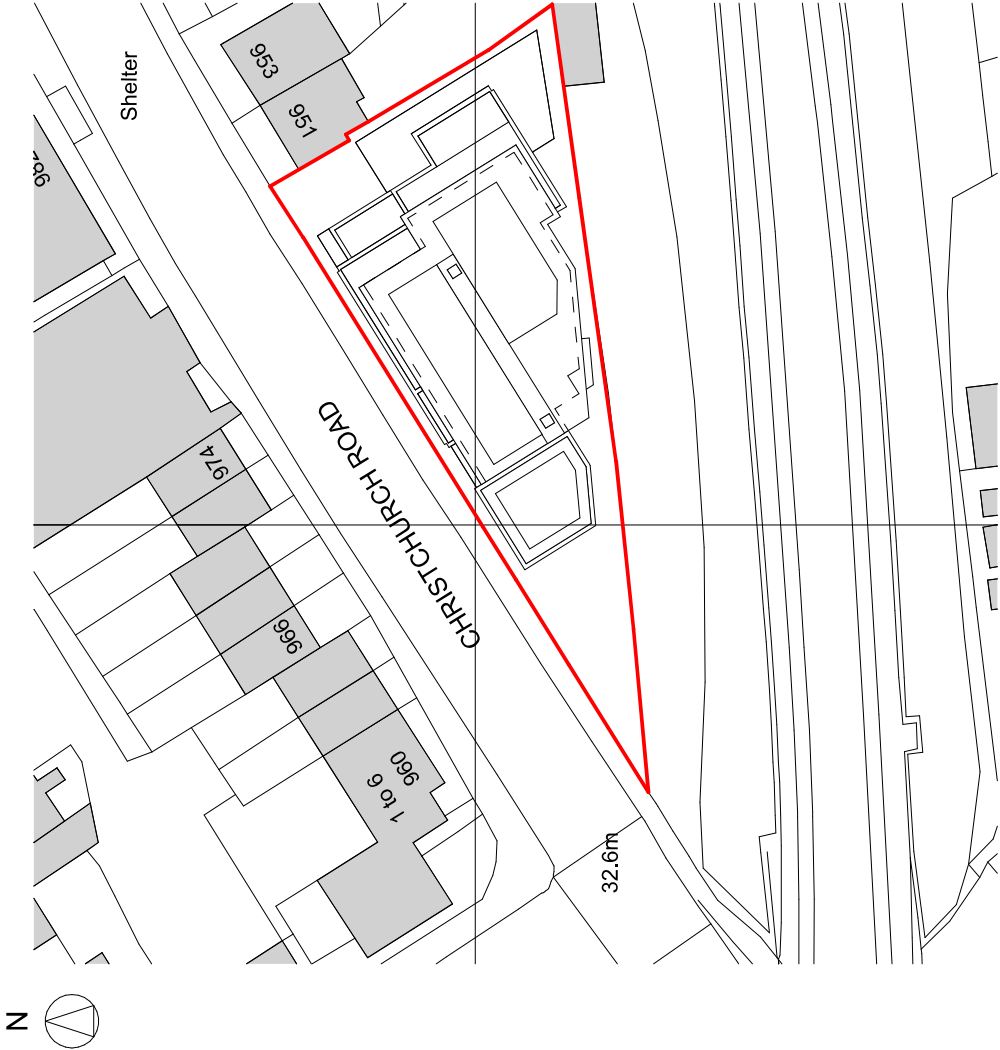
Notes.

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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| Revision | Description | Date |
|----------|----------------|----------|
| A | Planning Issue | 08/11/23 |



Block Plan
1:500



Location Plan
1:1250

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| REVISION | DESCRIPTION | DATE |
|----------|---------------------------------------|----------|
| A | Planning Issue | 08/11/23 |
| B | Revisions following officers comments | 12/03/24 |

Aluminium fascia and metalworks to KAL 8019

Weinberger Forum Smoked Bianco Soldier Coursing

Weinberger Forum Smoked Bianco

Weinberger Ashley Red multi brick

Weinberger Avenue Smooth black brick



▲▲▲ Primetower Property Group

1 Park Lane, North Road, Leeds, LS2 4JU • 0113 202 715571 • 0113 202 718971

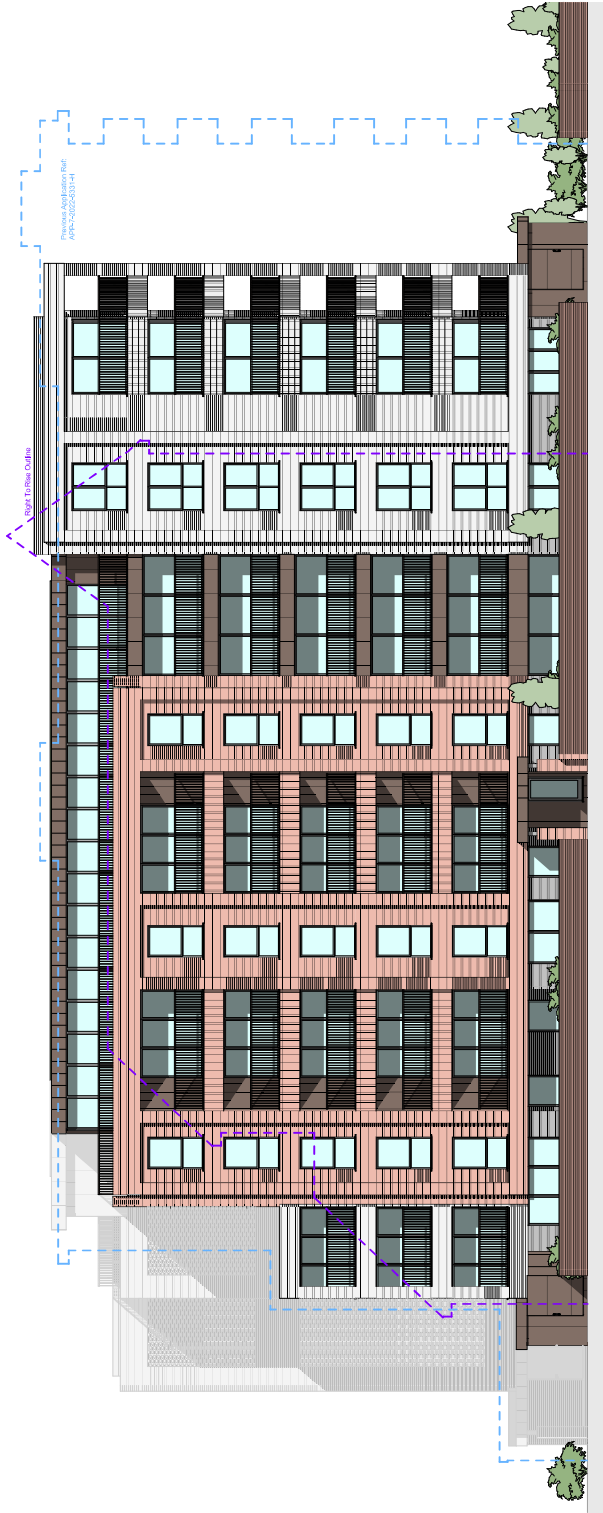
PRODUCT

The Bridge 947 Christchurch Road Bournemouth Replacement Apartments

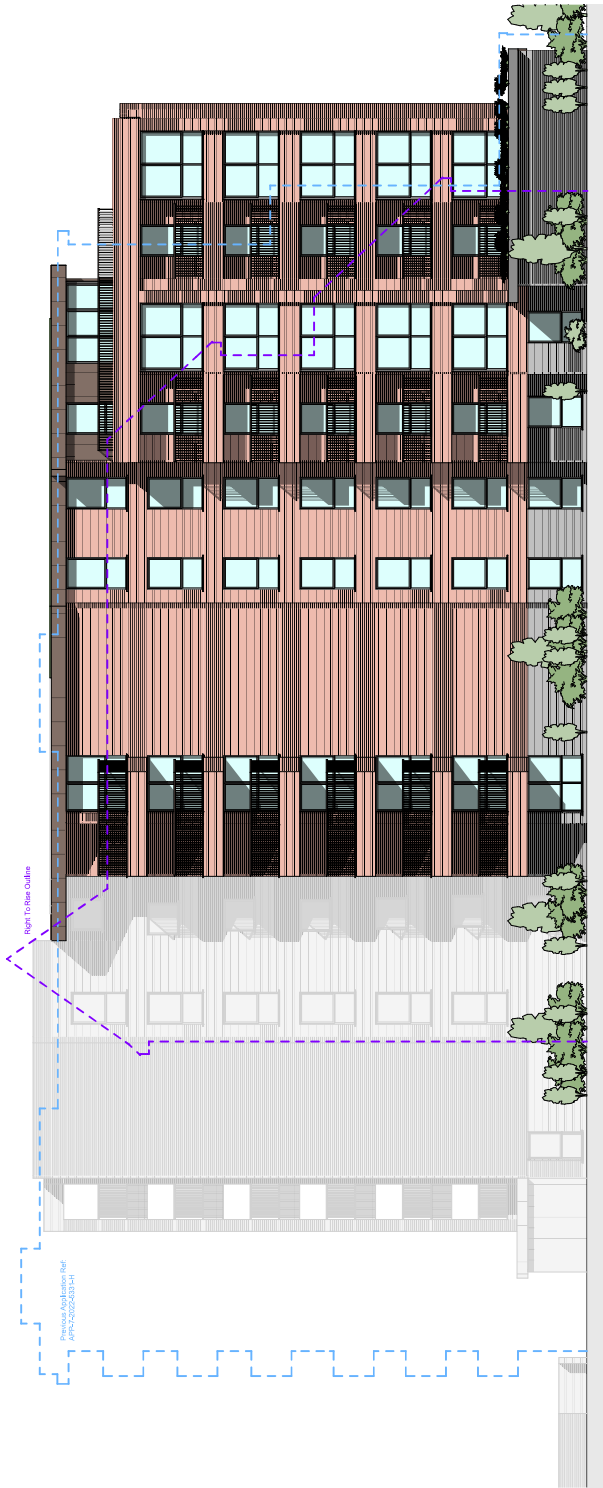
TITLE

Proposed Elevations Sheet 1 of 2

| SCALE @ A1 | SIZE | STATUS | DRAWING NUMBER | REV |
|------------|------|----------|----------------|-----|
| 1:100 | A1 | Planning | PT212_PA01_006 | B |
| 1:250 | A1 | Planning | | |
| 1:333 | A1 | Planning | | |



