

# Notice of Eastern BCP Planning Committee

Date: Thursday, 22 January 2026 at 10.00 am

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



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## Membership:

### Chair:

Cllr P Hilliard

### Vice Chair:

Cllr M Le Poidevin

Cllr P Canavan  
Cllr J Clements  
Cllr D A Flagg

Cllr M Gillett  
Cllr Dr F Rice  
Cllr J Salmon

Cllr T Slade  
Cllr M Tarling  
Vacancy

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

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

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=6132>

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](mailto:democratic.services@bcpCouncil.gov.uk)

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

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

AIDAN DUNN  
CHIEF EXECUTIVE

14 January 2026

**DEBATE  
NOT HATE**



Available online and  
on the Mod.gov app

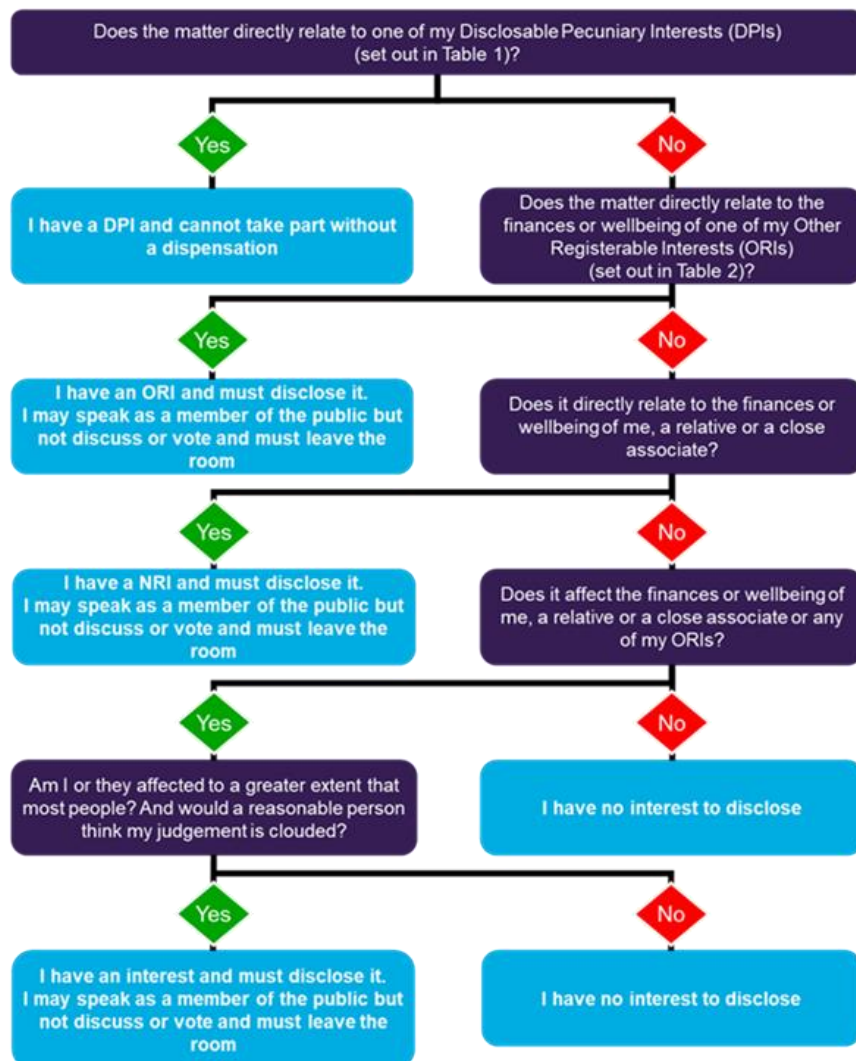


## Maintaining and promoting high standards of conduct

### 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

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

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

### Objectivity

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

### Accountability

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

### Openness

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

### Honesty & Integrity

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

### Leadership

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



# AGENDA

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

## 1. Apologies

To receive any apologies for absence from Members.

## 2. Substitute Members

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

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

## 3. Declarations of Interests

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

Declarations received will be reported at the meeting.

## 4. Confirmation of Minutes

7 - 10

To confirm and sign as a correct record the minutes of the meeting held on 18 December 2025.

## 5. Public Issues

11 - 18

To receive any requests to speak on planning applications which the Planning Committee is considering at this meeting.

The deadline for the submission of requests to speak is 10.00am on Wednesday 21 January 2026 [10.00am of the working day before the meeting]. Requests should be submitted to Democratic Services using the contact details on the front of this agenda.

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

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

### Summary of speaking arrangements as follows:

Speaking at Planning Committee (in person or virtually):

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

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

Anyone who has registered to speak by the deadline may, as an alternative to speaking/for use in default, submit a written statement to be read out on their behalf. This must be provided to Democratic Services by 10.00am of the working day before the meeting, must not exceed 450 words and will be treated as amounting to two and a half minutes of speaking time.

Please refer to the full Protocol document for further guidance.

Note: The public speaking procedure is separate from and is not intended to replicate or replace the procedure for submitting a written representation on a planning application to the Planning Offices during the consultation period.

## **ITEMS OF BUSINESS**

### **6. Schedule of Planning Applications**

To consider the planning applications as listed below.

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

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

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

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

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

<https://www.bcpCouncil.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>

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|----|--|-----------|
| a) | <p><b>Vitality Stadium, Kings Park Drive, Bournemouth BH7 7AF</b></p> <p>Littledown and Iford ward</p> <p>P/25/03733/FUL</p> <p>Erection of new perimeter fence line including turnstiles, extension of West Stand (not general admission seating), foundations for new South Stand, creation of enlarged outside broadcasting area and away team coach parking, realignment of combined pedestrian / cycle path, landscaping and associated works. Includes demolition and relocation of existing buildings and structures.</p> | 19 - 116  |
| b) | <p><b>Westover Retail Park, Castle Lane West, Bournemouth BH9 3JS</b></p> <p>Moordown ward</p> <p>P/25/02274/FUL</p> <p>Redevelopment of the Westover Retail Park to provide a Class E(a) retail store with associated parking, landscaping and access works.</p>  | 117 - 190 |
| c) | <p><b>The Beach House Cafe, Mudeford Sandbank, Bournemouth BH6 4EN (P/25/03404/FUL application)</b></p> <p>East Southbourne and Tuckton ward</p> <p>P/25/03404/FUL</p> <p>Change of Use from open space to Class E(b) and the siting of 8 picnic benches in connection with the adjacent Beach House Café.</p>   | 191 - 210 |
| d) | <p><b>The Beach House Cafe, Mudeford Sandbank, Bournemouth BH6 4EN (P/25/04071/CONDR application)</b></p> <p>East Southbourne and Tuckton ward</p> <p>P/25/04071/CONDR</p> <p>Variation of conditions 1 and 2 of Planning Application 7-2021-11229-N To change period of continued use and conditions of the removal<br/>Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food &amp; refreshments - Existing unauthorised.</p>       | 211 - 230 |



e)	<b>65A Richmond Wood Road, Bournemouth, BH8 9DQ</b> Queens Park ward  P/25/03589/FUL  Change of use from dwellinghouse (Class C3) to Sui generis eight person HMO.	231 - 254
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## ITEMS FOR INFORMATION

<b>7.</b>	<b>Appeals Report</b>  This report updates Members of the Planning Committee on the Local Planning Authority's Appeal performance over the stated period.	255 - 268
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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.

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**EASTERN BCP PLANNING COMMITTEE**

Minutes of the Meeting held on 18 December 2025 at 10.00 am

Present:-

Cllr P Hilliard – Chair

Cllr M Le Poidevin – Vice-Chair

Present: Cllr P Canavan, Cllr D A Flagg, Cllr M Gillett, Cllr Dr F Rice,  
Cllr J Salmon, Cllr T Slade and Cllr M Tarling

72. Apologies

Apologies were received from Cllr J Clements.

73. Substitute Members

There were none.

74. Declarations of Interests

Cllr J Salmon reported that he was the applicant for Agenda Item 6d. As this was a disclosable pecuniary interest, he did not participate in this item and left the meeting room at the conclusion of the preceding application.

75. Confirmation of Minutes

The minutes of the meeting held on 20 November 2025 were confirmed as an accurate record and signed by the Chair.

76. Public Issues

There were a number of requests to speak on planning applications as detailed below.

77. Schedule of Planning Applications

The Committee considered four planning application reports, copies of which had been circulated and which appear as Appendix A and D to these minutes in the Minute Book. A Committee Addendum Sheet was published on 17 December 2025 and appears as Appendix E to these minutes

78. Purbeck Court, 65-67 Boscombe Overcliff Drive, Bournemouth BH5 2EN

Boscombe East and Pokesdown ward

7-2024-3914-D

Outline application with some matters reserved for demolition of the existing building of flats and garages and erection of a 6 storey building consisting of 17 x 2-bed flats and 5 x 3-bed flats with underground parking, swimming pool and gym spa complex, associated bin and cycle storage and the erection of a detached dwelling fronting Rotherfield Road with associated access and parking.

Public Representations

Objectors

- ❖ Karina Digby-Jones (on behalf of herself, Tim Jones, Ian Corica, Andrew Holdsworth, Jon Dean, Paul Bentley, Jackie Bentley, Douglas Wright and Mhairi Wright, of 'Aquarius', 63 Boscombe Overcliff Drive)

Applicant/Supporters

- ❖ Matt Annen, on behalf of the applicant

Ward Councillors

- ❖ None registered

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

Voting: For – 6, Against – 1, Abstain – 2

79. Silverways, Silver Way, Christchurch BH23 4LJ

Highcliffe and Walkford ward

8/25/0059/FUL

Extension to existing nursing home

Public Representations

Objectors

- ❖ None registered

Applicant/Supporters

- ❖ Doug Furnish, the applicant
- ❖ Giles Moir, on behalf of the applicant

Ward Councillors

- ❖ None registered

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

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



80. 3 Nursery Road Bournemouth BH9 3AS

Moordown ward

P/25/01133/FUL

Proposed 1No Two Storey Dwellinghouse

Public Representations

Objectors

❖ None registered

Applicant/Supporters

❖ None registered

Ward Councillors

❖ Cllr K Salmon (to explain that although she was constitutionally unable to withdraw her call in at this stage the issues raised on behalf of the local resident had now been successfully addressed)

**RESOLVED to GRANT permission in accordance with the recommendation set out in the officer's report, as updated in the Committee Addendum dated 17.12.25**

Voting: Unanimous

Note: In accordance with Cllr J Salmon's declaration of interest, Cllr J Salmon and Cllr K Salmon both left the meeting at the end of this item.

81. 6 Ripon Road, Bournemouth BH9 1RD

Winton East ward

P/25/04115/HOU

Demolition of garage and rear single storey lean-to and construction of a single storey rear extension

Public Representations

No speakers registered

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

Voting: Unanimous

82. Appeals report

The Committee considered a joint report from the Development Management Managers, a copy of which had been circulated and which appears as Appendix F to these minutes in the Minute Book

The report was for noting and provided an update on the Local Planning Authority's appeals performance over the stated period. The Committee was advised that the Local Planning Authority was performing within target. The report also provided a short summary of why two appeals in the month of June had been allowed.

The Development Management Manager responded to a question about the costs associated with the appeals process. He explained that for most appeals the costs related to officer time. It was noted that the Planning Inspectorate had recently taken steps to make the process more straightforward and less onerous for all. Public inquiries were generally more costly. The process followed when an application for costs was made was also explained.

Members agreed that the Planning Team should be commended for their efforts in reducing the percentage of appeals allowed and performing within target.

The meeting ended at 11.55 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](mailto: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](mailto: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](mailto: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](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing)

## **Note**

For the purpose of this protocol:

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

Adopted by the Planning Committee on 17.11.22 and updated on 20.7.23



# Planning Committee

Application Address	Vitality Stadium Kings Park Drive Bournemouth BH7 7AF
Proposal	Erection of new perimeter fence line including turnstiles, extension of West Stand (not general admission seating), foundations for new South Stand, creation of enlarged outside broadcasting area and away team coach parking, realignment of combined pedestrian / cycle path, landscaping and associated works. Includes demolition and relocation of existing buildings and structures.
Application Number	P/25/03733/FUL
Applicant	AFC Bournemouth
Agent	Savills
Ward and Ward Member(s)	<p>Littledown and Iford ward,</p> <p>Cllr Bobbie Dove</p> <p>Cllr Lawrence Williams</p>
Report Status	Public
Meeting Date	22 January 2026
Summary of Recommendation	<p>To GRANT permission for the reasons as set out in this report subject to:</p> <p>a) the conditions (as listed under 'Conditions') with power delegated to the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated</p>

	<p>officer) does not go to the core of the decision; together with</p> <p>b) The satisfactory agreement of and completion of a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified:</p> <p>And to;</p> <p>c) Authorise the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to refuse planning permission in the event of a S106 legal agreement not being completed within six months of the date of the committee resolution (unless a longer period is agreed by officers on behalf of the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) and confirmed in writing by the Local Planning Authority.</p>
Reason for Referral to Planning Committee	As per paragraph 2.3.4 of the Council's Scheme of Delegation, applications where the council is the applicant or landowner and with 10 or more representations that meet the criteria under paragraph 2.3.8 and are not an application listed under 2.3.7 need to go to committee.

	<p>The Council is the landowner on parts of this site.</p> <p>25 representations were received and they fulfil the criteria under paragraph 2.3.8 in that they are from addresses within one mile of the site, was received within the site notices period, identifies one or more issues that are material considerations, where more than one rep from the same address is counted if they raise different material considerations, have not been withdrawn prior to deciding whether the application needs to go to planning committee and 19 representations are contrary to the case officer recommendation.</p> <p>The application is not listed under 2.3.8 in that it is not a Permission in Principle, a Lawful development certificate, Prior Approval or Prior Notification, or a non material amendment. It is a major planning application.</p>
Case Officer	Frances Summers BA Hons, MSc, MRTPI
Is the proposal EIA Development?	No

### **Description of Proposal**

1. The proposal comprises a package of enabling works, forming the initial phase of a wider programme of stadium development. These works are specifically intended to facilitate the subsequent application which seeks to deliver an increase in spectator capacity (from c. 11,000 spectators to c.20,500 spectators) through the expansion and construction of stands.
2. The applicant has separated the submissions to reflect operational requirements associated with the football calendar. The enabling works are programmed to be undertaken during the football season (August–May), as these preparatory measures can be implemented without prejudicing matchday operations. In contrast, the capacity enhancement works, involving the erection of new spectator stands, are scheduled for the closed season (June–August), when the stadium is not in use.
3. By securing approval for the enabling works in advance, the applicant gets more certainty that the works can be delivered efficiently before the closed season, freeing up the closed season for additional capacity work.

4. Notwithstanding the applicant's wider intentions, the current proposal must be assessed on its own merits and without presumption that the subsequent capacity enhancement application will be granted consent or brought forward for implementation.
5. The wider redevelopment project is split into 3 phases as shown below, this proposal forms phases 1 and 2:
  - Phase 1 – Enabling Works: This will include relocation of boundary fencing, diversion of the cycle and pedestrian path, reconfiguration and loss of 161 car parking spaces, and provision of ancillary infrastructure, coach parking, and an outside broadcasting area. This phase does not propose any increase in stadium capacity.
  - Phase 2 – South Stand Foundations: groundwork and install footings for the future south stand. This phase does not propose any increase in stadium capacity.
  - Phase 3 (separate planning application) – Capacity Expansion: The final application will address the proposed increase in spectator capacity, achieved through demolition and reconstruction of the south stand, alongside extensions to the north and east stands, and the creation of a ticket office and fan zone.
6. This application includes the following:
  - **Foundations for south stand** covering 1757sqm, positioned directly behind the current temporary south stand. The existing South Stand currently provides 2,237 general admission seats. This existing structure is of a temporary nature and operates under a time-limited planning permission that ends in 2028. The present application seeks consent for the installation of piling foundations, pile caps, and ground beams in anticipation of a future expansion proposal for the redevelopment of the South Stand into a permanent facility. The rationale for undertaking these works at this stage is to enable the club to commence development during the active football season without adversely affecting the spectator experience, thereby reserving the closed season for the redevelopment of the remaining stands.



- **Creation of outside broadcasting compound** measuring 1,564 sqm, including glass reinforced plastic (GRP) (units that house the cabling and wiring connections required by broadcasters and other media channels in order to broadcast the games), facilities, a toilet block, and Hawk-Eye systems (goal line technology). The area is where TV broadcasters vehicles will park and obtain access to drainage, waste disposal, recycling, male and female toilets with hot running water, working lights and an unobstructed view of the southern horizon as is required for the Premier League. It also requires 20 parking spaces within close proximity which is achieved at the south or west car park. On non match days the area will be empty with a fence around it, on match days there will be vehicles parked within the area.
- **Diversion of combined cycle and pedestrian path** between Harewood Avenue and Kings Park Drive to allow for the extension of the south stand and the creation of the OB compound. The path is not a right of way, it will be diverted and surfacing, size will be similar to the current standards.
- **Coach parking area** of 125.4 sqm located within the stadium fence line.
- **BNG planting** on council owned land.
- **Beryl Bike station and three sets of Sheffield stands for cycle parking** in various locations.
- **New stadium perimeter fence line** with 44 turnstiles (the existing fence line will be extended further out from the stadium to incorporate the turnstiles and provide additional space).
- **Extension of the west grandstand** through infill structures to accommodate hospitality facilities and TV broadcasting areas. The terraces at the top floor restaurant and Bubbles Lounge would be enclosed to create an additional 184sqm of hospitality space. The gaps between the back of the West Stand seating and the main west stand would be enclosed to create 144sqm of additional floor space to allow for additional TV broadcasting space – a requirement of the Premier League. Two new lifts would also be created to access ground, first and second floors.

- **Loss of 161 car parking spaces** to accommodate new fence line and path next to fence line. Net loss of 155 once enabling works is complete.

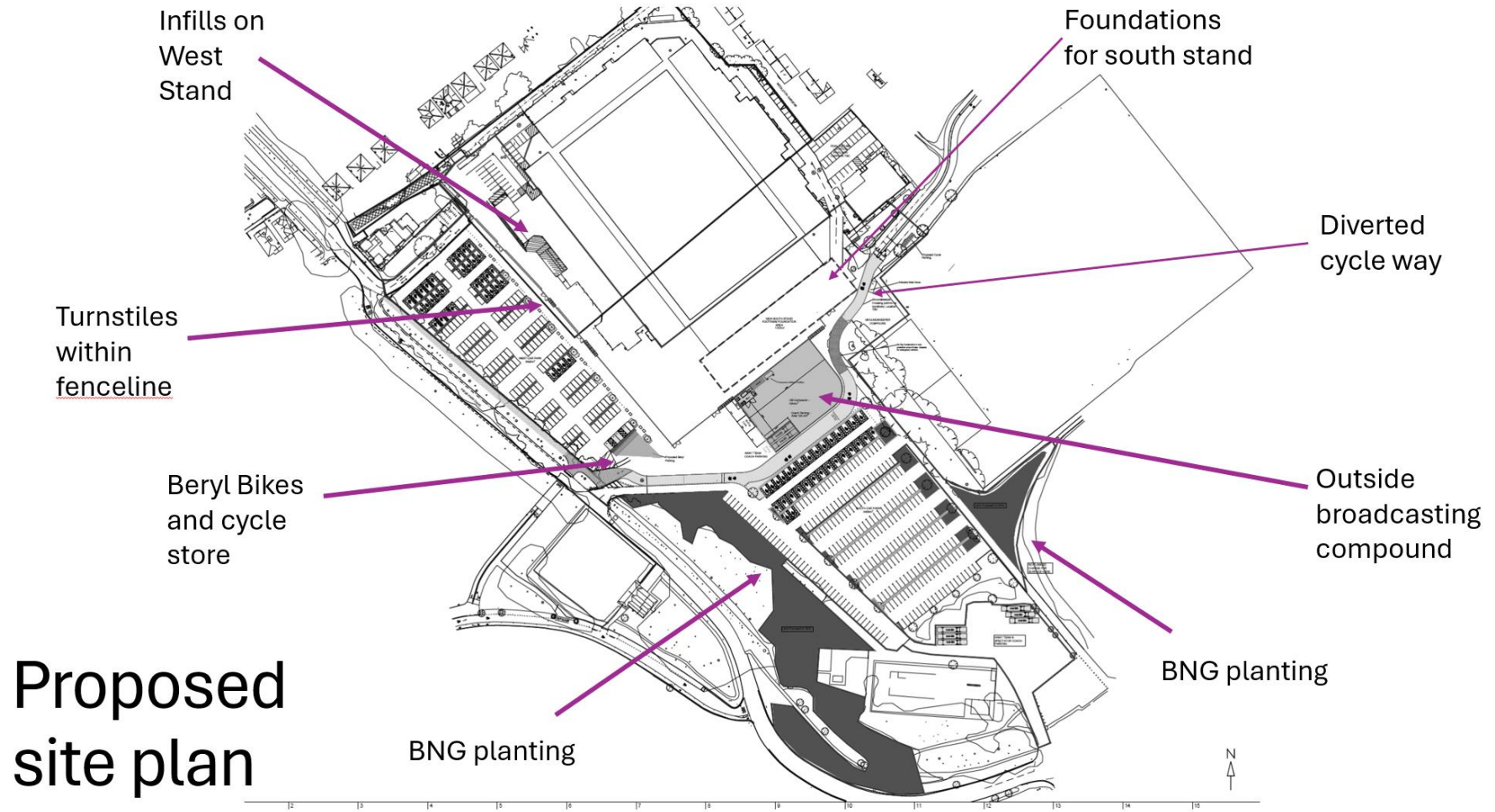


Figure 1: Site plan

## **Description of Site and Surroundings**

7. Vitality Stadium is situated within Littledown and Iford Ward, in Kings Park, which sits between the residential areas of Littledown, Boscombe, Pokesdown and Springbourne. The Park functions as a vital natural space and a “green lung” for the urban community, and it is safeguarded under the Five Parks Act and Local Plan. The stadium has a long-established and widely recognised role as a professional football ground. To the immediate north and west, the site borders residential neighbourhoods.
8. The stadium is close to transport links, with Pokesdown Railway Station nearby, well-established bus routes, and a combined cycle and pedestrian path running along its southern boundary. This path is heavily used by both local residents and commuters, with daily usage exceeding 900 people. In addition, council-owned car parks are located to the west and south of the site, further supporting accessibility.
9. The grounds are characterised by landscaping and mature trees, including notable specimens of the Cherries, a nickname for AFC Bournemouth. This vegetation enhances the verdant quality of the setting, contributing to the leafy character of the wider park and reinforcing its integral role within the natural environment.

## **Relevant Planning History**

10. There is an extensive planning history for the stadium, applications listed below are selective and highly relevant to this proposal.

Reference	Address	Proposal	Decision	Decision date
P/25/01457/PAP	AFC Bournemouth Football Club Vitality Stadium Bournemouth BH7 7AF	Expansion Project	Written response given	05/09/25

P/25/02400/SCRN	AFC Bournemouth Football Club  Vitality Stadium  Bournemouth  BH7 7AF	EIA Screening Request for expansion of Vitality Stadium	Written response given	18/08/25
7-2023-4667-BJ	A F C Bournemouth  Vitality Stadium  Kings Park Drive  Bournemouth  BH7 7AF	Erection of a temporary food and beverage outlet, associated covered area and associated works (part retrospective)	Granted	23/02/24
7-2016-4667-BC	AFC Bournemouth Dean Court Kings Park	EIA Screening Opinion in respect of replacement of the South stand	EIA not required	04/04/16
7-2015-4667-AY	AFC Bournemouth  Kings Park	Variation of condition no. 2 of application 7- 2012-4667-AV and condition no. 8 of application 7-2013-4667-AX to relocate cycle stands	Granted	11/03/15
7-2013-4667-AX	Goldsands Stadium AFC Bournemouth Kings Park	Erection of a temporary South stand	Granted	08/07/13
7-2012-4667-AU	AFC Bournemouth	Construction of car park adjacent to the east stand	Granted	13/11/12

	Dean Court Kings Park	(Existing unauthorised)		
7-2010-4667-AM	AFC Bournemouth  Dean Court Kings Park	EIA screening opinion for South Stand Development and Masterplan	Written response given	10/11/10
7-2006-4667-AK	AFC Bournemouth Dean Court Kings Park	Environmental Impact Assessment screening for residential development on land to the east of the stadium and outline submission for hotel, stadium stand and leisure complex	Written response given	12/10/06
7-2005-4667-AH	Kings Park Drive  Dean Court  Fitness First Stadium	Use of land adjacent to stadium and concourse beneath stands for the holding of a weekly Sunday Market	Refused after being recommended for approval due to noise impacts on neighbours – EHO had concerns	10/01/06
7-1996-03625-O	Kings Park  Athletics Centre	Erection of ten 18m high floodlights - Regulation 3.	Granted	10/06/96
7-1995-04667-X	Kings Park Drive  Dean Court Football Ground.	Erection of stadium with ancillary facilities and incorporating public house. Formation of car parking areas	Granted	18/03/96

		and part-repositioning of model railway track.		
7-1992-04667-V	Kings Park Drive Dean Court	Alterations and single storey extensions to football stadium to form physio/treatment room, first aid room and police briefing room.	Granted	09/11/92
7-1992-04667-T	Kings Park Drive Dean Court Football Ground	Use of car park area of Football Ground as open air market	Refused	16/03/92