Christchurch Road Elevation (Front)
1:100



Railway Elevation (Rear)
1:100

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08/11/23

| REVISION | DESCRIPTION | DATE |
|----------|---------------------------------------|----------|
| A | Planning Issue | 08/11/23 |
| B | Revisions following officers comments | 12/03/24 |

Side Elevation (Bin store/rear)
1:100

Side Elevation (Railway)
1:100

Aluminium fascia and metalworks to
RAL 8019

Weinberger
Forum Smoked Bianco
Soldier Coursing

Weinberger
Forum Smoked Bianco

Weinberger
Ashley Red multi brick

Weinberger
Avenue Smooth black brick

SCALE 1:100
0 2 4 6 8 10m

| | |
|---|-------------------------------------|
| <div><div>▲▲▲</div><div>Primetower Property Group</div></div> | |
| PROJECT 1 Park House, North Road, Poole, Dorset BH14 6JZ, 14/01/2027 (15/27) Issue 01/2027 (18/27) | |
| The Bridge 947 Christchurch Road Bournemouth Replacement Apartments | |
| TITLE Proposed Elevations Sheet 2 of 2 | |
| SCALES @ A1 | SIZE |
| 1:100 1:200 1:300 1:3.33 | A1 |
| STATUS Planning | DRAWING NUMBER PT212 _ PA01 _007 |
| REV | B |

CONCEPT/PROPOSAL

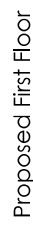
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Planning Issue

SCALE 1:100

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PLEASE NOTE THAT THE NUMBERING DOES NOT USE NO.13

Primetower
Property Group

Proposed Ground Floor

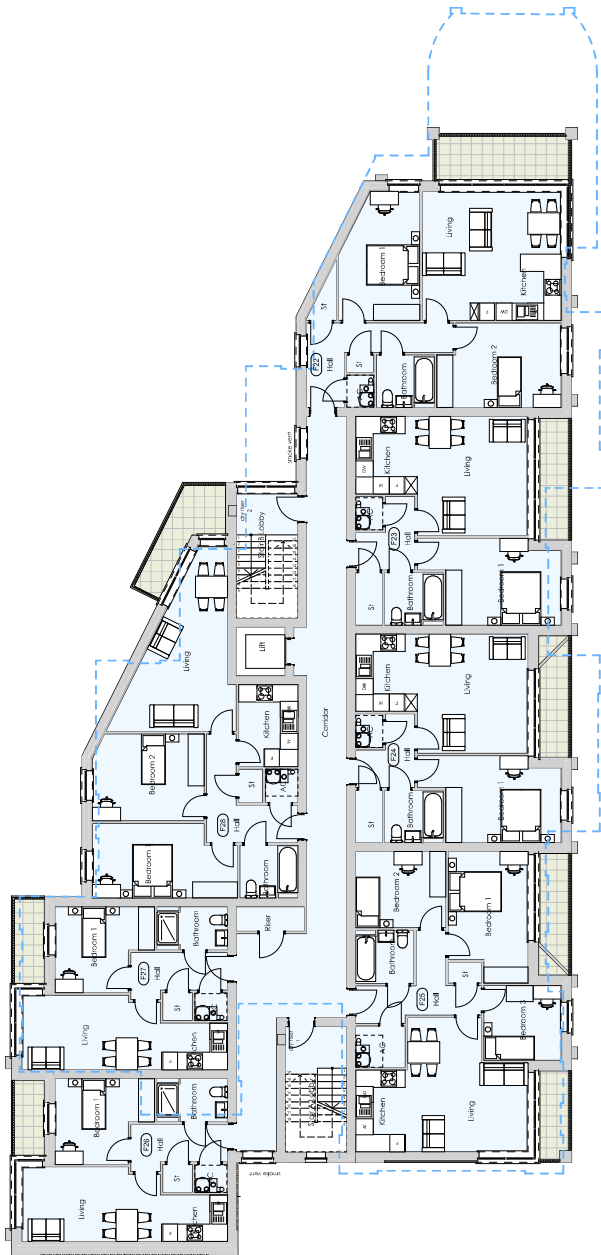
Christchurch Road

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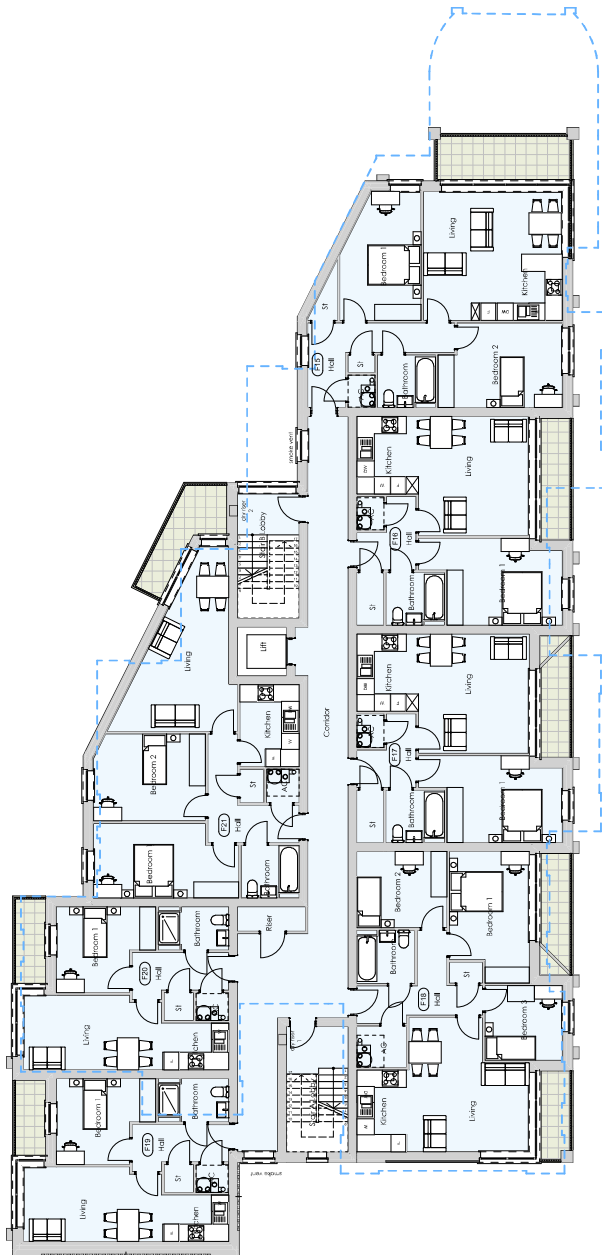
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| REVISION | DESCRIPTION | DATE |
|----------|---------------------------------------|----------|
| A | Planning Issue | 08/11/23 |
| B | Revisions following officers comments | 12/03/24 |



Proposed Third Floor



Proposed Second Floor

| F# | Level | Bedrooms | Bathrooms | Area GFA m2 |
|-----|--------------|----------|------------|-------------|
| F01 | Ground Floor | 1 Bed | 1 Bathroom | 45.97 |
| F02 | Ground Floor | 2 Bed | 1 Bathroom | 67.34 |
| F03 | Ground Floor | 1 Bed | 1 Bathroom | 42.30 |
| F04 | Ground Floor | 2 Bed | 1 Bathroom | 71.93 |
| F05 | Ground Floor | 2 Bed | 1 Bathroom | 71.20 |
| F06 | Ground Floor | 1 Bed | 1 Bathroom | 53.96 |
| F07 | First Floor | 2 Bed | 1 Bathroom | 71.20 |
| F08 | First Floor | 1 Bed | 1 Bathroom | 53.96 |
| F09 | First Floor | 1 Bed | 1 Bathroom | 53.96 |
| F10 | First Floor | 3 Bed | 1 Bathroom | 76.27 |
| F11 | First Floor | 1 Bed | 1 Bathroom | 42.92 |
| F12 | First Floor | 1 Bed | 1 Bathroom | 42.80 |
| F13 | First Floor | 2 Bed | 1 Bathroom | 71.93 |
| F14 | First Floor | 2 Bed | 1 Bathroom | 74.27 |
| F15 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F16 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F17 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F18 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F19 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F20 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F21 | Second Floor | 1 Bed | 1 Bathroom | 53.28 |
| F22 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F23 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F24 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F25 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F26 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F27 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F28 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F29 | Third Floor | 1 Bed | 1 Bathroom | 53.28 |
| F30 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F31 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F32 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F33 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F34 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F35 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F36 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F37 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F38 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F39 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F40 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F41 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F42 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F43 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F44 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F45 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F46 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |
| F47 | Fourth Floor | 1 Bed | 1 Bathroom | 53.28 |

PLEASE NOTE FLAT NUMBERING DOES NOT USE NO.13



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Primetower
Property Group

1 Park Place, North Road, Leeds, LS2 4PL

0113 275 1101

0113 275 1101

PROJECT

The Bridge 947 Christchurch Road Bournemouth
Replacement Apartments

TITLE

Proposed Second and Third Floors

SCALE @ A1

SIZE

STATUS

DRAWING NUMBER

REV

1:100

A1

Planning

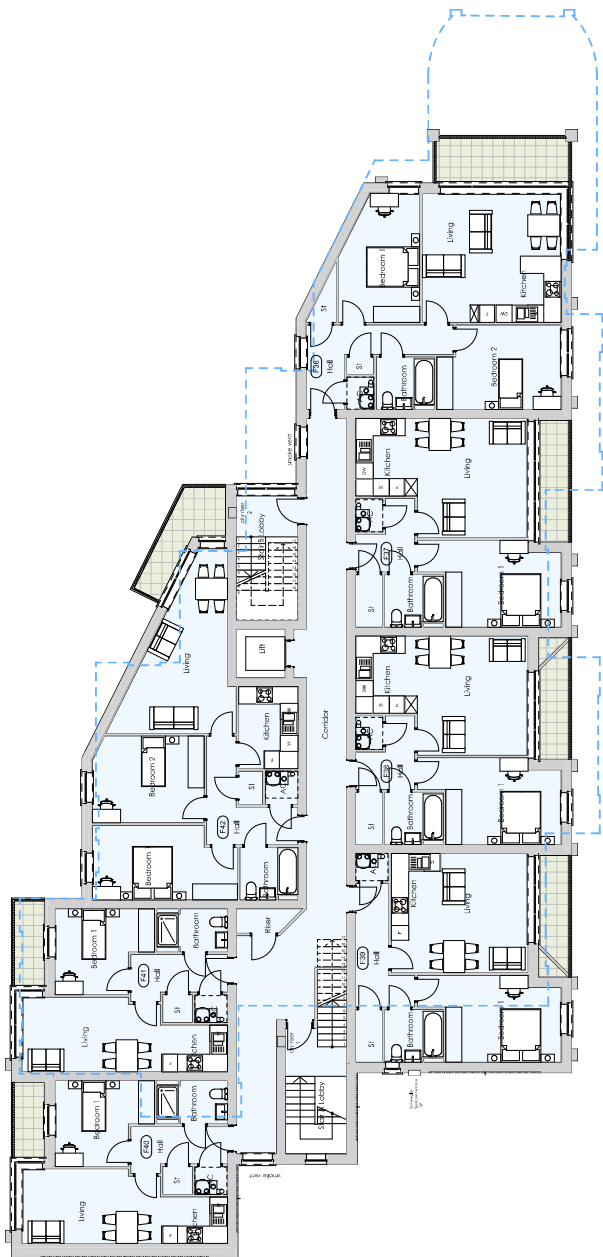
PT212 - PA01_003

B

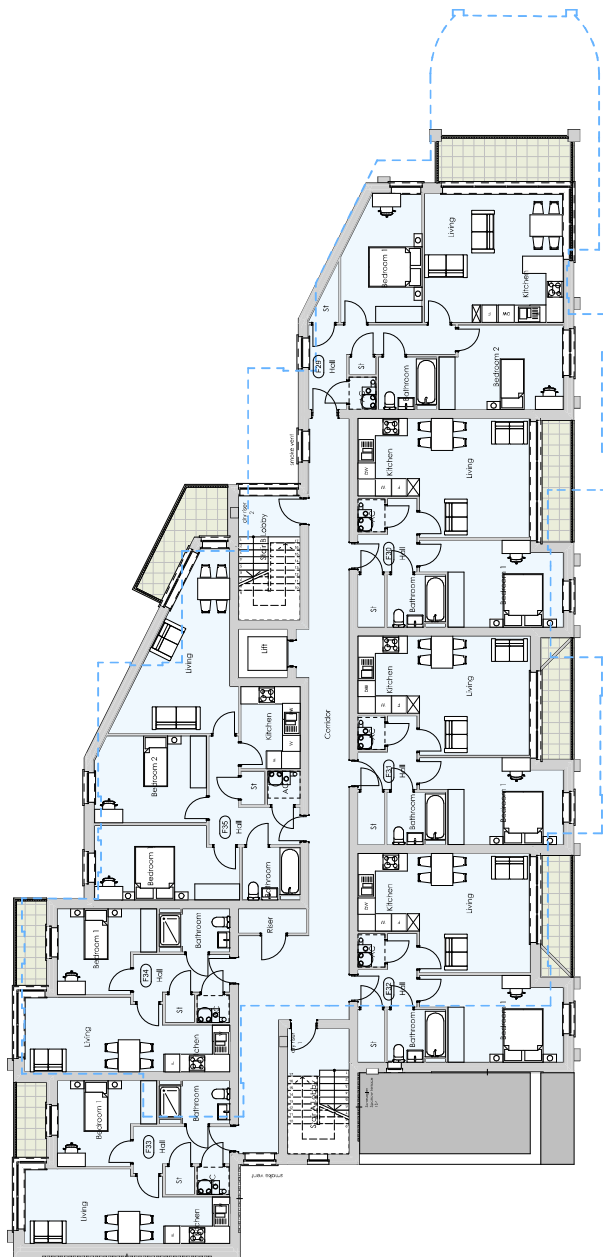
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| REVISION | DESCRIPTION | DATE |
|----------|---------------------------------------|----------|
| A | Planning Issue | 08/11/23 |
| B | Revisions following officers comments | 12/03/24 |



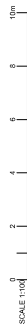
Proposed Fifth Floor



Proposed Fourth Floor

| F# | Level | Bedrooms | Bathrooms | Area GFA m2 |
|-----|--------------|----------|-------------|-------------|
| F01 | Ground Floor | 1 Bed | 1 Bathroom | 45.97 |
| F02 | Ground Floor | 3 Beds | 3 Bathrooms | 67.34 |
| F03 | Ground Floor | 1 Bed | 1 Bathroom | 42.80 |
| F04 | Ground Floor | 2 Beds | 4 Bathrooms | 71.93 |
| F05 | Ground Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F07 | Fifth Floor | 2 Beds | 4 Bathrooms | 71.30 |
| F08 | Fifth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F09 | Fifth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F10 | Fifth Floor | 3 Beds | 4 Bathrooms | 76.07 |
| F11 | Fifth Floor | 1 Bed | 1 Bathroom | 42.92 |
| F12 | Fifth Floor | 1 Bed | 1 Bathroom | 42.80 |
| F14 | Fifth Floor | 2 Beds | 4 Bathrooms | 71.93 |
| F15 | Second Floor | 2 Beds | 4 Bathrooms | 74.27 |
| F16 | Second Floor | 1 Bed | 2 Bathrooms | 55.28 |
| F17 | Second Floor | 1 Bed | 2 Bathrooms | 55.28 |
| F18 | Second Floor | 3 Beds | 4 Bathrooms | 78.38 |
| F19 | Second Floor | 1 Bed | 1 Bathroom | 44.05 |
| F20 | Second Floor | 1 Bed | 1 Bathroom | 44.05 |
| F21 | Second Floor | 2 Beds | 4 Bathrooms | 72.26 |
| F22 | Third Floor | 2 Beds | 4 Bathrooms | 71.30 |
| F23 | Third Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F24 | Third Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F25 | Third Floor | 3 Beds | 4 Bathrooms | 76.07 |
| F26 | Third Floor | 1 Bed | 1 Bathroom | 42.92 |
| F27 | Third Floor | 1 Bed | 1 Bathroom | 42.92 |
| F28 | Third Floor | 2 Beds | 4 Bathrooms | 72.26 |
| F29 | Fourth Floor | 2 Beds | 4 Bathrooms | 71.30 |
| F30 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F31 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F32 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F33 | Fourth Floor | 1 Bed | 1 Bathroom | 42.92 |
| F34 | Fourth Floor | 1 Bed | 1 Bathroom | 42.92 |
| F35 | Fourth Floor | 2 Beds | 4 Bathrooms | 72.26 |
| F36 | Fourth Floor | 2 Beds | 4 Bathrooms | 71.30 |
| F37 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F38 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F39 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.96 |
| F40 | Fourth Floor | 1 Bed | 1 Bathroom | 42.92 |
| F41 | Fourth Floor | 1 Bed | 1 Bathroom | 42.92 |
| F42 | Fourth Floor | 2 Beds | 4 Bathrooms | 72.26 |
| F43 | Fourth Floor | 2 Beds | 4 Bathrooms | 71.30 |
| F44 | Fourth Floor | 2 Beds | 3 Bathrooms | 67.91 |
| F45 | Fourth Floor | 1 Bed | 2 Bathrooms | 53.14 |
| F47 | Fourth Floor | 2 Beds | 4 Bathrooms | 71.93 |

PLEASE NOTE FLAT NUMBERING DOES NOT USE NO.13



Primetower
Property Group

1 Park House, North Road, Poole, Dorset BH14 6JL, 01202 715271, 01202 718971

PROJECT

The Bridge 947 Christchurch Road Bournemouth Replacement Apartments

TITLE

Proposed Fourth and Fifth Floors

| SCALE @ A1 | SIZE | STATUS | DRAWING NUMBER | REV |
|------------|------|----------|-------------------------|----------|
| 1:100 | A1 | Planning | PT212 - PA01_004 | B |

CONSISTENT WITH

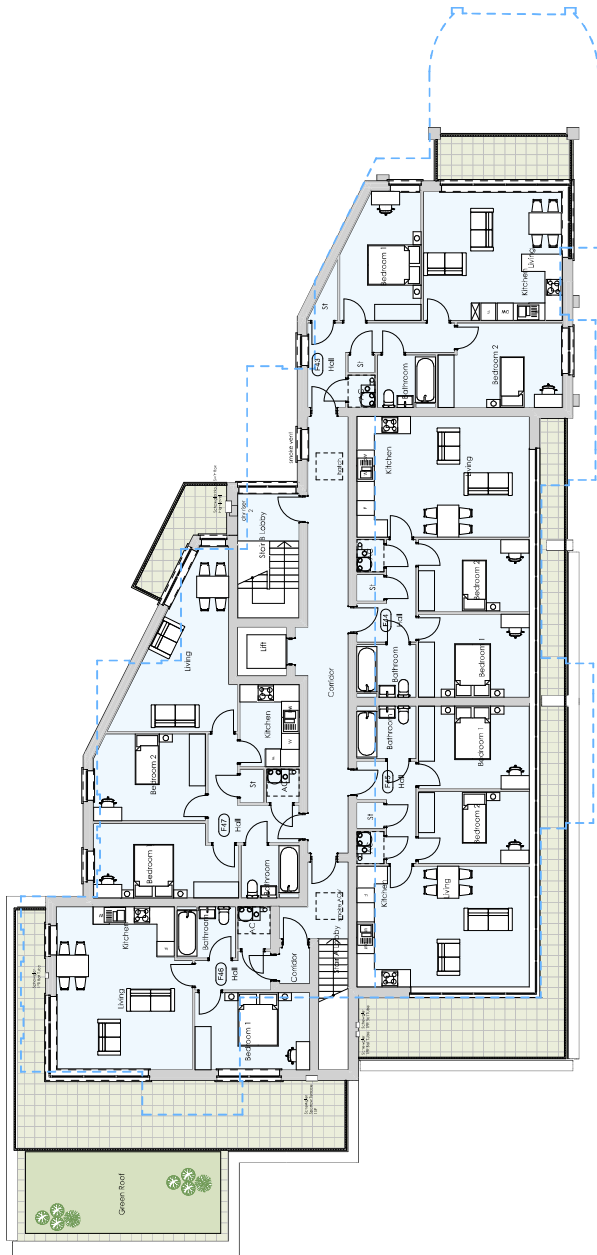
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| REVISION | DESCRIPTION | DATE |
|----------|---------------------------------------|----------|
| A | Planning Issue | 08/11/23 |
| B | Revisions following officers comments | 12/03/24 |