### **Constraints**

11. The site has following constraints:

- BCP Car Park
- Surface water flood risk (1 in 1000 shown below from EA website)

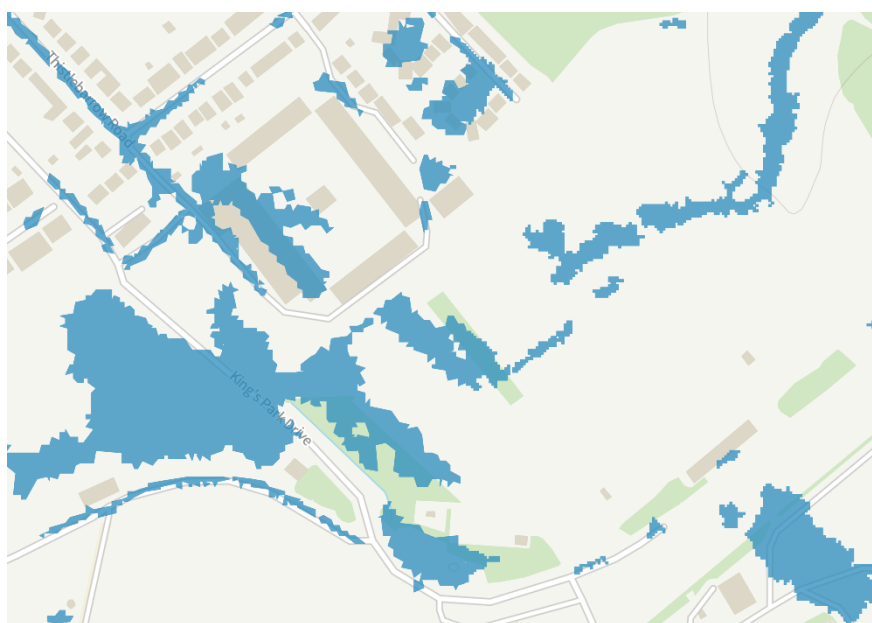


Figure 2: Surface water flood risk

- Open space designation in Local Plan
- Five Parks Act
- Cemetery to the south of the site
- Site is within recreational and natural setting of Kings Park
- Combined cycle/pedestrian route to immediate south of stadium
- Site was previously land fill
- Protected trees along northern and eastern boundaries.

### **Public Sector Equalities Duty**

12. 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**

13. In considering whether to grant planning permission or permission in principle for development which affects a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.
14. 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”.
15. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area



(including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

16. The Town and Country planning (Environmental Impact Assessment) Regulations 2017 (as amended) specifies that certain types of developments should be subject of an Environmental Impact Assessment.
17. 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.
18. 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.
19. 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**

- BCP Ecology – no objection subject to condition
- BCP Economic Development – no comment relevant to this proposal
- BCP Environmental Health – no objection subject to conditions
- BCP Greenspaces – no objection subject to condition / obligation
- BCP Highways – objection due to diversion of combined cycle/pedestrian path though acknowledges proposal is next best solution. Conditions and S106 required for loss of car parking construction of cycle path.

- BCP Lead Flood Authority/ Drainage – no objection subject to condition - comments provided verbally
- BCP Planning Policy – advice given – no objection
- BCP Waste & Recycling – no objection - comments provided
- Dorset & Wilts Fire & Rescue – no objection - comments provided
- Dorset Police Crime Prevention Design Advisor – no objection subject to adherence to advice provided
- Dorset Wildlife Trust – no comments received
- NHS Dorset (DCCG – Dorset Clinical Commissioning Group) – no comments received
- Public Health Dorset - no comments received
- Wessex Water – no comments received
- Sport England – no objection
- BCP BNG – no objection subject to condition - comments provided
- BCP Urban Design – concerns regarding security, visual clutter and the lack of soft landscaping
- Natural England - no comments received
- BCP Conservation (Heritage) - no heritage considerations required
- BCP Trees & Landscaping - objection to loss of cherry trees.
- Go South Coast – support.

### **Representations**

20. A site notice was posted outside the site with an expiry date of 29 October 2025. 19 letters of objection, 4 letters of support and 2 comments were received.
21. Many comments relate to the upcoming expansion proposal which AFCB have been consulting on through public consultation, though not relevant to this proposal, there will be a separate opportunity for public consultation on the expansion proposal during the determination of that planning application.

This application relates solely to landscaping, diversion of the cycle and pedestrian path, loss of car parking and other works necessary to facilitate the large redevelopment of the stadium.

22. The comments of support raised the following points:

- Would put the town on a map
- People moved into the area knowing that there was a stadium nearby
- AFCB went through a thorough and transparent consultation process
- Support the notion of stadium expansion in principle
- Support the plans for the south stand that will not impact neighbours
- The works are necessary to facilitate the future expansion of the stadium
- Will bring huge economic benefits to the area
- The works are designed to ensure the stadium expansion can be done faster and in a manner sensitive towards local residents
- Has been carefully planned to ensure the main stadium works are practical and deliverable
- Support corner infills for less noise leakage
- Support for enlargements to the south stand which will increase capacity by 50% and not interfere with local residents.

23. The general comments raised the following points:

- Query regarding what parking will be like on local roads
- Query regarding why the plans are not to extend the admission seating on the West Stand as the club has recently acquired the land here where the car park is, and this would not impact local residents.

24. The comments of objection raised the following points which have been categorised into topics.

Amenity:

- There is no upside for local residents

- Club's assessment of a 20-30% loss of light is concerning which would be towards the front of the dwellings where the living rooms lie along Middleton Gardens
- Increased footfall will result in disturbance to residents
- Concerns regarding litter on match days
- Loss of light and overshadowing from current structure being made larger into neighbouring properties
- Noise pollution will increase not only for matches but other events that the club is hired out for which have been unacceptable in noise impacts previously where they have not complied with permits
- Many objectors are club fans and want them to succeed however the plans are too intrusive to neighbours
- Inappropriate scale of development adjacent to a residential area
- Middleton Gardens will be severely impacted with a loss of light to the front of their dwellings.

#### Transport and parking:

- There is no parking on match days for residents and many visitors park illegally
- No parking increase to match the seating increase so will have negative impacts on the surroundings
- There needs to be more park and ride provision, the club does not have a clear strategy to encourage people not to drive at present
- Will worsen congestion, and pose highway safety risks
- Needs a clear parking strategy
- Residents permits need consideration and the club should pay for these

#### Design:

- Out of keeping with the residential environment

- Proposed design of the east stand is vastly overdeveloped and a complete step change in comparison to the current context of the stand
- The plan to expand the East and North Stands is too aggressive for the space available and not in keeping with the current quiet residential character of the area.
- There are other stands within the stadium complex that do not border residential areas and could be expanded more appropriately without causing such disruption
- Consideration of a West Stand expansion and smaller east stand expansion would be better as it would have no amenity impacts but still meet the needs of the club.
- Design and height of new stand will create overlooking into private gardens and windows.

#### Environment:

- This is a former landfill so concerns regarding release of hazardous gases during construction.
  - Disturbance to residents during construction
  - Impacts from air pollution and dust during construction would be harmful
  - Concerns over construction traffic causing congestion
25. Within the objections section, some comments were also received that are not material planning considerations, namely the negative impacts on property prices.
26. Cllr Armstrong raised concerns from her residents regarding the following:
- Respecting the 5 Parks Act
  - Use and future ownership and custodian ship of the land
  - Protection of trees and biodiversity
  - Parking concerns due to huge increase in numbers of cars coming to the area
  - Congestion and traffic fumes

- Impact on lighting and privacy in people's gardens and homes
  - Germination sheets and lighting that goes on for weeks impacts on residents sleep as well as birds and animals.
  - What are AFCB doing to invest in communities effected? Any play equipment being provided?
  - Is CIL being paid and will it be divided by the 3 ward areas
  - What are AFCB doing to compensate communities bearing such big impacts?
27. Please note that again a lot of the comments relate to the main works application and not the enabling works, or land ownership which is not for consideration in this report.

### **Key Issues**

28. The key issues involved with this proposal are:
- Consultation with the public
  - EIA screening
  - Principle of development
  - Impact on the Character of the Area and design
  - Movement and transport
  - Flood risk
  - Contaminated land, construction and noise
  - Biodiversity considerations
29. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

30. 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 following:

Bournemouth Core Strategy 2012

- CS1 – presumption in favour
- CS3 – Sustainable energy and heat
- CS4 – Surface water flooding
- CS5 – Promoting a healthy community
- CS6 - Delivering Sustainable Communities
- CS12 – Retaining community uses
- CS13 - Key Transport Routes
- CS14 - Delivering transport infrastructure
- CS15 – Green Travel Plan and Transport Assessments
- CS16 – Parking standards
- CS17 - Encouraging Greener Vehicle Technologies
- CS18 - Increasing Opportunities for Cycling and Walking
- CS30 - Promoting Green Infrastructure
- CS31 - Recreation, Play and Sports
- CS35 - Nature and Geological Conservation Interests
- CS38 - Minimising Pollution
- CS41 - Quality Design

Bournemouth District Wide Local Plan 2002 (saved policies)

- Policy 3.20: Contamination
- Policy 3.28: Flooding
- Policy 4.20: Access for disabled people
- Policy 4.24: Public Art
- Policy 4.25: Landscaping
- Policy 5.1: Job creation
- Policy 5.2: Development of small business premises
- Policy 5.9: Minor business uses

- Policy 7.10: Sport and recreation facilities
- Policy 7.11: Retention of Sports Facilities at West Hants Tennis Club and Dean Court
- Policy 8.3: Highway improvement schemes
- Policy 8.11: Prejudicing highway improvements
- Policy 8.12: Distributor roads
- Policy 8.20: Rail network
- Policy 8.22: Public car parking spaces
- Policy 8.33: Taxi stands
- Policy 8.39: Accessibility within highway improvement and traffic management schemes
- Policy 8.40: Disabled car parking
- Policy 8.41: Disabled access ramps

#### Supplementary Planning Documents

- BCP Parking Standards SPD (adopted January 2021)
- The Dorset Heathlands Interim Air Quality Strategy SPD (2020-2025)

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

31. 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 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.”

Section 4 - Decision making

Section 6 - Building a strong competitive economy

Section 7 - Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 12 - Achieving well designed places

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

Section 15 - Conserving the natural environment

Section 16 - Conserving the historic environment

## **Planning Assessment**

### **Consultation with public**

32. Paragraph 41 of the NPPF reaffirms the importance of engaging with the local community. The LPA welcomes the range of consultation activities undertaken to date that include engagement with local stakeholders, BCP Councillors and the general public consisting of the following:

- Councillor Briefing sessions held on 30 May at Vitality Stadium and 20 June 2025 on MS Teams.
- A local Residents' Briefing held on Tuesday 15 July 2025, 6pm-8pm at Vitality Stadium. Invites were sent to residents' living around Kings Park.
- A full public consultation event held at the stadium on Monday 21 July 2025, 2pm-8pm at Vitality Stadium. Fans, local residents and all those interested in the proposals were welcomed.

33. The feedback communicated to the council by the club suggests a high level of support for the stadium expansion and comments specifically relating to the enabling works to which this application relates were as follows:
- The combined pedestrian-cycle route should be kept open and any diversion minimised;
  - Access arrangements to the stadium via the new perimeter fence line and turnstiles on matchday and non-matchdays should be clarified;
  - The Bournemouth Park Run route involves a section of the combined pedestrian-cycle route to the south of the stadium. The ability to use this should be maintained;
  - Welcome the perimeter fence for improved socialising at the Stadium and turnstiles to improve access and movement, but the fence shouldn't restrict access to the club shop or take away from the community feel.
34. The proposal therefore accords with Paragraph 41 of the NPPF in that the applicant has fulfilled the duty to consult with the public prior to submitting the scheme for determination.

#### EIA screening

35. The proposal was screened for Environmental Impact assessment (P/25/02400/SCRN). It was concluded that an Environmental Statement was not required in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The overall conclusions of the EIA screening were that some adverse effects were potential, but none could not be overcome by way of conditions.

#### Principle of development

##### *Economic benefit*

36. The NPPF Sections 6 (building a strong, competitive economy) and 8 (promoting healthy and safe community) encourage the retention and development of existing sporting venues to support the economy and healthy lifestyles.
37. Paragraph 85 of the NPPF states "...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.”. The scheme submitted consists of enabling works to support the wider redevelopment of the stadium, in this sense the works help support productivity and would take account of the business needs.

38. The enabling works would create 15 jobs through construction, c.10 stewards (on the day before a match and on the day of a match) and c.5 security (24/7). Additionally, it is estimated to have construction GVA directly and indirectly associated with construction employment of approximately 2.5 million.
39. The scheme meets the objectives of section 6 of the NPPF and paragraph 85 of the NPPF with respect to its economic benefits and supporting of an existing business.