Proposed Roof Plan



Proposed Sixth Floor

PLEASE NOTE FLAT NUMBERING DOES NOT USE NO.13



Primetower
Property Group

1 Park House, North Road, Poole, Dorset BH14 6JL | 01202 202 715/71 | Fax 01202 718971

PROJECT

The Bridge 947 Christchurch Road Bournemouth

Replacement Apartments

TITLE

Proposed Sixth and Roof Floor

| SCALE @ A1 | SIZE | STATUS | DRAWING NUMBER | REV |
|------------|------|----------|--------------------------|----------|
| 1:100 | A1 | Planning | PT212 _ PA01 _005 | B |

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Planning Committee

| | |
|---|---|
| Application Address | 44 Minterne Road Christchurch BH23 3LE |
| Proposal | Bungalow re-modelling. Demolish Garage, erect side & rear extensions, enlarge roof to form first floor accommodation. |
| Application Number | P/25/00365/HOU |
| Applicant | Mr M Lydka |
| Agent | Mr Jeremy Isaacs |
| Ward and Ward Member(s) | Mudford, Stanpit & West Highcliffe Cllr Lesley Dedman and Cllr Paul Hilliard |
| Report status | Public |
| Meeting date | 8 th May 2025 |
| Summary of Recommendation | Refuse for the reason(s) set out below |
| Reason for Referral to Planning Committee | Applicant is a direct family member (spouse) of an Officer working within the planning section. |
| Case Officer | Charlotte Haines |
| Is the Proposal EIA Development? | No |

Description of Proposal

1. This application seeks permission for the erection of a two-storey side extension and a single storey rear extension following the demolition of the existing detached garage and the enlargement of the roof to create first floor accommodation.
2. This application follows a previous refused scheme for the same development. The application was refused for the following reasons: -

It is considered that the proposed two storey flat roof side extension, by reason of its scale, mass, bulk and design is not considered to respect the scale or character of the resultant enlarged dwelling and would not appear as a subordinate addition to the dwelling. Overall, the scheme is a poor design which disregards the prevailing form,

appearance and character of the host property and surrounding area. The scheme fails to be compatible with or improve its surroundings in its architectural style, scale, bulk and visual impact. As such the development is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy 2014, saved Policy H12 of the Borough of Christchurch Local Plan 2001 and Section 12 of the National Planning Policy Framework 2024.

The proposed two storey flat roof side extension would be sited approximately 1.5m from the side elevation of no. 46 where there are windows serving habitable rooms. The proposed extension would measure 6.2m in height and would have a depth of 7m. This increase in height coupled with the depth and proximity to the neighbour would significantly reduce the levels of light entering these habitable rooms and would also have an overbearing impact on this neighbour. The proposal fails to be compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. As such the proposal is considered contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy adopted 2014 Policy H12 of the Borough of Christchurch Local Plan and the NPPF.

3. This application proposes a revised design to the 2-storey side extension. The main changes are as follows: -
 - Ridge height of the 2-storey side extension reduced from 6.2m to 6.1m (a reduction of 0.1m)
 - Eaves height of the 2-storey side extension reduced by from 4.9m to 4m (a reduction of 0.9m)
4. These applications follow an earlier grant of planning permission for the erection of a single storey rear and side extension following the demolition of the existing detached garage and the enlargement of the roof to create first floor accommodation.

Description of Site and Surroundings

5. The application site lies within a cul de sac within the residential area of Stanpit. The surrounding area is characterised by a mix of two storey houses and bungalows. Minterne Road is characterised by predominantly detached single storey bungalows and chalet bungalows. These bungalows are varied in terms of scale, design, style and massing.
6. The application site consists of a hipped roof bungalow and is typical of the surrounding development in the road. The dwelling is set back in its plot with off-road parking.
7. The application site partly falls within future high risk flood zone 3a (2133).

Relevant Planning History

| | | | | |
|---------------|--|--|---------|----------|
| 8/24/0720/HOU | 44 Minterne Road Christchurch BH23 3LE | Demolition of existing garage. Erection of 2 storey side extension, single storey rear extension & creation of 1st floor accommodation | Refused | 20/02/25 |
| 8/24/0318/HOU | 44 Minterne Road Christchurch | Alterations and remodel of the existing dwelling inclusive of demolition | Granted | 30/09/24 |

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

Constraints

8. Future Flood Zone 3a (Year 2133)

Public Sector Equalities Duty

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

Other relevant duties

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

11. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
12. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
13. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.
14. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
15. 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

16. **Christchurch Town Council** – No comments have been received.

Representations

17. 1 objection has been received from the adjacent neighbour in which the following summarised concerns were raised:
 - Having reviewed the revised plans, they remain concerned that the proposal will have an overbearing impact on their home.
 - The proximity and height of the proposed building will significantly reduce the natural light entering their property.
 - The proposed building is 68cm from their boundary and only minor changes made to the height of the building, do not feel the revised design adequately addresses the issue.
 - Proposed extension will substantially diminish the daylight we receive forcing them to rely more heavily on artificial light and negatively affecting their living conditions.
 - Do not consider the changes are substantial enough to address the issue.

Key Issue(s)

18. The key issues involved with this proposal are:
 - The impact upon the character of the area
 - The impact on neighbours' living conditions
 - Flood Risk
 - Parking and Highway Safety

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

Policy Context

19. 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 Part 1 – Core Strategy 2014 and saved policies of the Christchurch Local Plan 2001.

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

KS1 Presumption in favour of sustainable development

KS11 Transport and Development

KS12 Parking Provision

HE2 Design of new development

H12 Residential Infill

ME6 Flood Management, Mitigation and Defence

21. Saved Policies of the Christchurch Local Plan 2001

H12: Residential Infill

22. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Section 12 – Achieving well designed places

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

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

Paragraph 172 - All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

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

Paragraph 181 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

Paragraph 176 states that applications for some minor development and changes of use (footnote 60) should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

Footnote 62 - This includes **householder development**, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

Planning Assessment

The Impact upon the Character of the Area

23. Policy HE2 states that 'the design of a development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness'. The development must be compatible

with or improve its surrounding in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.

24. Saved Policy H12 states that “proposals for private or institutional residential development, on allocated and non-allocated sites, or extensions to residential premises will be permitted provided that” they meet a number of criteria including “they are appropriate in character scale design and materials on the immediate locality”.
25. The existing property is single storey and is lower in height than the neighbouring properties on either side. Furthermore, the existing bungalow is smaller in size than the other bungalows within the road.
26. This application is proposing the enlargement of the existing single storey bungalow to a chalet style bungalow. The design has a symmetrical single gable that runs front to back of the property. A proposal to enlarge the single storey bungalow to a chalet style bungalow has already been approved. This approved also included a wrap around a single storey flat roof rear/side extension.
27. The current proposal is a resubmission following the refusal of the previous scheme to enlarge the property which included a two-storey side extension that had flat roof and a small, hipped element. Both the current proposal and previously refused scheme proposed a single storey flat roof rear extension of a similar design to that on the approved scheme. The principal difference with the approved scheme was the introduction of a two-storey side extension in place of the single storey side extension.
28. It was considered that the two-storey side extension would substantially increase the mass and bulk of the overall dwelling so that it has the appearance of a larger two storey dwelling.
29. The current scheme retains this two-storey side extension albeit with minor changes principally the slight reduction of the ridge height and a reduction in the eave's height resulting in an increased depth to the hipped element of the roof. Whilst the reduced eaves height of the proposed two storey side extension would now be similar to those of the enlarged dwelling, the proposal would be of a similar ridge height and with the same flat roof design which results in a significantly enlarged dwelling that would contrast significantly with the surrounding development which comprises a more modest single storey bungalows or chalet bungalows with dormers.
30. The previously approved wraparound rear/side extension extended up to the side boundaries leaving narrow gaps. Whilst it was accepted that a number of properties in the road have substantially filled the plots, these typically comprise of the pitched roofs of the bungalows with the lower eave's height close to the boundary or the addition of single storey side extensions extend up to the side boundary leaving narrow gaps. In contrast, the proposal would introduce a two-storey largely flat roof extension which would have a ridge height in excess of 6 metres which would be in close proximity with the boundary with No.46.
31. The applicants' agent has submitted with the current application a Design and Access Statement in which it is argued that given the proposed side extension would be set back approximately 5.3m from the front elevation and over 10m from the application site frontage, the side extension is subservient to a main dwelling, it would not create terracing effect and it would not be visible in much of the street scene.
32. However, the changes made to the design of the two-storey extension are modest and the reasoning behind refusal reason 1 on the preceding application remains by reason of its largely flat roof design which is inconsistent with the steep pitched gable roof of the chalet bungalow. The revised proposal retains a small, hipped element which was introduced as

part of the amended plans which were submitted during the course of the previously refused application. Whilst this half-hipped roof element would reduce the height of the wall closes to the neighbour, the front and rear elevations would comprise of a vertical rendered wall. It is therefore considered that the proposed two storey extension would not be subservient to the enlarged building introducing a bulky incongruous feature that would fail to have an appropriate relationship to its plot and spacing within the road.

33. Despite the revisions made to the design of the two-storey side extension it is still considered not subservient to the dwelling nor is it compatible to the character and form of the existing properties within the road. It is therefore considered that this element of the proposal would adversely affect the visual amenities of the area and falls contrary to policy HE2 and saved policy H12.

Residential Amenity

34. Local Plan Policy HE2 states that; 'development will be permitted if it compatible with or improves its surroundings in; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy H12 states that residential development should not adversely affect residential amenities by noise or disturbance, or loss of light or privacy.
35. The previously approved scheme proposed first-floor accommodation development above the existing footprint of the bungalow. The bungalow itself is set away from the boundary with no.46 by approximately 5m. A 1.8 metres high close boarded fence is on the boundary with No 46, that property is set back only 0.5 to 0.75 metres from the boundary.
36. The current scheme also proposes first-floor development above the existing footprint but also extends over the proposed single storey side extension so as to enable three rather than two bedrooms to be provided at first floor. This two-storey side extension would result in first-floor development being brought closer to this neighbour. The previously refused extension was approximately 0.6m from the boundary with this neighbour at its closest point and 0.9m at its furthest point. The proposed two storey extension has been brought away from the boundary by approximately 0.2m and as a result would now be 0.8m from the boundary with this neighbour at its closest point. This change is very marginal and the proposed extension would remain within 1m from the boundary with the neighbour.
37. The Design and Access Statement accompanying the application sets out the revisions made to the proposed design of the two-storey side extension in order to address the impact on No. 46, which are in summary:
- The height has been reduced by 0.2m
 - The width has been reduced by 0.2m
 - The eaves level has been lowered from 6.3m to 4m taken from the ground floor level.
38. Whilst the stated reduction in height and width are correct, it is incorrect in respect of the eaves level which has only reduced from 4.9m to 4m.
39. The amended design retains a hipped roof element that was introduced as an amendment during the course of the previously refused application.
40. Whilst it is acknowledged that the eaves height has been lowered, the proposed side extension remains two-storey in height in close proximity to the southeast elevation of No.46. It is noted that there are two obscure glazed windows on the side elevation of the neighbouring bungalow (no 46) which serve as the sole windows to habitable rooms (dining room and office). The proposed two storey extension would be approximately 1.3m from these windows and is located to the southeast of these windows. Therefore, despite the design changes made the proposed extension would still lead to significant overshadowing

which would diminish the levels of light entering these windows of these habitable rooms. Given the close proximity of the proposed two storey extension coupled with the overall height and depth and its location to the southeast, it would lead to a significant loss of outlook and light to the habitable rooms of this neighbouring property.

41. As has been stated above, an objection has been received from the occupiers regarding the impact on their property and to advise that the design changes made to the proposed extension as part of this application do not address their concerns over loss of light to the rooms in which the windows on this side elevation serve. These concerns were raised when objecting to the previously refused application.
42. In the design and access statement, the agent lists a number of examples of side extensions close to adjoining properties that have been allowed in the surrounding area. However, each case must be assessed on its own merits and in this instance, it is the presence of 2 habitable room windows on the south facing side elevation and close to the boundary which differs from these examples given.
43. No windows are proposed on the side elevation of the extension and as a result there would be no overlooking. There are windows on the front and rear elevations. This includes a full height window on the rear elevation however this would have oblique views towards the side elevation of the rear extension at No.46 where there is a window. The window would have a Juliette balcony preventing it from becoming an opening onto the flat roof area over the single storey rear extension. This would avoid any overlooking into neighbouring properties. The front window would overlook the driveway and road beyond with oblique views towards the side elevation of No.46 however there are no window openings forward of the proposed two storey extension and as such the front window would not overlook any habitable rooms of this neighbouring property.
44. The front facing gable would have a large first floor window proposed which will overlook the road and as such would not result in a loss of privacy to any of the neighbouring properties.
45. The side facing rooflights on the southeast would serve a staircase/landing (a non-habitable space) and as secondary openings to the bedrooms 1 and 2. The rooflights would face towards a side facing dormer window at no.40. Had permission been recommended, this would have been subject to a condition for these rooflights to be obscure glazed and non-opening to prevent any overlooking.
46. It is therefore considered that proposed extensions to the dwelling would not give rise to an unacceptable level of overlooking to the adjoining properties and as such would not lead to loss of privacy to these neighbours.
47. Whilst revisions have been made in the current application to address the impact on No 46 these are very modest. It is therefore considered that the revised scheme fails to overcome the adverse impacts on No 46. This impact arises from the extension's height and distance from the side elevation of No 46 which has two windows serving habitable rooms on its southeastern elevation. As with the refused scheme to extension would lead to a loss of light in the two rooms and would be overbearing. This will unacceptably impact on the occupants of No 46 and as such the scheme is considered to be contrary to Policy HE2 not being compatible with or improving its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

Flood Risk

48. Local Plan Policy ME6 states; 'all developments (including redevelopments and extensions which require planning permission) can be permitted within areas at risk of flooding they will

be required to incorporate appropriate flood resistance and resilience measures as a means of "future proofing" against the effects of climate change."

49. Both Policy ME6 and Paragraph 167 NPPF take a sequential approach to new development. This proposal is considered to be 'minor' development in flood risk terms and therefore the Sequential or Exception tests are not applicable to this proposal as set out in paragraph 174 of the NPPF.
50. The application property is located within future flood zone 3a. Therefore, had permission been recommended, this would have been subject to a condition for the floor levels of the extension to be the same as the existing dwelling and flood resistance and resilience measures shall be incorporated as appropriate in accordance with the Environment Agency's Standing Advice. On this basis, it is considered that the proposed development is in accordance with policy ME6.

Parking and Access

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

Other Matters

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

Planning Balance / Conclusion

55. Despite the revisions made to the design of the two-storey side extension it is still considered not subservient to the dwelling nor is it compatible to the character and form of the existing properties within the road. It is therefore considered that this element of the proposal would adversely affect the visual amenities of the area and falls contrary to policy HE2 and saved policy H12.
56. It is also considered that the revised scheme fails to overcome the adverse impacts on No 46. This impact arises from the extension's height and distance from the side elevation of No 46 which has two windows serving habitable rooms on its southeastern elevation. As with the refused scheme to extension would lead to a loss of light in the two rooms and would be overbearing. This will unacceptably impact on the occupants of No 46 and as such the scheme is considered to be contrary to Policy HE2 not being compatible with or improving its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.

Recommendation

Refuse, for the following reasons:

1. It is considered that the proposed two storey flat roof side extension, by reason of its scale, mass, bulk and design is not considered to respect the scale or character of the resultant enlarged dwelling and would not appear as a subordinate addition to the dwelling. Overall, the scheme is a poor design which disregards the prevailing form, appearance and character of the host property and surrounding area. The scheme fails to be compatible with or improve its surroundings in its architectural style, scale, bulk and visual impact. As such the development is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy 2014, saved Policy H12 of the Borough of Christchurch Local Plan 2001 and Section 12 of the National Planning Policy Framework 2024.
2. The proposed two storey flat roof side extension would be sited approximately 1.5m from the side elevation of no. 46 where there are windows serving habitable rooms. The proposed extension would have a ridge height of 6.1m and an eaves height of 4.1m and would have a depth of 7m. This increase in height coupled with the depth and proximity to the neighbour would significantly reduce the levels of light entering these habitable rooms and would also have an overbearing impact on this neighbour. The proposal fails to be compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. As such the proposal is considered contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy adopted 2014 Policy H12 of the Borough of Christchurch Local Plan and the NPPF

Informatives

1. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The applicant/ agent did not take the opportunity to enter into pre-application discussions.

The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

2. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

Location, Block & Existing Elevations – Drawing Number PL JL S1 V1 2024

Site Plan – Drawing Number 207 PL 101,

Proposed Floor Plans – Drawing Number 207 PL 102 Rev A

Proposed Elevations – Drawing Number 207 PL 103 Rev A

Street Scene Elevation – Drawing Number 207 PL 106 Rev A

Background Documents:

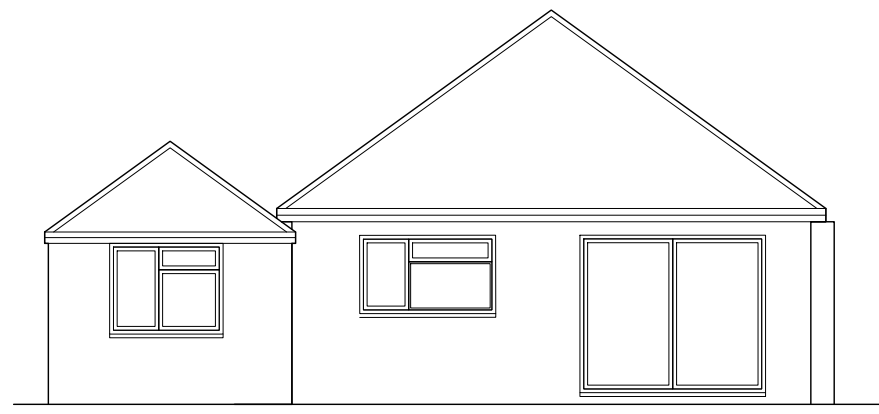
P/25/00365/HOU

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.

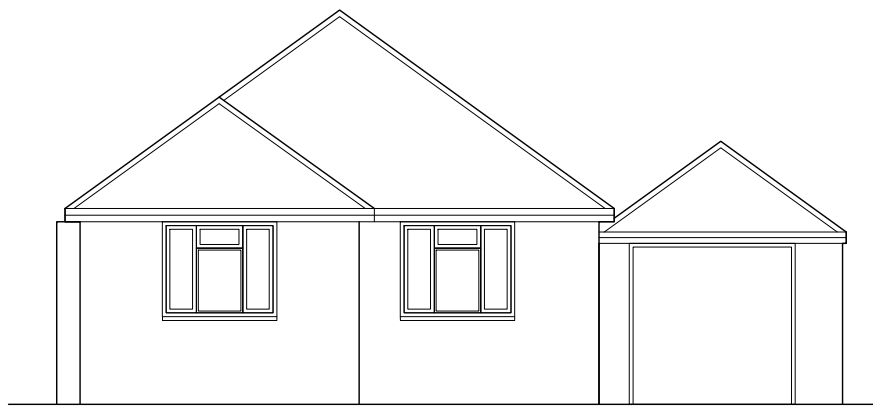
Reference to published works is not included.