*Open space, recreation and impact on Kings Park*

40. The site is within the setting of Kings Park that has long been identified as a common or important recreational area. It is of strategic importance to the surrounding area as a green space for health but also for social benefits. The Five Parks Act 1985 was introduced to ensure the land was retained for recreational use.
41. Bournemouth District Wide Local Plan states that “*Recreation facilities in Bournemouth include .... stadiums for sporting and athletic events*” (paragraph 7.41). Paragraph 7.42 recognises the valuable assets that new and improved recreational facilities can provide for local residents but also for the promotion of tourism, and paragraph 7.43 recognises AFC Bournemouth as an existing private recreational facility. The plan gives the same weight to public and private recreational facilities.
42. Saved policy 7.10 of the same plan states that “The development or extensions of public or private indoor and outdoor sport and recreation facilities and local community facilities will be permitted throughout the local plan area providing that the benefits arising from the development outweigh:  
  - i) Any adverse effect on the amenities of nearby residents by way of noise, traffic generation or visual intrusion,

- ii) any adverse effects on the natural environment”.
43. The benefits of the proposal is that the new fence creates a secure environment for fans, the outside broadcasting area creates a premier league compliant space for media, the infills to the west stand create new hospitality space and premier league compliant TV broadcasting space. As such the proposals will contribute to improving the existing facilities at the Vitality Stadium.
44. The grounds also suffer from congestion when entering or exiting the stadium often resulting in fans struggling to get to their seat before kick-off. This is because there are only 20 turnstiles which sit within the structure of the building at present, the proposal introduces turnstiles into the fence line and creates 44; an uplift of 24 turnstiles. This change will improve the fan experience.
45. It can be concluded that the proposals provide an improvement to the current recreational facility.
46. Turning to criterion i) of saved policy 7.10, there would be an impact on neighbouring residents by way of traffic generation as the improvements result in the net loss of 155 car parking spaces. This will likely lead to more illegal parking on surrounding streets. This is discussed in more detail in the movement and transport section of the report, to summarise here though, contributions are required to allow for another enforcement officer to assuage illegal parking, once this is secured, by way of a contribution in a legal agreement, the result in neighbouring residents would be alleviated. There would be no visual intrusion given the nature of the works are limited in height with the exception of the infills to the west stand which will not present negative consequences to neighbours along Thistlebarrow Road due to the significant separation distance and orientation of the changes, and there would be no adverse impacts from noise as a result of the development on neighbouring receptors since the number of users of the stadium would not be impacted and the current fan zone would be moved slightly further away from the residential developments towards the area where the new fan zone will eventually be created subject to the subsequent application being approved.

Detailed assessment of these elements can be found in the Neighbouring Amenity section of this report.

47. Turning to criterion ii) of saved policy 7.10, the scheme would provide a net gain of biodiversity and species enhancements by way of providing statutory Biodiversity Net Gain, though some of the gain will be provided by way of purchasing units - this is explained in the biodiversity section of this report. It is concluded that the overall scheme would not have preventable negative impacts on the natural environment.
48. Therefore, the scheme is compliant with saved policy 7.10 of the BDWLP.
49. Policy CS31 of the Bournemouth Local Plan also applies. Policy CS31 states permission should be refused for any loss of public and private open spaces including sports grounds and playgrounds which contribute to the recreational, visual, ecological or environmental value of an area, or contribute to a network of green infrastructure unless the benefits arising from the development outweigh the loss of space.
50. The use of the stadium contributes to the recreational value of the area along with the Leisure Centre, Cricket Pavillion and Athletics Stadium. No loss of recreational space is proposed and in this sense the scheme complies with Policy CS31. Sport England have been consulted and consider the proposals accord with Paragraph 104 of the NPPF and exception 2 of Sport England's Playing Fields Policy.
51. However, the car parks are designated as open space in the Bournemouth Local Plan as shown in green in figure 3.



Figure 3: Open space designation in local plan

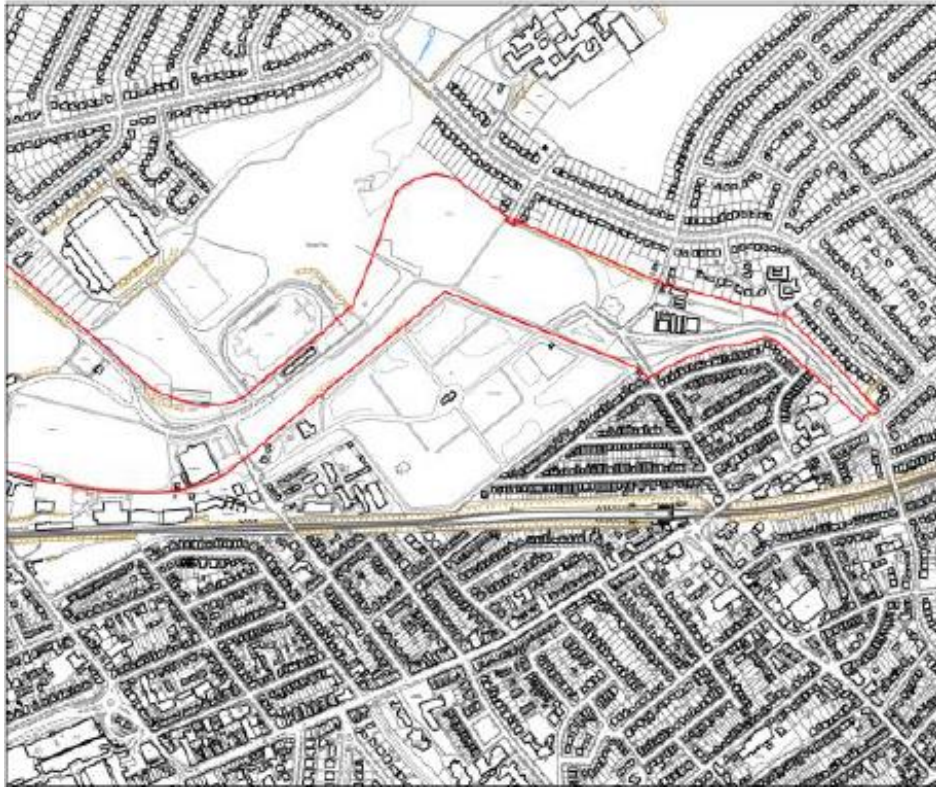
52. While the car parks are designated as open space under policy, these are established parking spaces and their primary function remains vehicle parking.
53. The value of the open space in this area, namely the car parks, lies principally in their visual, ecological, and environmental contribution, consistent with the policy tests of CS31 and their role within the wider green infrastructure network.
54. Existing hedging and planting across the car parks, including Cherry trees, would be affected, with the removal of the trees and some hardstanding required to accommodate the proposal. Notwithstanding this, the land is predominantly hardstanding used for parking. Replacement planting is proposed, with biodiversity net gain (BNG) delivering an overall ecological and environmental enhancement, albeit in different areas. While the visual impact of removing the Cherry trees is acknowledged as adverse, mitigation measures including new planting and the re-provision of Cherry trees elsewhere within the car park, away from the boundary, can be sought by condition. The ecological and environmental value of the site would be

improved through BNG, with enhancements delivered primarily at the site's edges but remaining within the defined red line boundary.

55. The car parks also facilitate access to Kings Park by providing parking for visitors but they are significantly underutilised outside of match days.
56. On balance, the proposed changes would not materially alter the recreational function of the site, nor diminish its contribution to the visual, ecological, or environmental value of the area or the wider green infrastructure network, as assessed against the policy tests of CS31. The harm identified is considered negligible, and the planning balance demonstrates that such harm is outweighed by the overall benefits of the scheme.
57. Accordingly, the proposal is deemed to accord with Policy CS31 and its overarching objectives.

#### *Five Parks Act*

58. In relation to the Five Parks Act, the only part of the proposal that falls within this boundary is the BNG planting.
59. The club will implement the BNG, manage and maintain it. An agreement for works on this land is secured by S106.
60. No part of the development restricts access to and/or is non-compliant with the Five Parks Act land.



*Figure 4: Five Parks Act boundary*



61. The site plan shows the red line boundary. There is an overlap with the Five Parks Act land at the southern end. This includes planting only.



Figure 5: Red line site boundary

62. As shown on the images, there is no conflict with the Five Parks Act.

#### *Combined cycle/pedestrian path diversion*

63. Policy CS31 states that the Council, “through its own strategies and work programmes, and working with developers and other partners will seek to ensure that the quality, quantity, type and location of open space, sports grounds and play-grounds meet demand for recreation and sporting activities.” The current proposal is consistent with this policy objective, as it supports the demand for sporting and recreational activities through the football club. It does not materially compromise parking provision at Kings Park, except on match days, which reflects the existing operational circumstances.
64. Paragraph 117 of the NPPF requires, inter alia, priority to be given to pedestrian and cycle movements, a requirement to address the needs of people with disabilities and reduced mobility, create places that minimise the

scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and allow for emergency vehicles. Bournemouth Core Strategy Policy CS18 and CS14 seek to increase walking and cycling.

65. Policy CS18 states that all new developments shall be well integrated with, and not compromise, any existing or proposed cycling and walking network. Policy CS14 requires new development to ensure that impacts on the existing transport network are mitigated including contributing towards improvements to the existing transport infrastructure.
66. The existing combined cycle and pedestrian route, established by BCP Council, accommodates approximately 900 users per day. The proposed footings for the south stand and the Outside Broadcast (OB) compound would be constructed over the current alignment of this route. Consequently, a diversion is required. The route currently utilises the desire line and the deviation from this has been minimised through discussions with the Council, resulting in a realignment that is as direct as practicable, albeit not consistent with the existing desire line. The Highway Authority has raised objection on the basis that the revised route does not replicate the current desire line, as such it compromises the existing cycling and walking route. However, Highways also acknowledges that, should the proposal be approved, the realignment represents the most appropriate solution available. A planning obligation will secure the quality of this route when diverted. For more information, see the movement and transport section of this report.

#### *South stand footings*

67. The principle of this approach is considered acceptable, subject to the imposition of a condition requiring full restoration of the site in the event that the expansion proposal is not approved or is not implemented.

#### *Conclusion*

68. Overall, the proposed enabling works will contribute to the economy by way of providing a small number of jobs, with a construction GVA of 2.5 million, it accords with saved policy 7.10, CS14, CS18, CS31 of the Bournemouth Core Strategy, The Five Parks Act and Chapter 6 and paragraphs 85 and 117 of

the NPPF and is acceptable in principle subject to other material considerations, as discussed below.

#### Impact on the Character of the Area and design

69. Paragraph 135 of the NPPF guides design of development as does policy CS41 of the Bournemouth Core Strategy 2012.
70. Policy CS41 consists of several tests:
- all development and spaces need to be well designed and of high quality.
  - the scale, density, layout, siting, character and appearance should respect the site and its surroundings
  - development should provide a high standard of amenity to meet the day to day requirements of future occupants
  - the development should contribute positively to the appearance and safety of the public realm.
  - the policy also seeks to ensure enhancements to the character, local distinctiveness, cultural identity, amenities of future occupants and neighbouring residents and to conserve and improve landscape and townscape, biodiversity and habitats.
71. Policy CS40 is also applicable and seeks to provide a “well connected and distributed multi-functional green infrastructure network.
72. Policy CS31 is also applicable and states planning permission for the loss of public and private open spaces should be refused if these spaces “including sports grounds and play grounds...contribute to the recreational, visual, ecological or environmental value of an area or contribute to a network of green infrastructure, except where it is demonstrated to be underused and surplus to requirements and the benefits arising from development outweigh the loss of the space”.

#### *Character of the area*

73. The character of the immediate area is that of a stadium. However, the stadium as it exists now is well greened due to the hedging, trees and planting

amongst the fencelines and car parks. This helps the stadium assimilate with its further surroundings, that of Kings Park.

74. The proposal seeks to remove the greenery of hedging and trees along the fenceline and increase the height of the fence, as such the space would look more utilitarian in nature than at present.
75. The next application includes soft landscaping throughout the car parks which will act to reduce the impact of the built environment. However, should this application not be approved, or it not come to fruition, a condition will require soft landscaping to be secured. The condition will seek to achieve a layering effect throughout the car park that softens the impact of the built form and helps the scheme assimilate into and acknowledge the natural environment of the park. This would also help the scheme achieve compliance with green infrastructure policies.
76. With this condition, the scheme would be compliant with policy CS31, CS41 and CS40 of the Bournemouth Core Strategy.