Existing West Elevation

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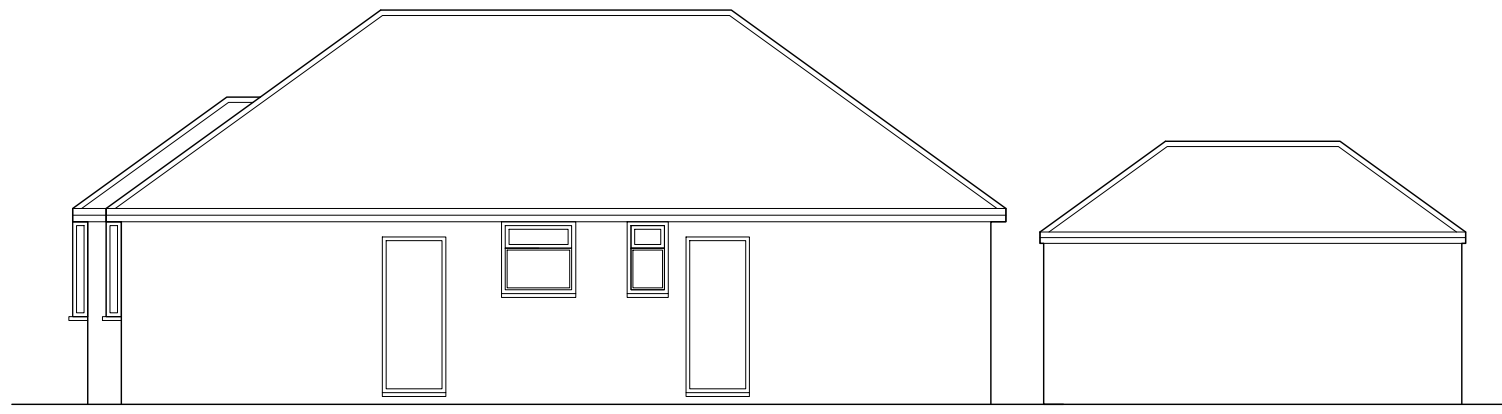
Existing South West (Rear) Elevation



Existing East Elevation

Scale 1:100 @ A1

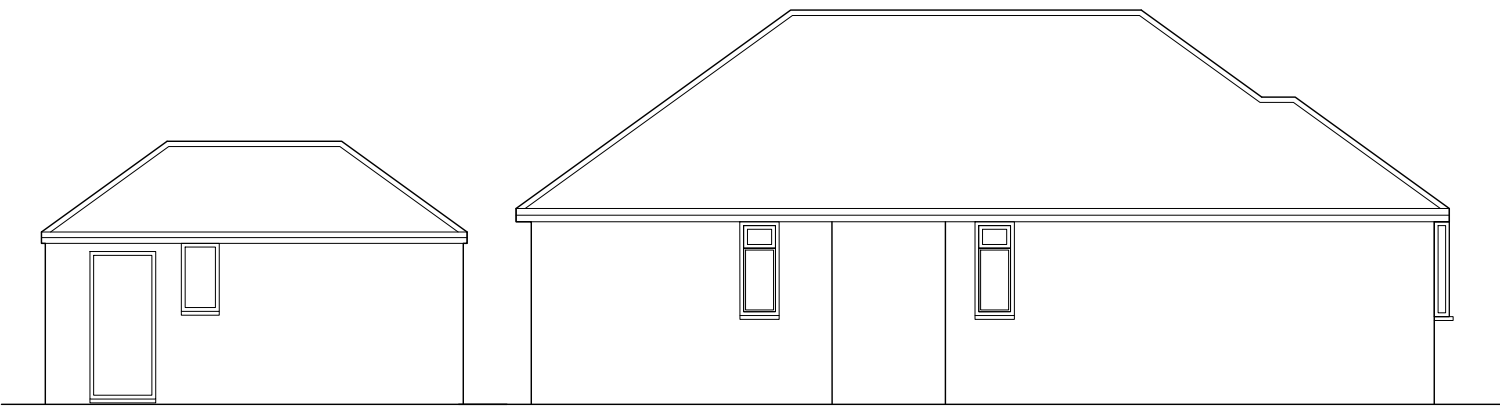
Existing North East (Front) Elevation



Existing North Elevation

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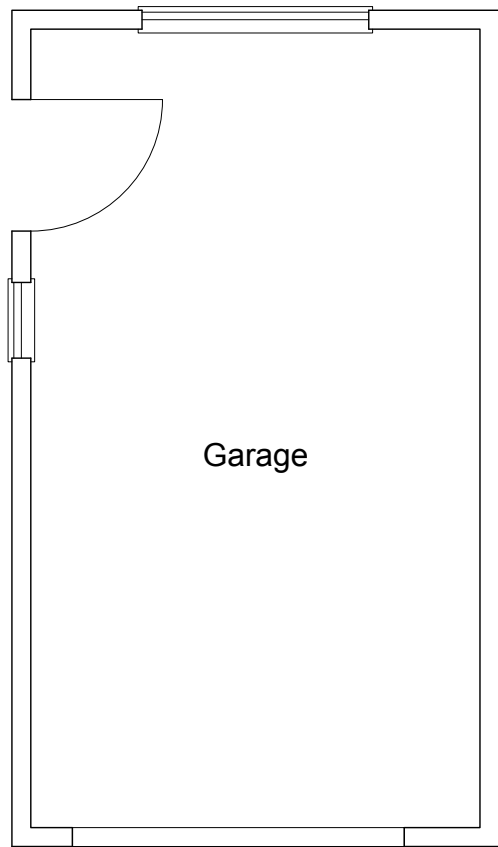
Existing North West (Side) Elevation



Existing South Elevation

Scale 1:100 @ A1

Existing South East (Side) Elevation

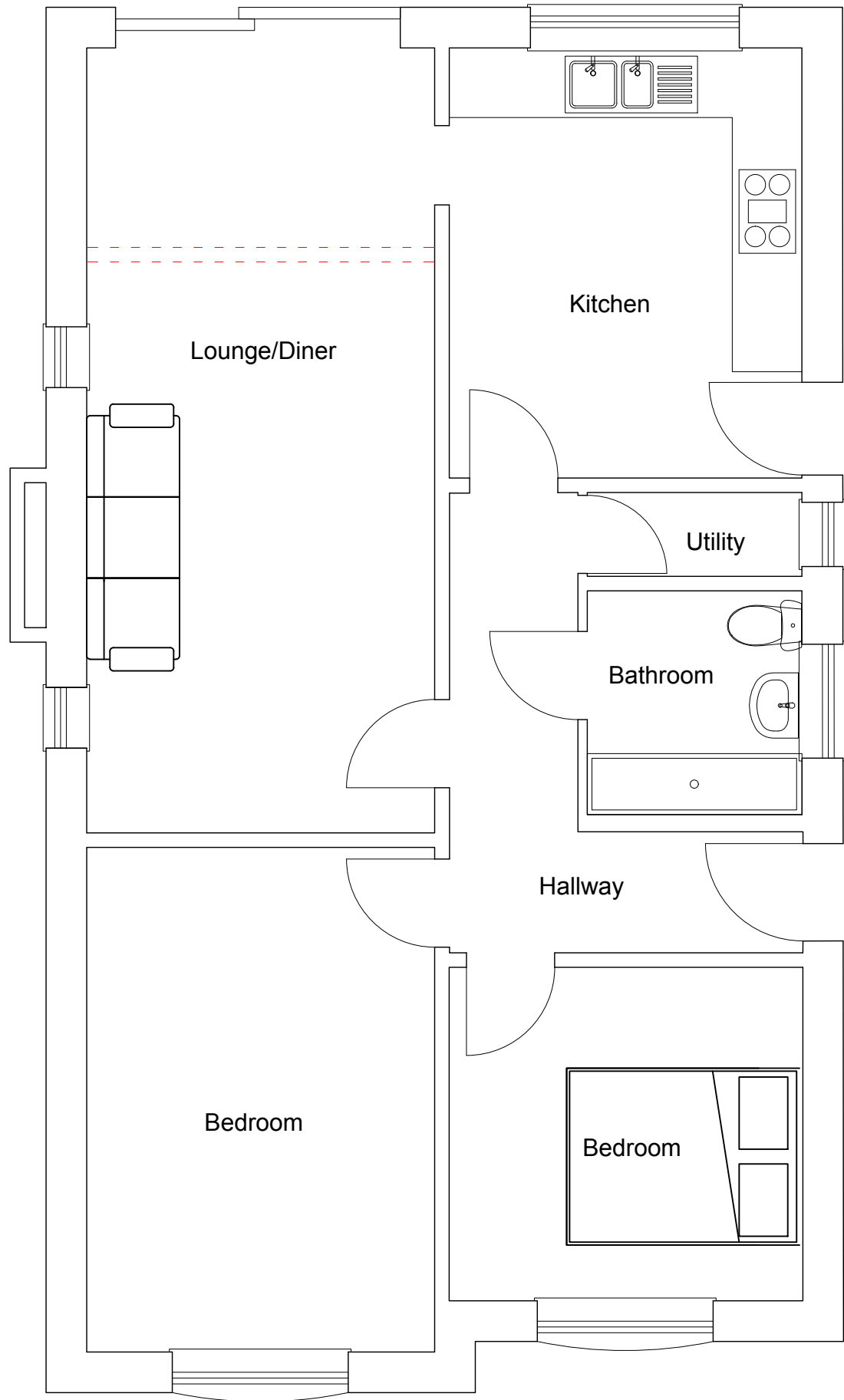
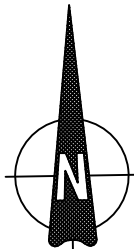