#### *Layout*

77. At present there is approximately 53m between the edge of the current south stand and the southern car parking spaces.
78. The footings for the south stand will be positioned directly behind the existing south stand, and a proposed OB compound will be constructed a meter or so from the footings. In addition the car parking will be brought closer to the stadium. This will result in an 11m gap between the OB compound and the south car park on which access for emergency vehicles and the combined cycle/pedestrian path will be constructed.
79. The OB compound will include the GRP, welfare facilities and hawkeye equipment. The welfare facilities include toilets which can accommodate more than 450 people and will look like temporary toilets, and the hawkeye equipment will look similar to an iso container from the outside. This is for use by the media, not the general public.
80. The location of the OB compound is the only place on the site that can accommodate the requirements needed for the Premier League. It cannot

extend to the east because it would disrupt the mature trees. And it cannot extend to the west as it would impinge on the fan zone that will be created and create an illogical layout detracting from the focal point that the fan zone and ticketing office will create, and there is not enough space to the east of the stadium to locate the compound.

81. The OB compound would create some visual intrusion and clutter due to the incorporation of the GRP compound, hawkeye unit and toilet block and more fencing. Nonetheless, it's the type of paraphernalia expected to be seen in environments such as a stadium and given its small scale and comparing it to the current visual amenity that already includes a marquee and various iso container structures around, it wouldn't present significant harm. This would be lessened with the introduction of greenery and planting that is to be secured by condition as aforementioned.
82. There are currently many ancillary structures and enclosures on the site. The layout would minimise clutter and consolidate the built form to improve legibility and the setting of the stadium.
83. Owing to its scale, the visual influence of the proposed development will be largely confined to Kings Park, with some limited views extending westward. The Zone of Theoretical Visibility (ZTV) analysis indicates that there will be no intervisibility with designated heritage assets, including Listed Buildings, Conservation Areas, Registered Parks and Gardens, or Scheduled Monuments. Therefore there is no impact on any heritage assets.

### *Materials*

84. In terms of materials, the fence is proposed to be powder coated green with integrated turnstiles which is satisfactory.
85. The West Stand infills are proposed to be re-clad with details secured by condition to ensure they complement the new south stand, east and north stand extensions that will be considered later in the year.
86. Materials for the cycle path will be agreed by condition by Highways to ensure they are suitable for emergency vehicles, cycles and pedestrians.

### *Scale and mass*

87. The height of the fence is 2.4m, significantly higher than at present but this height is required by Dorset Police and the Counter Terrorism team.
88. At present, only 20 turnstiles are in operation, contributing to delays in accessing the venue. The revised arrangement introduces 44 turnstiles within the new fence line, which is expected to significantly improve crowd flow and reduce entry bottlenecks.
89. The provision of a 2.4m fence would not look at odds next to a football stadium. The fence must be certified to one of the following minimum-security standards, or above:
  - LPS 1175 Issue 8 Security Rating B3, or
  - STS 202 Issue 12 Burglar Resistance BR2, or
  - Sold Secure SS323 Silver, or
  - LPS 1673 Issue 1 Attack Rating AR.A180
90. And the turnstiles should meet the LPS 1175 issue 8 B3 Security standards. The security standards provided for perimeter fencing and turnstiles, will provide a secure perimeter for the site, ensuring the public are safe when visiting on match days.
91. These security standards will be conditioned.
92. At present the fence is heavily screened by vegetation as shown in the picture below



*Figure 6: Image showing current fan zone and southern boundary fence with screening*

93. As already discussed, soft landscaping that also accords with the Dorset Police and Counter Terrorism team can be provided by way of condition to mimic such vegetation and to allow assimilation between the Park and the Stadium.
94. Infills to the west stand are proposed to allow for additional hospitality and TV Broadcasting/media studio space.
95. The infills to the west stand would not exceed the existing height of the stadium and as such is satisfactory in terms of height.

#### *Neighbouring amenity*

96. The extant permission (2023) for the existing fan zone included a condition that restricted the use of the zone to protect the environmental amenities of the immediate locality and restricted the location to the South stand. No issues have been raised as a result of the existing fan zone.

97. This fan zone is proposed to be temporarily moved to the corner of west and south stand until the next application comes forward where a new fan zone would be created. Due to the fan zone moving further from residential receptors it is considered this move is satisfactory.
98. The area within the fenceline to be created could become a natural congregation area for fans. As such, noise from this area needs consideration but given fans likely congregate outside of the stadium currently it is not considered the change would create any negative impacts. Nevertheless, a condition will be imposed controlling the hours of use to ensure noise is minimised during unsociable hours.
99. There will be no impacts to neighbours from the OB compound proposal.
100. The introduction of the OB compound results in the need for the cycle and pedestrian path to be diverted. The diversion is not on the desire line as the current combination cycle/pedestrian path is, however it is the next best option given the requirements of the OB compound and does not present material harm to those who use it. Read the Movement and Transport section for more information.
101. The infills to the west stand would not have any impact on neighbouring amenity, they would not present as overbearing, they would not impact on access to natural light and they would not provide any overlooking.
102. As such the proposal is satisfactory with conditions with regards to neighbouring amenity and paragraph 135 of the NPPF and policy CS41 of the Bournemouth Core Strategy.

### *Trees*

103. There are no trees within or adjacent to the application site that are subject to a Tree Preservation Order, nor is the site located within a designated Conservation Area. Furthermore, there are no proposals to remove the mature trees situated along the western and southern boundaries of the car parks.
104. 19 trees are proposed for removal. The main reason for removal is to accommodate the fence without trees next to it, which could act as a climbing



aid to enter the grounds unlawfully. The Council's Arboricultural Officer has raised an objection to the scheme on the basis that Cherry trees currently located along the stadium fence are proposed for removal. These trees are visually prominent specimens which contribute positively to the character and appearance of the locality. In addition, they hold cultural significance for the club, whose nickname derives from the cherry orchards historically associated with the area.

- 105. This loss is not compliant with cultural benefits as such a condition can be appended requiring new Cherry Trees to be planted elsewhere away from the fenceline to be provided within the soft landscaping proposals.
- 106. The overall loss of trees is also contrary to policy but given the replanting of many more trees that accords with BNG legislation this loss is considered acceptable.
- 107. Consequently, the scheme can be made compliant with Policy CS41.

#### *Landscaping*

- 108. In relation to landscaping considerations, Policy CS41 is engaged.
- 109. Landscaping is proposed as part of the expansion application and not part of this application, with the exception of the BNG planting. With regards to BNG planting, the tree officer, open spaces team and ecologist are content with the amended density of the proposed planting to allow for more successful growth and to ensure planting scheme is capable of reinforcing the established character of the locality.
- 110. In addition, the tree officer, ecologist and open spaces team are content with the amended tree species to include more native species aligned with the prevailing arboreal context of Pine and Holm Oak and Lime (though some Scots Pine and Sweet Cherry remain which are non native).
- 111. Protection should be provided in the form of for example, rabbit grates and stakes to stop small trees from being trampled or mowed. The size of trees should be large to give them the best opportunity for success.
- 112. There are areas that are compacted and we would also need detail on how that could be alleviated to again, allow for planting success.

113. From a policy perspective, the proposals would conserve and enhance the landscape character. As such the scheme does not conflict with the requirements of Policy CS41. Accordingly, the landscaping proposals are considered acceptable in policy terms.
114. Owing to its scale, the visual influence of the proposed development will be largely confined to Kings Park, with some limited views extending westward. The ZTV analysis indicates that there will be no intervisibility with designated heritage assets, including Listed Buildings, Conservation Areas, Registered Parks and Gardens, or Scheduled Monuments.
115. Therefore there is no conflict with chapter 16 of the NPPF or Policy CS39 or CS40 of the Bournemouth Core Strategy.

#### *Safety*

116. The NPPF Paragraph 135 requires development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
117. Dorset Police and the Counter Terrorism officers have responded to the proposal and provide some suggestions to further design out crime that is discussed below.

#### *Public realm*

118. A public realm is being created along the west elevation and corner of the west and south stand both inside and outside of the fence line.
119. The area outside of the fenceline is likely to be where people meet and congregate before moving into the fenceline. The away team coaches' egress is via Kings Park Drive, to facilitate this, there will need to be an extended gap to allow access/egress, between the HVM seating bordering this public realm. Removable bollards allow for this movement whilst retaining defence against vehicle borne attacks.
120. In terms of the fence, though it is anti-climb, the fence is not effective as a hostile vehicle mitigation. A line of PAS 68 or ISO 22343 rated bollards or

barriers around the perimeter would give assurances around the impact a barrier could withstand, as well as the distance that any major debris could travel beyond the barrier, creating a safe walkway at the edge of the car park and protecting the sites perimeter from vehicular attack. This will be secured by condition.

121. Creating horizontal deflection in the car park by building up kerbs would force vehicles into compliance and limit the maximum speed they could realistically achieve through the car park, reducing the possible impact of a penetrative vehicle as a weapon attack on the ticketing and accreditation area, or on the fence line. However, transport consultants claim this is not possible to achieve without creating more vehicle congestion. Instead, removable bollards are proposed to stop a fast run up.
122. Dorset Police advise that any public seating or other ways to extend periods of gathering in this area should be discouraged. Fans should be encouraged to enter the site as soon as possible and not to linger outside the fence line. However, in practice fans will linger in this location as its likely this will become a meeting place. Again, relying on the introduction of bollards or alternative heavy vehicle mitigation (HVM) is necessary. The soft landscaping condition can consider whether some of the HVM can become features that can incorporate planting to ensure the number of bollards required do not result in a more utilitarian environment. Any bollards to manage parking would be rated and are proposed to be rated in accordance with the National Protective Security Authority and provide a gap between structural elements of security barriers of 1.2m to allow cyclists to pass and details of such will be secured by condition.

### *Perimeter fence*

123. This perimeter should always remain secure to ensure that individuals cannot gain unauthorised access before a match. An access control system should be installed on the external gates. Staff and players should have a fob key access that keeps a digital footprint of user access and a timeline of usage, with the ability to restrict certain areas for some users. These measures are proposed.

124. The site is used for other events such as conferences and the superstore must remain accessible to the public during the store opening hours. At present the gates are open on non-match days as are the areas around the stadium and presence of staff assists in ensuring no crime takes place in these areas. To ensure that the site remains secure, Dorset Police advice that two further fences with gates would be useful to restrict further access within the fenceline to the south/east and north stands. However, given the numbers of people attending the stadium would not change as a result of this proposal the fences cannot be robustly defended as necessary to make the development acceptable in planning terms. Instead, the club are advised to consider Dorset Police's advice especially in terms of the additional capacity application that is forthcoming.

### *Furniture*

125. External furniture such as planters should be of a robust vandal and graffiti resistant design. Planters should be designed to ensure there is no space underneath or within, for the storage of drugs or weapons. Details of such paraphernalia will be secured by condition.
126. External furniture is not located at or close to a building line or a boundary to ensure they cannot be used as a climbing aid.
127. Any planters should also be a point for routine daily security checks when checking the perimeter of the site, to ensure that nothing is hidden within them. Operational plans confirm these checks are routine.

### *CCTV*

128. Video Surveillance Systems (VSS) are an integral part of security in a venue such as this. Section 35 of the Secured By Design, Non-residential guide 2025 covers all the points for consideration when looking to implement or extend the VSS on site. NON RESIDENTIAL GUIDE 2025 3425.pdf. A CCTV layout plan and explanation of compliance with the non-residential guide will be sought by condition.

### *Cycle parking*

129. Dorset Police support the location of the Beryl Bike parking bay as it has good natural surveillance from the road, car parking and from within the stadium.
130. As for cycling parking, Sheffield stands are proposed. Dorset Police support the location at the far end of the west car park and those within the west car park as they have natural surveillance, good lighting and activity within the area (CCTV is also advised).
131. Another cycle parking area is located on the opposite side of the cycle path, surrounded by trees and natural vegetation with little in the way of activity. Due to high levels of cycle theft, especially in areas such as this, with limited natural surveillance, this location is not supported and will be discussed more in the movement and transport section.

### *Highway safety*

132. Dorset Police are concerned about the conflict between vehicular and pedestrian traffic at times when there will be an abundance of both, namely when entering or exiting the OB Compound which would result in vehicles crossing the public realm outside of the fan zone and ticket office, and the cycle/ped path. This will be discussed in detail in the movement and transport section of this report.

### *Reducing hiding points*

133. It was recommended that hedgerows are thinned and gaps are created at various points to allow for natural surveillance and reduce opportunities for hiding sinister items. This work was undertaken and balanced with the BNG requirements. Operational plans should incorporate regular checks of these areas.

### *Litter*

134. Any bins around the stadium should either have a suitable blast proof rating or be a metal hoop with clear plastic bag. Plastic bags make it very difficult to conceal an IED and drastically reduces the secondary fragmentation should a device detonate in the bin. Blast proof bins can withstand the outwards force of the blast load, funnelling the blast wave upwards and away from

pedestrians. The added benefit of this solution is the potential for sponsorship/advertising or corporate branding on the bins.

135. Conditions 5 and 12 will require details of litter bins to ensure antisocial behaviour by way of litter does not lead to negative consequences to residents in the vicinity of the stadium or in the Park itself and that the bins can funnel a blast wave upwards away from pedestrians.