Garage



Site Location

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Existing ground floor

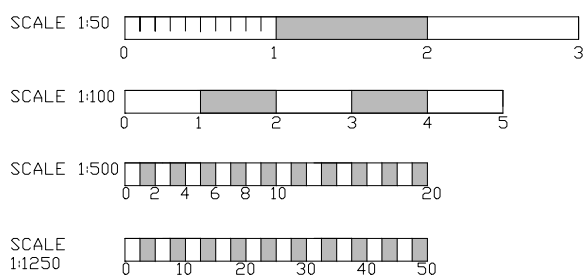
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Block Plan

Scale 1:500 @ A1

Scale Legend



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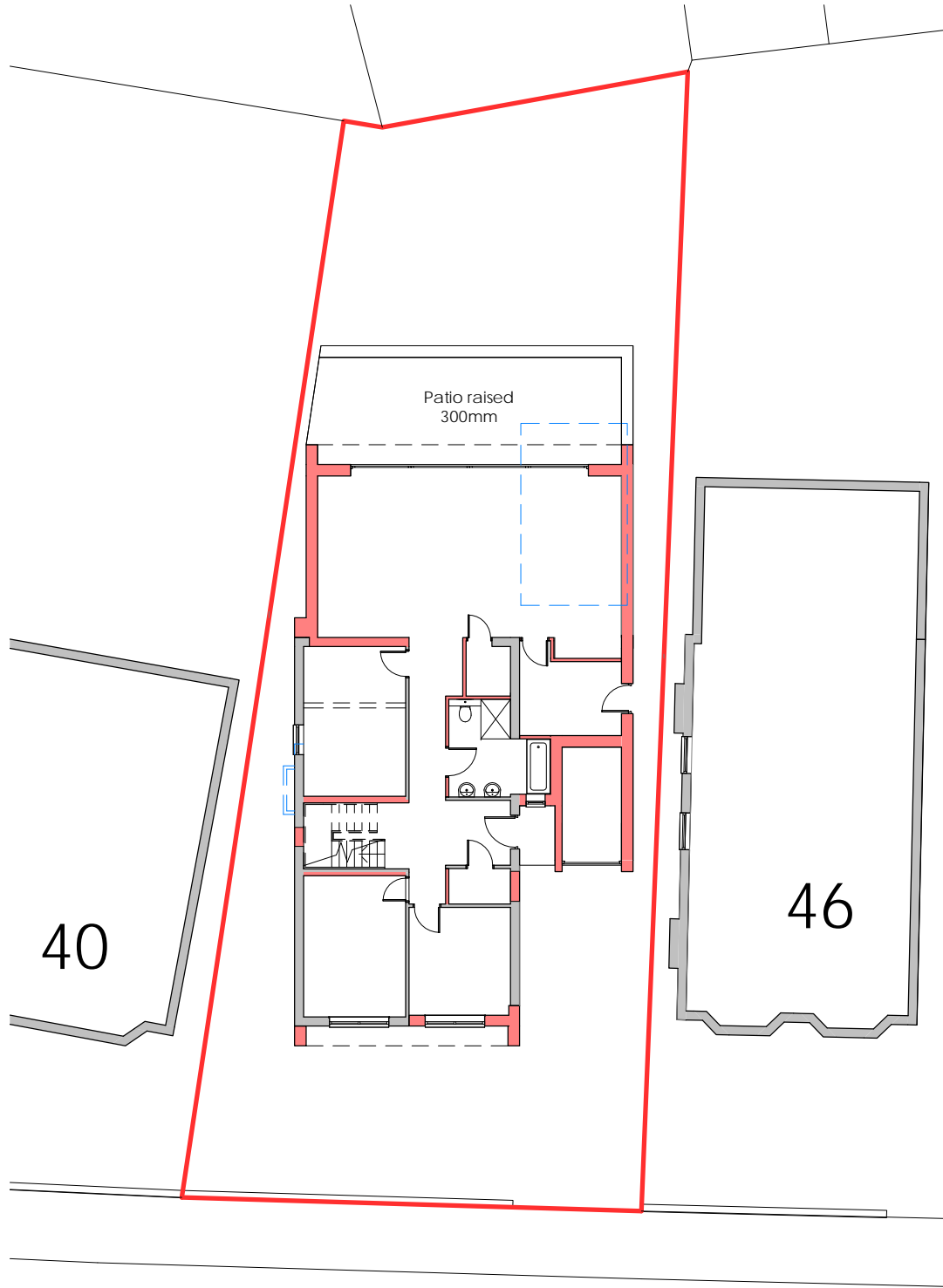
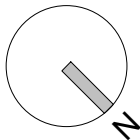
Client : Mr & Mrs Lydka
Address : 44 Minterne Road,
Mudford, Dorset BH23 3LE
Project :Extension to ground floor
Title : Existing site and plans

Drawing N.O : **PL JL S1 V1 2024**
Drawn By : Matthew Austin / 71DESIGN
Date : 16 / 02 / 2024
Scale : As indicated @ A1

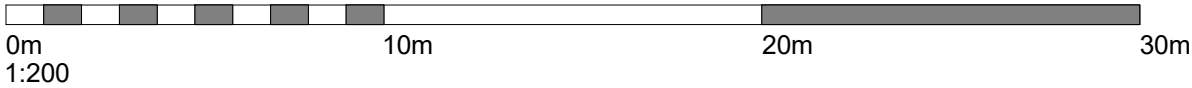
71DESIGN
architectural services

Contact :Matt@71design.net
Tel : 07866497288

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Site Plan
1 : 200



Jeremy Harvey Isaacs Architect

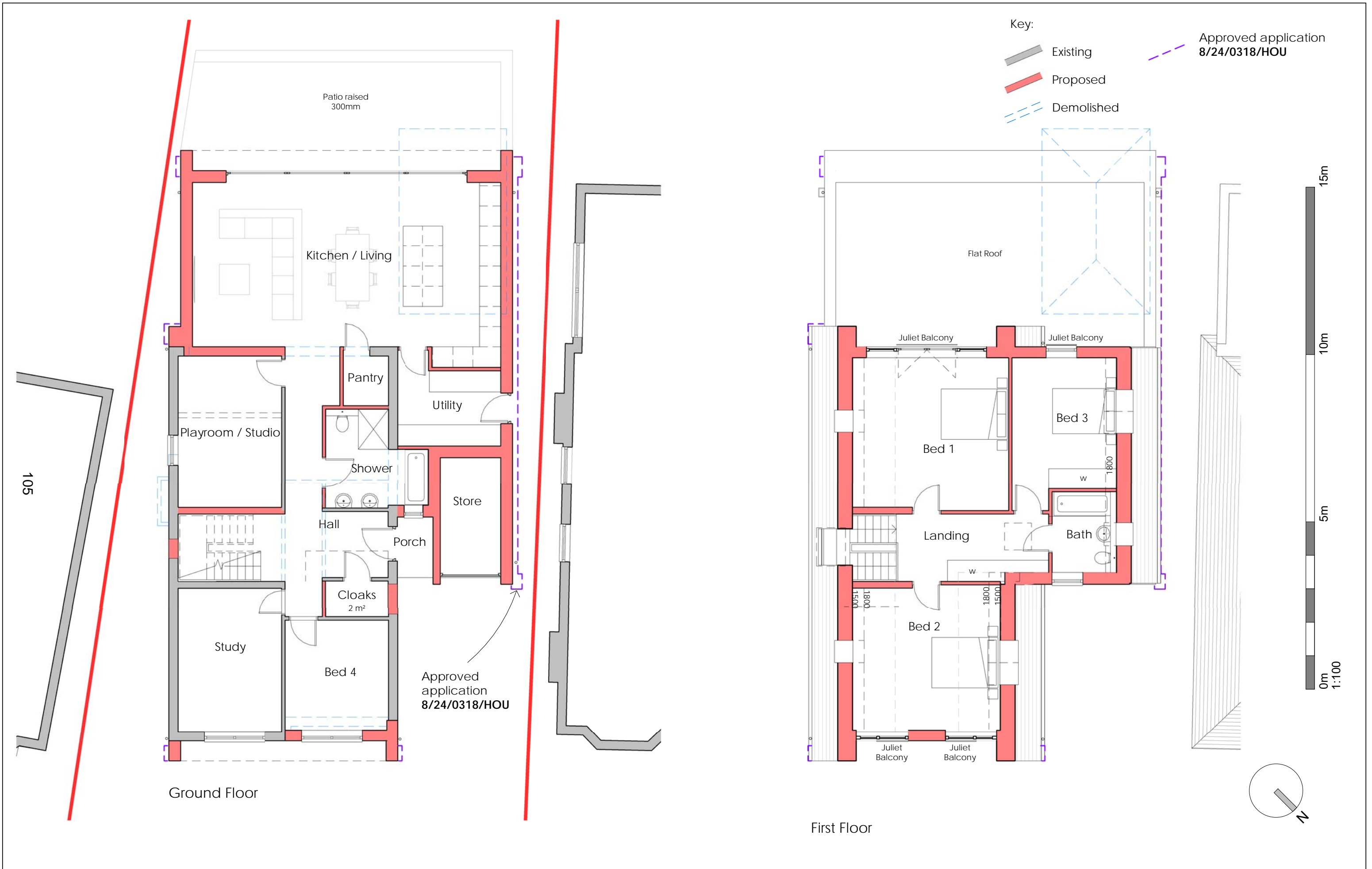
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| Rev | Description | Date |
|-----|------------------------|------|
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| | 44 Minterne Road | |
| | Christchurch, BH23 3LE | |

| | |
|----------------|--------------|
| Site Plan | 101 |
| Project number | 207 |
| Date | 05/03/2025 |
| Scale: | 1 : 200 @ A3 |

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| Rev | Description | Date |
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| A | Apprv'd outline rev | 18 03 25 |

Mr & Mrs Lydka
44 Minterne Road
Christchurch, BH23 3LE

Proposed Plans

Project number 207
Date 05/03/2025

Scale: 1 : 100 @ A3

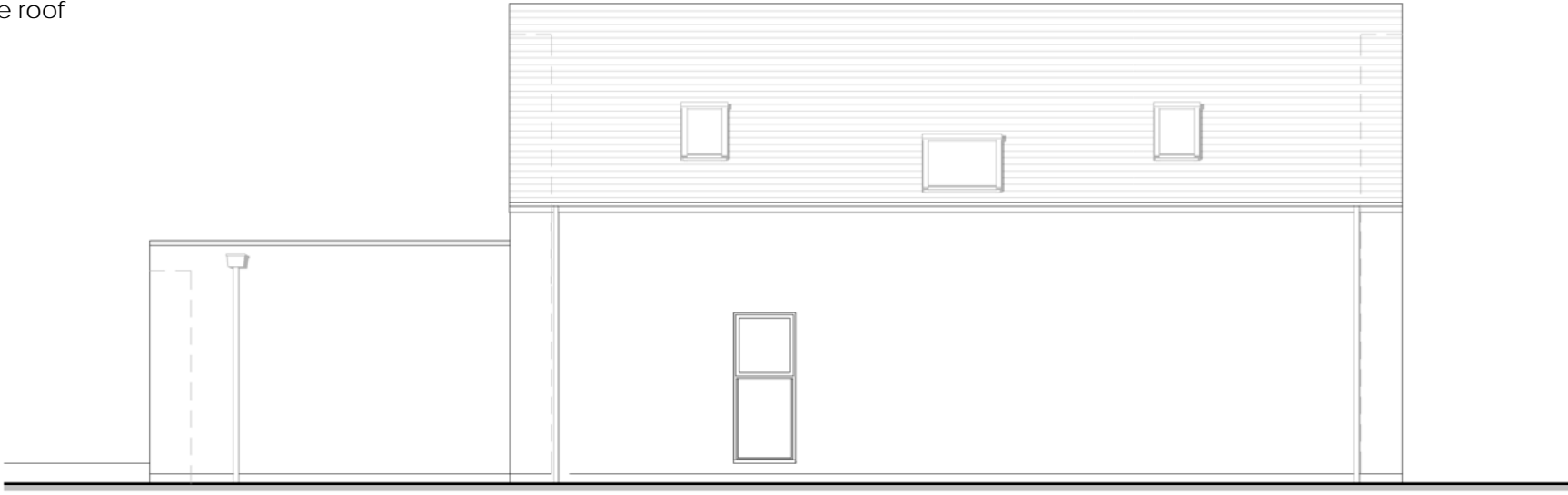
102 A

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- Materials:
- ① White roof trim
 - ② White painted sand & cement render
 - ③ Slate roof

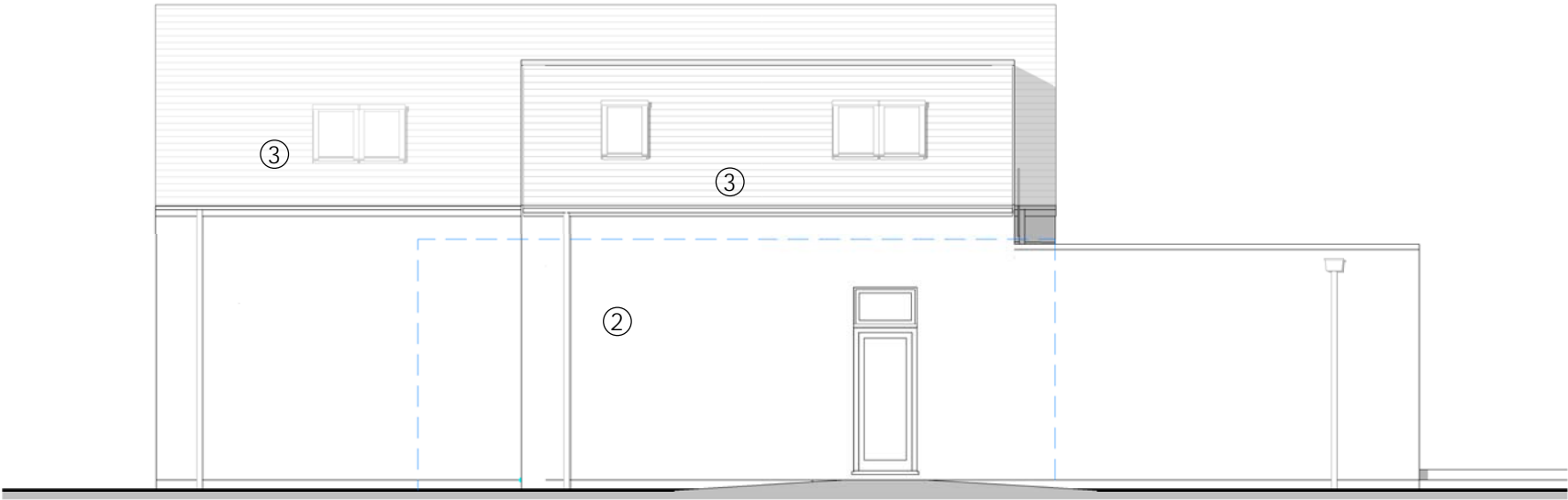


North East Elevation (Front)

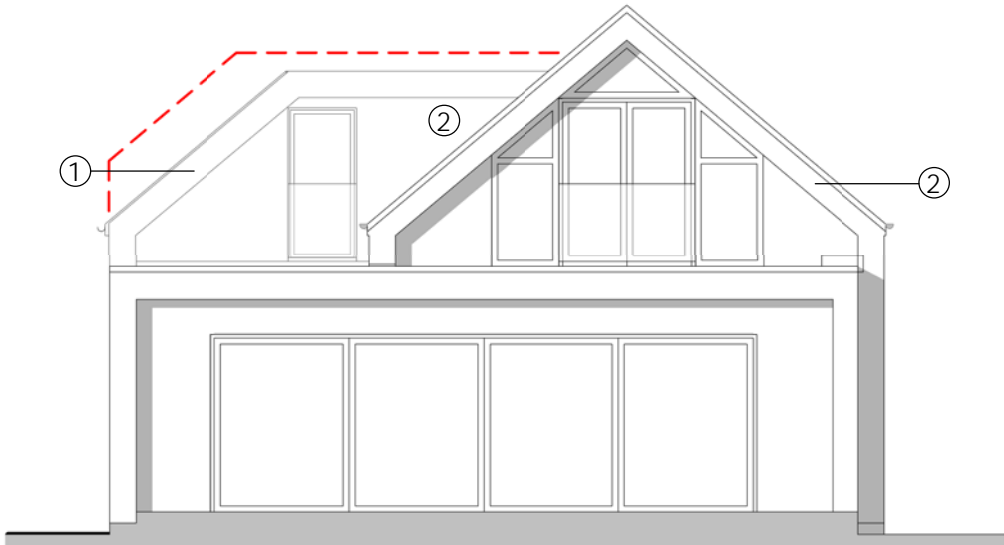


South East Elevation

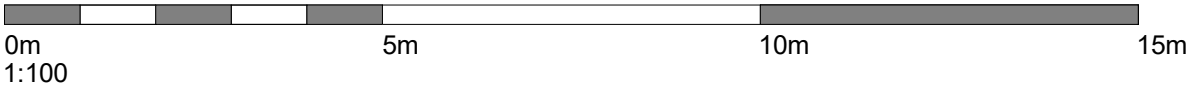
- Key:
- Existing house
 - Approved application **8/24/0318/HOU**
 - Refused application **8/24/0720/HOU**



North West Elevation



South West Elevation (Rear)



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| Rev | Description | Date |
|-----|---------------------|----------|
| A | Apprv'd outline rev | 18 03 25 |

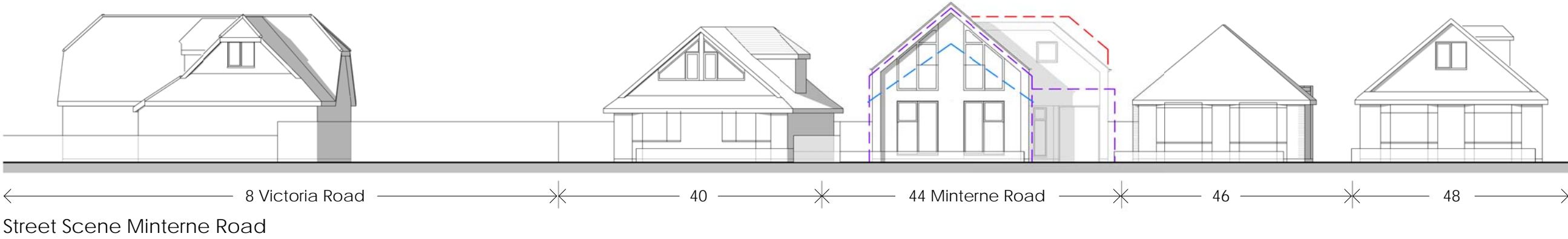
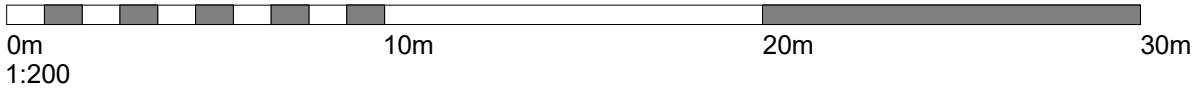
Mr & Mrs Lydka
44 Minterne Road
Christchurch, BH23 3LE

Proposed Elevations


103 A


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| Project number | 207 |
| Date | 05/03/2025 |
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Key:

 Existing house

 Approved application **8/24/0318/HOU**

109



Nearby planning precedent: 14 Victoria Road - 8/21/0697/FUL - Flat roof side extension (Plans4home)



Nearby planning precedent: 12 Victoria Road - 8/23/0088/FUL - Mansard / flat roof side extension (Dot Architecture Ltd)

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|------------------------|
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Street Scene Elevation

| | |
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| Project number | 207 |
| Date | 05/03/2025 |

Scale: 1 : 200 @ A3

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