### *General*

136. Laminated windows would increase the chances of the glass being retained in the frame or minimise secondary fragmentation. The West infills propose laminated glass so is compliant.

### *Conclusion*

137. The proposal can be made compliant with conditions, with paragraph 135 of the NPPF and Policy CS41 of the Bournemouth Local Plan regarding safety.
138. The proposals do not respect the character and appearance of the site and its surroundings, as the fence will be utilitarian, and no planting is proposed to help soften this and blend better with the park's environment. As such a condition is required to provide soft landscaping within the car parks and fence line.
139. The layout, scale, mass and materials of the proposal do not negatively impact on neighbouring amenity.
140. Concerns arise regarding safety and security, specifically, the adjacent car parks create extended approach routes which could render the area vulnerable to hostile vehicle access. These risks can be mitigated through the installation of removable bollards, and the incorporation of heavy vehicle deterrents.
141. Tree removal results in harm to the character of the area but also the cultural identity of the club. This can be mitigated by way of a condition requiring soft landscaping and a condition to plant cherry trees back into the car park to retain the cultural identity of the club and its local distinctiveness.
142. The proposal allows for a high standard of amenity to meet the fans needs and provide a smoother entrance into the grounds than at present.

143. Overall, the scheme accords with policy CS41 in that it provides development and spaces that are well designed and of high quality if supported by condition.

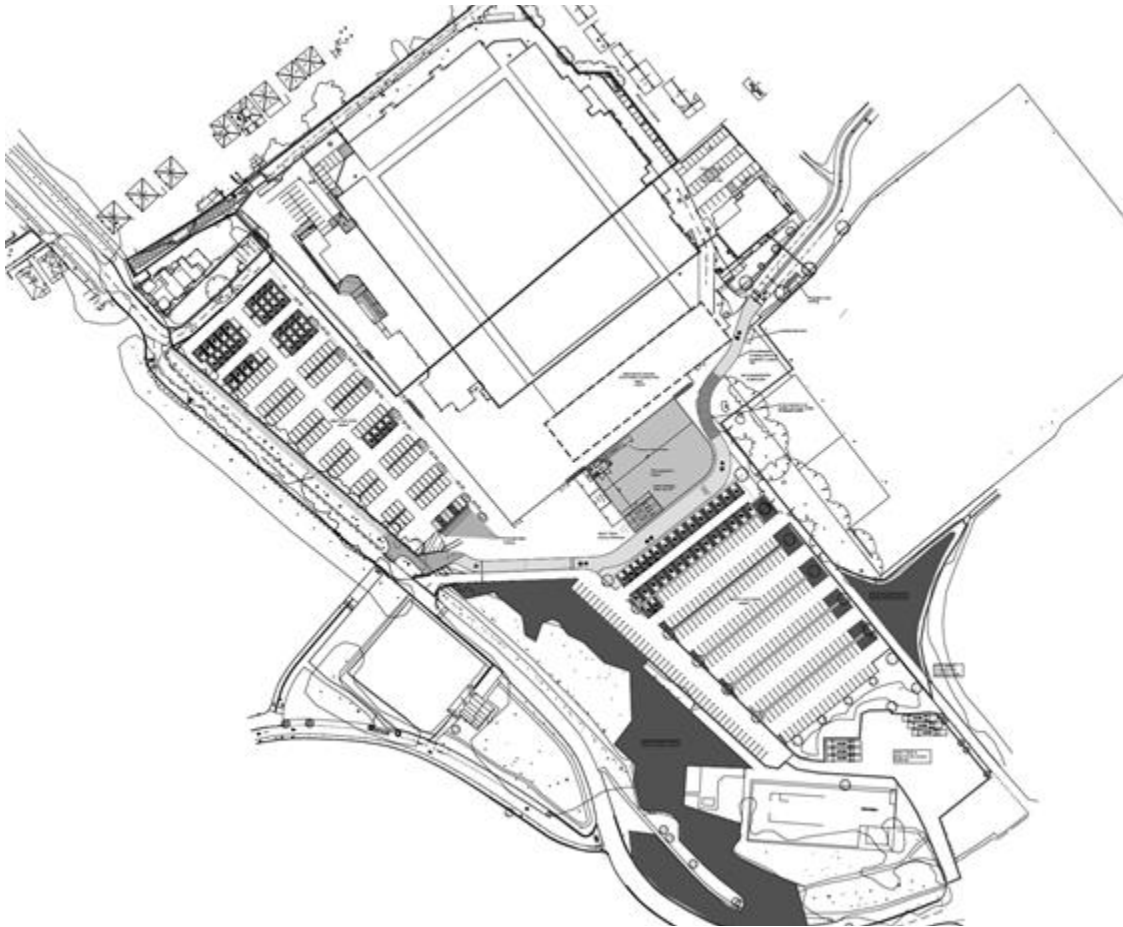
#### Movement and transport

144. This proposal does not increase the capacity of the stadium or change its access. The highways section relates to the diversion of the cycle path, loss of car parking and movement of pedestrians, cyclists and existing match traffic.
145. The Core Strategy establishes a strategic objective to facilitate and increase levels of walking and cycling across the Borough.
146. Policy CS14 requires that all new development is supported by adequate transport infrastructure and that impacts upon the existing transport network are appropriately addressed. The policy sets out the following requirements:
- To contribute towards improvements to existing transport infrastructure where such measures are directly related to and mitigate the impacts of new development;
  - To fund the necessary transport infrastructure and mitigation measures required to serve the development site, including the provision of high-quality, attractive links to walking, cycling, and public transport networks; and
  - To make financial contributions towards existing transport contribution schemes, or towards a Community Infrastructure Levy when introduced, where appropriate, to deliver transport infrastructure identified as necessary to support planned growth and to mitigate the proportionate cumulative impact of additional trips generated by the development on the wider transport network.
147. Policy CS18 seeks to reduce reliance on private cars and promote sustainable modes of travel, particularly walking and cycling. It requires the provision of adequate cycle storage, the integration of development with existing and proposed walking and cycling networks, and the incorporation of green infrastructure within these linkages.

#### *Access and movement*

148. Away team coach parking would be accessed via Thistlebarrow Road, with vehicles routed along the inside of the fence line, out into the public realm,

and into the OB Compound. Television broadcasting vehicles will access the site via Kings Park Drive, entering the OB compound at the northern end of the South Car Park, the general area is circled in red in figure 7.



*Figure 7: Highlighted area of potential conflict between vehicles, pedestrians and cyclists*

149. This arrangement introduces potential conflicts between pedestrian and vehicular movements, particularly at times when spectators are congregating at the turnstiles, away buses are manoeuvring around, and the cycle/pedestrian path is in use.
150. In practice, the timing of vehicle arrivals and departures reduces the likelihood of significant conflict. Away coaches are expected to arrive approximately two hours prior to kick-off, when crowd numbers are limited and supporters are more likely to congregate at the stadium entrance to view players rather than at the coach parking area. Similarly, departures are anticipated around one hour after the match, at which point fans again will tend to gather at the front entrance where the players will be rather than within the fan zone. Away coaches could enter the designated parking area in forward gear to avoid



manoeuvring while the public is accessing the ticket office, and then, during the match when the public realm is clear, manoeuvre again and reverse into the bays to facilitate an exit in forward gear at the end of the event.

151. OB vehicles are typically scheduled to arrive around 72-48 hours before the match and depart around two hours afterwards, further minimising overlap with peak pedestrian activity. In addition, stewarding arrangements will oversee vehicle access and egress, including the controlled opening and closing of gates, thereby providing an additional layer of management and safety assurance.
152. Given the proximity of coach parking to the public realm, there is a risk of damage to coaches however this will largely be mitigated by natural surveillance and the number of stewards around. To further mitigate this, the area will require CCTV coverage to provide protection.

*Combined cycle/pedestrian path*

153. Paragraph 117 of the National Planning Policy Framework (NPPF) requires, inter alia, that priority be afforded to pedestrian and cycle movements, that the needs of people with disabilities and reduced mobility are addressed, that places are designed to minimise potential conflicts between pedestrians, cyclists and vehicles, that unnecessary street clutter is avoided, and that provision is made for emergency vehicle access. Bournemouth Core Strategy Policies CS18 and CS14 reinforce these objectives by seeking to increase levels of walking and cycling.
154. The existing combined cycle/pedestrian route, created by BCP Council, accommodates approximately 900 users per day. The footings for the proposed South Stand and OB Compound would be constructed over this route, necessitating its diversion. The deviation has been minimised through consultation with the Council, and while the realigned route is as direct as practicable, it does not replicate the existing desire line. Consequently, the Highway Authority has objected to the proposal on the basis that the diverted route fails to follow the current desire line but acknowledges that the realignment represents the most appropriate solution should the development be approved. The diverted route must comply with the requirements of Local

Transport Note (LTN) 1/20, ensuring that it is coherent, direct, safe, comfortable, and attractive.

155. The construction of the path will be undertaken by the club, and once implemented, the Council will assume responsibility for its ongoing maintenance, consistent with current arrangements.
156. The construction of the diverted route will be undertaken in phases as follows:
  - **Phase A** – establishment of the site compound and realignment of the combined pedestrian-cycle route (approximately 8 weeks);
  - **Phase B** – relocation of site hoarding, opening of the new pedestrian-cycle route, completion of service diversions, installation of CFA piles, and construction of pile caps and ground beams for the new South Stand (approximately 12 weeks);
  - **Phase C** – clearance of trees and hedges adjacent to the West Stand, construction of new service trenches, installation of fences and turnstiles along the West Car Park and North Entrance, and laying of asphalt around the new fence line (approximately 8 weeks).
157. Compliance with LTN 1/20 and the overall quality of the new route will be secured through the Planning Obligation. The combined width of the pedestrian-cycle route will exceed 5.0 metres and will be widened to between 7 and 9 metres to also accommodate emergency vehicles on the eastern side of the south stand if this access is quickest in the event of an emergency. Consequently, the pedestrian/cycle diversion will be constructed to a standard suitable for heavy vehicles. The inclusion of the quality, construction and size within the planning obligation ensures alignment with Policy CS14 by mitigating impacts on the transport network and funding the necessary infrastructure and mitigation measures.
158. The proposed scheme does not materially impede the walking and cycling network, aside from a temporary disruption of around seven days during construction and the introduction of a slightly less favourable route, which highways officers consider acceptable.

159. The Highway Authority requires that cyclists can access the area safely. It is recognised that, as with the current situation, match days bring significantly higher congestion and may require cyclists to travel more slowly. To support safety, corners have been rounded rather than set at 90 degrees, reducing difficulty particularly for cyclists. The outcome will be a high quality, attractive connection to existing walking and cycling networks.

#### *Cycle parking*

160. Cycle parking in the form of Sheffield Stands are provided at key points around the fence line and retain the number of cycle parking spaces that currently exist. The location of the stands are largely supported with the exception of the cycle parking to the east of the stadium which is objected to by the Highways authority, Urban Design and Dorset Police as they believe this area is not well overlooked and given the high level of bike thefts, this would present safety issues.
161. There are existing cycle stands at the side of the existing grounds keepers compound facing towards the southern car park which are arguably less safe than the proposals. From site visits it is clear the proposed location is well overlooked as it is next to the entrance of the grounds keepers compound which is frequently in use and the pavilion offices look directly onto this area.
162. It is therefore accepted that the stands will be a useful solution for those entering the site from the east and that the proposed is a better solution to that which currently exists, so given there is no uplift in users of the stadium through this application, the proposed stands are considered acceptable.
163. Sheffield stands are contrary to the consultation response from Dorset Police, which requires Cycle Stores to be designed to be fully lockable to ensure appropriate security standards are achieved. Nonetheless, as there's no uplift in fans using these parking spaces and because they are merely providing a reprovision, it is disproportionate to require locked stores.
164. The Beryl Bike compound will be temporarily relocated to the South Car Park during construction and subsequently moved to the West Car Park. The provision within the West Car Park is considered a positive improvement;

however, the LHA advises that fans should be informed about any changes to parking bay arrangements.

### *Car parking*

165. The West car park proposes 144 car parking spaces, 34 disabled parking spaces and 4 EV charging spaces. The South car park proposes 347 car parking spaces, as well as 40 disabled parking spaces.
166. The proposed alterations to the stadium layout would result in the net loss of 155 parking spaces at the end of the enabling works construction phase - 161 during construction.
167. The existing disabled car parking provision within the South Car Park, which would be displaced by the formation of the OB Compound, is proposed to be re-provided to the south of its current location. In addition, 34 disabled spaces would continue to be accommodated within the West Car Park, albeit reconfigured to suit the revised layout.
168. On non-match days, the availability of surplus parking across the site means that the loss of 155 spaces would not give rise to operational difficulties and is therefore considered acceptable.
169. On match days, however, the reduction in parking provision would have a negative impact, albeit on a temporary basis. To mitigate for this a Traffic Regulation Order (TRO) is required to include double yellow lines and restricted parking in surrounding streets, a barrier is required for the leisure centre car park and an additional enforcement officer is required due to the risk of unlawful parking in areas such as Kings Park and the adjoining roads.
170. In addition, marshalling of bottlenecks and problematic areas within the car parks for example is proposed though the detail has not been provided. As such this detail will be conditioned.
171. A Transport Working Group is proposed as an ongoing body to monitor and address transport-related issues as they arise. Changes in travel patterns are expected, particularly due to the reduction in car parking and, more significantly, if additional stadium capacity is introduced. It is therefore essential to have a dedicated group to identify and resolve issues over the

coming years. The establishment and operation of this group will be secured through a planning condition, with its purpose and obligations formalized via a Section 106 agreement.

172. The detailed measures outlined above, along with the necessary financial contributions, will be secured through pre-commencement conditions and, where appropriate, legal obligations. For example, the Traffic Regulation Order (TRO) must be implemented prior to any development commencing to mitigate impacts on local residents.
173. In addition, to assist in mitigating these impacts, the club should update its website and other communication channels to provide clear guidance on sustainable travel options available to supporters. This will also be conditioned.

#### *Lighting*

174. Provision of lighting is required for both the OB Compound and the cycle/pedestrian route. All installations must comply with the guidance set out in Bats and Artificial Lighting in the UK (BCT, 2023), ensuring that illumination is directed away from linear features to avoid ecological disturbance. Luminaires will be mounted in a horizontal orientation, achieving a negligible Upward Light Ratio. Full technical specifications are contained within the submitted Lighting Report, which will be secured and controlled by condition.

#### *Conclusion*

175. In relation to Policy CS18 and CS14, the proposed scheme does not materially hinder the walking and cycling network, except for a temporary disruption of approximately seven days during construction and the provision of a marginally less favourable cycling/pedestrian route. This impact is considered limited. While the reduction in car parking provision would assist in discouraging car use in the immediate vicinity, it is likely to result in increased congestion elsewhere in the network, including potential illegal parking around Kings Park and adjoining roads, unless accompanied by measures to actively discourage illegal parking and promote sustainable travel measures are provided. Accordingly, the club would be required to provide such measures as outlined.

176. It is acknowledged that funding for improvements to walking, cycling, and public transport networks is not required in this instance, as such measures would be disproportionate to the scale of the proposal.

#### Flood risk

177. The NPPF also requires that flood risk is not increased elsewhere as a result of the proposal and that any application that could affect drainage on or around the site, incorporates sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.
178. Policy CS4 requires the design and layout of all new buildings, and the development of car parking and hard standing, to incorporate appropriate Sustainable Drainage Systems (SUDS) capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development and ensuring the quality of local water to be provided.
179. There is an elevated risk of flooding from surface water on parts of the Stadium site and adjacent car parking areas. Drainage information has been submitted and is accepted by the Lead Local Flood Authority. The information submitted will be conditioned to ensure the scheme complies with the approved details.

#### Contamination, construction and noise

180. Policy CS38 seeks to minimise potential pollution by way of noise, odour light, effluent, vibration and other waste minerals.

#### *Land contamination*

181. The site is built on an ex-land fill site and there are land contamination issues to consider.
182. Reports submitted have been independently reviewed and are satisfactory subject to conditions. Therefore, in terms of waste minerals, the scheme is compliant with CS38.

#### *Noise*

183. There is a fan zone already in existence in the marquee that will be demolished to make way for the OB compound and south stand. This requires

the fan zone to be relocated but this will not take place until the wider redevelopment of the stadium occurs. However, if this were not to occur, it is likely the inside of the fence would end up being a place where fans congregate regardless. There is no uplift in people as a result of this proposal and as such the noise emanating from people would not increase, and it is considered that conditions restricting hours of use of a PA system or amplified music in this area is appropriate.

184. In addition, some plant machinery is being proposed for the OB Compound (the GRP and Hawkeye), and a boiler room will be positioned in the grounds keepers compound. This machinery is likely to have an operating noise, whirring and such, and therefore the council's environmental health officer was asked for comments. The officer believes there will be no adverse impacts as a result of this machinery and those in the OB Compound would only be used during matches, further reducing their impact.

185. As such the proposal is compliant with CS38.

#### *Construction*

186. A construction management plan has been submitted and compliance with this is conditioned.

187. As such the proposal is compliant with CS38.

#### Biodiversity considerations

188. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) established a legal requirement for Biodiversity Net Gain (BNG) in England, mandating that all new developments, except for a few exemptions, must deliver at least a 10% net gain in biodiversity. This requirement applies to all major planning applications received from 12 February 2024 and all small sites from 2 April 2024.

189. The proposal is on land that largely has no biodiversity value but there are areas of ornamental shrubs, lines of trees and hedgerows that need considered.

190. The metric submitted demonstrates a net gain of -8.69% habitat units and -13.07% hedgerow units, the remainder is expected to be made up via purchasing of units.
191. BNG is achieved by planting in existing areas of vegetation to bolster the ecology. More will be achieved by way of the soft landscaping will is secured by condition but planting within the car parks needs to be fairly thin as maintaining a line of sight around the area is crucial to deterring crime, alleviating anti-social behaviour by removing hiding places for people and bags that may contain explosive devices.
192. Original submissions for BNG resulted in many more habitats being provided onsite, with a +47% of hedgerow units for example. However, though more BNG could be achieved on site, it cannot be achieved in a manner that retains the character of the area. For instance, originally the planting proposed was denser and at odds with the character of the area, the tree officer asked for this to be made less dense, but as a result, less biodiversity gain can be achieved on site. It also cannot be achieved in compliance with advice from Dorset Police.
193. Given the nature of the proposal being an event venue, responses from Dorset Police are of utmost importance to deter crime and act against terrorism. In this sense then, the lack of 10% BNG on site is acceptable as it achieves as much on site as is possible whilst complying with Dorset Police's and trees responses. As such the scheme complies with the hierarchy as it explored retention of habitats, then explored creation of as many habitats as possible, before turning to units.
194. A draft HMMP has been submitted which is satisfactory but will need to reflect the post development habitats including the soft landscaping when submitted to discharge the statutory BNG condition.
195. The club will implement, manage and maintain the habitats which are located on Five Parks Act land. As the biodiversity does not hinder access to users of the park, it is considered that this proposal complies with the Act.
196. A monitoring fee will be collected in the legal obligation and this will cover the period of monitoring for 30 years.



197. The proposal is compliant with Schedule 7a of the town and Country Planning Act and the Environment Act 2021.
198. In terms of species enhancements, Paragraph 193 of the NPPF requires significant harm to biodiversity as a result of development to be avoided. Where it can't be avoided it should be adequately mitigated or as a last resort, compensated for. In addition, improvements to biodiversity in and around the site should be integrated into the design to secure measurable net gains for biodiversity.
199. A Preliminary Roost Assessment and Ground Level Tree Assessment of the buildings and trees within the site was made, identifying that the stadium facility and trees do not possess any bat roost potential as they do not contain any Potential Roost Features.
200. The Ecology report suggests ecological enhancements such as nest boxes for birds and bats which are acceptable and secured by condition.
201. As such the proposal is in accordance with paragraph 193 of the NPPF.

### **Planning balance**

202. The proposal is for enabling works to the Vitality Stadium and grounds to facilitate the wider redevelopment of the stadium. The stadium is protected by way of Saved Policy 7.10.
203. Paragraph 8 of the NPPF defines the three dimensions of sustainable development as performing economic, social and environmental objectives.
204. In terms of economic benefits, the proposal would provide a boost to local employment opportunities at construction and operation stage for the local workforce as well as contributing GVA through the construction phase. This limited benefit is given limited weight.
205. In relation to environmental benefits, the proposal will contribute towards a net gain in biodiversity through BNG first via onsite provision and then by purchasing units. The loss of 19 trees without the introduction of more planting would be a significant disbenefit but given there is a large uplift in trees proposed to be planted, this is moderated down to a limited benefit. A hard and soft landscaping condition will secure further environmental benefits. This

is afforded limited weight given it would result in a marginal increase in biodiversity.

206. In terms of social benefits of the scheme, the proposals will allow for an improved fan experience by way of entering and exiting the grounds easier. This is afforded limited weight as it is confined to fan experience only and not the wider public.
207. Though the proposal would lead to a loss of designated open space, the scheme can be made policy compliant which would allow this loss. This is afforded negligible weight.
208. The scheme will not negatively impact on the character of the area or neighbouring amenity as conditions will require at least a retention of the verdant nature of the area through more planting in the car parks, and the cultural value of the loss of the cherry trees can be offset by a condition requiring planting of cherry trees elsewhere in the car parks. As such this is given negligible weight in the planning balance.
209. The scheme would comply with safety requirements set out by Dorset Police and counter terrorism, this is given significant weight.
210. The scheme presents no conflict between pedestrians, buses, media vehicles and cyclists if managed correctly. In reality the segregation of these vehicles from pedestrians and cyclists would be easily achievable by way of marshalling on the cycle/pedestrian path to allow media vehicles into the OB compound approximately 72 hours before a match and 2 hours after a match, and via escorting away buses into their designated spaces in forward gear, waiting until the public realm outside of the ticketing office is clear during the match itself, manoeuvring to reverse into the designated spaces, in order to exit this in forward gear at the end of the match. Added to this is the reality that fans will congregate where the players are and not around the coach parking meaning there is little conflict at play. This is given limited weight as a result.
211. The scheme also results in the loss of 155 car parking spaces which would cause harm to neighbouring amenity if planning obligations requiring payment

for an enforcement officer, a TRO and communication measures were not secured. This is afforded limited weight.

212. The diversion of the combined cycle/pedestrian path provides the next best solution, the weight given to this is negligible provided the quality of the path is secured by legal obligation.
213. The proposal will have no negative impacts that cannot be made policy compliant by way of condition. It is considered that the proposal is in accordance with the development plan, when taken as a whole.
214. Taking all these in account, it is considered that the benefits of the proposal will outweigh the harm regarding the movement of the combined cycle/pedestrian path. Accordingly, the proposal is recommended for approval.

**Recommendation: To GRANT permission for the reasons as set out in this report subject to:**

- a) the following conditions (as listed under 'Conditions') with power delegated to the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
215. The satisfactory agreement of and completion of a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (Operations) (or other relevant officer) does not result in a reduction in the terms identified:

And to;

216. Authorise the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer

nominated by them for such a purpose) to refuse planning permission in the event of a S106 legal agreement not being completed within six months of the date of the committee resolution (unless a longer period is agreed by officers on behalf of the Head of Planning (Operations) (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) and confirmed in writing by the Local Planning Authority.

### **S106 Legal Agreement Heads of Terms**

217. Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
218. Paragraph 58 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

### **Transport**

- TRO, signage and lining (yellow lines)
- TRO, signage and lining (residents parking)
- Definition of emergency to be made clear so that there is no misunderstanding when the shared path can and cannot be used by emergency vehicles
- Cycle/pedestrian path creation, completion and quality; and
- Contribution towards enforcement of illegal parking; and

### **Biodiversity**

- Contribution for monitoring of BNG; and

- Payment for maintenance of BNG provision outside the Applicant's control on Council land and/or a scheme for such maintenance at the applicant's expense; and
- acquisition of BNG units to make up shortfall in 10% requirement.

## **Conditions**

### 1. Timing condition

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. Plans list

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

- 250175 - STA - XX - XX - DR - A - 3000 P08 Site Location Plan, received 18 November 2025
- 250175 - STA - XX - XX - DR - A - 3001 P11 Site Plan, received 18 December 2025
- 250175 - STA - XX - XX - DR - A - 3002 P05 Construction Hoarding Plan - Phase A, received 18 December 2025.
- 250175 - STA - XX - XX - DR - A - 3003 P07 Construction Hoarding Plan - Phase B, received 18 December 2025.
- 250175-STA-XX-XX-DR-A-3004 P07 Construction Hoarding Plan - Phase C, received 18 December 2025
- 250175 - STA - XX - XX - DR - A - 3006 P01 Fencing Specification, received 22 September 2025
- 250175 - STA - XX - XX - DR - A - 3007 P01 Demolition & Removals Plan, received 22 September 2025
- 251075 - WHE - XX - XX DR - C - SK001 P01 4 Turnstile Structure Foundation, received 22 September 2025

- 251075 - WHE - XX - XX DR - C - SK001 P01 2 Turnstile Structure Foundation, received 22 September 2025
- 250175 - STA - W - XX - DR - A - 1000 P03 Proposed West Grandstand Elevations, received 29 September 2025
- 250175 - STA - W - 01 - DR - A - 0102 P02 Proposed West Stand - First Floor 1/2, received 22 September 2025
- 250175 - STA - W - 01 - DR - A - 0103 P02 Proposed West Stand - First Floor 2/2, received 22 September 2025
- 250175 - STA - W - 02 - DR - A - 0202 P02 Proposed West Stand Second Floor 1/2, received 22 September 2025
- 250175 - STA - W - 02 - DR - A - 0203 P02 Proposed West Stand Second Floor 2/2, received 22 September 2025
- 250175 - STA - W - 00 - DR - A - 0032 P02 Proposed West Stand Ground Floor 1/2, received 22 September 2025
- 250175 - STA - W - 00 - DR - A - 0033 P02 Proposed West Stand Ground Floor 2/2, received 22 September 2025
- 250175 - STA - W - XX - DR - A - 1051 Proposed West Stand Section 1, received 22 September 2025
- 250175 - STA - W - XX - DR - A - 1052 Proposed & Existing West Stand Section 2, received 22 September 2025
- 250175 - STA - W - XX - DR - A - 1053 P01 Proposed & Existing West Stand Section 3, received 29 September 2025
- 250175 - STA - W - XX - DR - A - 1054 Proposed & Existing West Stand Section 4, received 22 September 2025
- 250175 - STA - W - XX - DR - A - 1055 Proposed & Existing West Stand Section 5, received 22 September 2025
- 250175-STA-W-03-DR-A-0302 Proposed West Stand Roof 1/2, received 1 October 2025

- 250175-STA-W-03-DR-A-0303 Proposed West Stand Roof 2/2, received 1 October 2025
- AFCB-WHE-SS-FN-DR-S-21401 P01 South Stand Foundation Details Pile Caps, received 22 September 2025
- AFCB-WHE-SS-PL-DR-S-21101 P01 South Stand Piling Layout, received 22 September 2025
- AFCB-WHE-SS-PL-SH-S-21001 P01 South Stand Piling Schedule, received 22 September 2025
- AFCB-WHE-SS-FN-DR-S-21111 P01 South Stand Foundation Layout, received 22 September 2025
- 15035C PL- 302 A GRP Compound, received 1 October 2025
- 708720 LA300 G Enabling Works Planting Proposals 1/3, received 18 December 2025
- 708720 LA301 G Enabling Works Planting Proposals 2/3, received 18 December 2025
- 708720 LA302 G Enabling Works Planting Proposals 3/3, received 18 December 2025
- 708720 LA303 D Enabling Works Site Boundary received 29 September 2025
- 15035C PL- 306 Boiler House Elevations, received 1 October 2025
- AFCB1 - FFBS - Z2 - XX - DR - 9000 P03 M & E Services, Gas, Pitch Heating, Mains Water & Electrical Layout, received 18 December 2025
- Cabin layout 3 Cabin Layout – 030725, received 18 November 2025
- Cabin layout 3 EPL Cabin Drawing – 030725, received 18 November 2025
- AFCB-WHE-XX-XX-DR-C-00001 2 Cycle ped path realignment, received 18 December 2025
- 250175 - WHE - XX - XX DR - C - 001 P04 Proposed Pedestrian/Cycle Routes, received 18 December 2025

- AFCB-WHE-XX-XX-DR-CE-01130 PO2 Kerbing & Surfacing Details, received 18 December 2025
- AFCB-WHE-XX-XX-DR-C-00001 PO5 Proposed Shared Footway sections (Sheet 1 of 2), received 18 December 2025
- AFCB-WHE-XX-XX-DR-C-00002 PO4 Proposed Shared Footway sections (Sheet 2 of 2), received 18 December 2025
- AFCB-WHE-XX-XX-DR-CE-00620 PO3 Enabling Works Levels, received 18 December 2025
- AFCB-WHE-XX-XX-DR-CE-01110 PO3 Enabling Works Surfacing Plan, received 18 December 2025
- AFCB-WHE-XX-XX-DR-CE-01120 PO3 Enabling Works Kerb Layout, received 18 December 2025
- 24903301-STR-HGN-100-DR-D-1301 PO0 Cycle/ped path details, received 18 December 2025
- 250175-STA-W-XX-DR-A-1000 West stand showing materials
- S25017-CEMP-001, Rev 02, Construction environmental management plan, received 18 November 2025
- Construction phase plan, Phase 1, Rev 0, received 22 September 2025
- Ecological impact assessment, September 2025, received 22 September 2025
- Biodiversity net gain assessment, September 2025 updated January 2026, received 09 January 2026
- Transport Statement, received 22 September 2025
- 115047-CAL-XX-XX-RE-D-0005 Outline Drainage Strategy Technical Note part 1, 2 and 3, dated 18 September 2025, received 22 September 2025
- 115047-CAL-XX-XX-RE-D-0001, rev 1.1, Outline Flood Risk Assessment and Drainage Strategy parts 1-5, received 22 September 2025
- Highways technical note dated 16 December 2025, received 18 December 2025



- Drainage technical note received 7 January 2026
- 4+2 Event Toilet Unit – JB Event Facilities, received 18 November 2025
- Figure 2: Listed Buildings and Conservation Areas map, received 18 November 2025
- Heritage Statement dated September 2025, received 22 September 2025
- Hawk-Eye Cabin presentation, received 18 November 2025
- Planning, Design and Access Statement, dated September 2025, received 26 September 2025
- Arboricultural Method Statement, dated 18 September 2025, received 22 September 2025
- Arboricultural Impact Assessment and Tree Protection Plan, dated 18 September 2025, received 22 September 2025

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

### 3. Safety

Prior to the use of the path commencing, a movement plan and strategy must be submitted to the Local Planning Authority and agreed in writing. The strategy and plan must include full details regarding how pedestrians and cyclists using the shared path will be managed and kept safe in the event of an emergency. In addition, how stewards will manage emergency vehicle movements. The management of the path must be carried out with the details as agreed in writing thereafter.

Reason: to ensure safe use of the highway and avoid conflict between pedestrians, cyclists and emergency vehicles.

### 4. TRO

A Traffic Regulation Order (TRO) is required for enhanced parking restrictions. A review to clearly demonstrate the exact locations of where the parking restrictions are required (such as at junctions) shall be submitted to and agreed in writing. The TRO shall be implemented prior to the loss of the car parking commencing. In addition, the cost of the TRO, signage and lining should be secured as part of the legal agreement.

A Traffic Regulation Order (TRO) is required for residents parking scheme. A review to clearly demonstrate the exact locations of where the parking restrictions are required shall be submitted to and agreed in writing. The TRO shall be implemented

prior to the loss of the car parking commencing. The cost of the TRO, signing and lining should be secured as part of the legal agreement.

Reason: To ensure safe use of the highway and avoid conflict between pedestrians, cyclists and vehicles in accordance with Policy CS18 and reduce impacts on neighbouring amenity in accordance with CS41 of the Bournemouth Core Strategy 2012.

5. Prebooking systems, communications and website updates

Implementation of south and west car park pre booking system, communication and website update regarding the reduction in parking prior to the loss of the car parking commencing.

Reason: To ensure safe use of the highway and avoid conflict between pedestrians, cyclists and vehicles in accordance with Policy CS18 and reduce impacts on neighbouring amenity in accordance with CS41 of the Bournemouth Core Strategy 2012.

6. Transport Working Group

Full details of the Transport working Group purpose, how it will be set up, who should form part of the working group and what powers the Transport Working Group has in influencing change shall be submitted to and agreed in writing with the LPA. Once the details have been agreed in writing, the Transport Working Group must be set up and operational prior to the reduction in car parking commencing.

Reason: To ensure safe use of the highway and avoid conflict between pedestrians, cyclists and vehicles in accordance with Policy CS18 and reduce impacts on neighbouring amenity in accordance with CS41 of the Bournemouth Core Strategy 2012.

7. Marshalling and management of car parks

Prior to the loss of the stadium car parking commencing, full details of the parking management, which includes the marshalling of the lorry park and how on street parking will be monitored and managed shall be submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure safe use of the highway and avoid conflict between pedestrians, cyclists and vehicles in accordance with Policy CS18 of the Bournemouth Core Strategy 2012.

8. Cycle/ped path

Prior to commencement of any works to the path and highway, full construction details shall be submitted to the Local Planning Authority including a timetable of implementation and completion. Development shall be carried out in accordance with the timetable and details agreed in writing with the Local Planning Authority.

Within 12 months of the date of this decision, in the event that the stadium expansion project is not forthcoming or has not been granted planning permission, the shared path shall still be constructed in full as shown on drawing number 24903301-STR-BCP HGN-100-DR-D-10901 rev PO.

Reason: To ensure the shared path is completed in full and in accordance with Policy CS 18 of the Bournemouth Core Strategy 2012.

9. Security counter-terrorism measures

Prior to the first use of the development, details of counter terrorism measures for the proposals hereby approved shall be submitted to the Local Planning Authority and approved in writing (this will be supported in consultation with Dorset Police). Approved measures shall thereafter be implemented prior to the first use of the stadium and maintained permanently thereafter.

The counter terrorism measures must include:

- Hostile Vehicle Mitigation (HVM) Measures, locations and specification;
- Specification/design and location of street furniture such as waste bins, seats, or HVM;
- Specification and location of bollards with gap of 1.2m in between each one rated PAS 68 or ISO 22343; and
- A litter strategy providing details of blast proof bins that can withstand the outwards force of the blast load, funnelling the blast wave upwards and away from pedestrians.

10. Demolition and Construction Management Plan

Demolition and construction work shall not begin until a scheme for protecting the nearest noise sensitive receptors from noise from demolition and construction operation has been submitted to and approved by the local planning authority.

This should include the background noise survey carried out, prescribed maximum noise limits for plant and equipment to be used on site during the demolition and construction stages and noise monitoring plan.

No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 to 13.00hrs on Saturday and at no time on Sundays, Bank or Public Holidays.

To protect nearby properties from unacceptable noise pollution and vibration and to comply with local policy and guidance contained with the National Planning Policy

11. Land contamination

a) Site Investigation

If a Phase I has established potentially unacceptable risks to sensitive receptors from the site condition, then a detailed intrusive investigation (Phase II) in accordance with 'Land Contamination Risk Management' published by the Environment Agency shall be undertaken. The Phase II shall be undertaken in accordance with the conclusions and recommendations of the approved Preliminary Contamination Risk Assessment (Phase I) (ACS Contaminated Land Desk Study Report, Vitality Stadium, King's Park – AFC Bournemouth, (ref. 25-52809, issue 01), dated 20/05/2025), and subsequent updates. The Phase II report will be submitted and approved in writing by the Planning Authority prior to development works commencing. The Phase II report will comprise an assessment of the risks from contamination to all receptors such as human health, controlled waters, the built environment and sensitive ecology from the site condition in the context of the proposed development. The report shall be prepared by a suitably qualified and competent person and shall include:

- A detailed site investigation comprising an assessment of soil, groundwater and ground gases / vapours to establish the extent, scale and nature of contamination on the Site (irrespective of whether this contamination originates on the Site).
- An updated Conceptual Site Model (CSM) shall be included showing all potential pollutant linkages and an assessment of the potential risks to human health (Site end-users and construction workers), the built environment, controlled waters and sensitive ecology.

If the Phase II report identifies any unacceptable risks, a remediation strategy will be required

b) Remediation Scheme

Remediation will be required if the Phase II establishes the presence of a significant pollutant linkage. If required, a remediation strategy / plan will be submitted to and approved in writing by the Planning Authority prior to development works commencing. The report shall be prepared by a suitably qualified and competent person and the works thereafter will be carried out in full accordance with the remediation strategy / plan. No development works (other than investigative works) shall commence on-Site until such a time as a detailed remediation scheme for the

development site has been submitted to and approved in writing by the Planning Authority.

If required, the approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on-Site.

Following completion of remediation works and prior to first occupation, a Verification Report which demonstrates the effectiveness of the completed remediation works, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, shall be submitted to and approved in writing by the Planning Authority.

#### c) Reporting of Unexpected Contamination

The presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to the Planning Authority in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to re-commencement works in the affected area. The approved details shall be implemented as approved.

Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that pollutants and contaminants are controlled in accordance with national policy and CS38 of the Bournemouth Core Strategy 2012.

#### 12. Drainage scheme

No development (including demolition, with the exception of the cycle/pedestrian path) shall take place until detailed proposals for the management of surface water (including provision of final and substantiated drainage designs), which strictly accord with the approved flood risk assessment and drainage strategy (115047-CAL-XX-XX-RE-D-0001, rev 1.1), has been submitted to and approved in writing by the local planning authority. The surface water scheme must be completed in accordance with the approved details and fully functional, prior to occupation of the development.

Reason: To ensure that proper provision is made for a drainage scheme and this is a pre-commencement condition to ensure that all necessary works are provided at an appropriate time.

13. Surface water management scheme

No development (including demolition, with the exception of the cycle/pedestrian path) shall take place until maintenance and management of the Surface Water Management scheme is submitted to and approved in writing by the local planning authority. The scheme shall thereafter be managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

14. HMMP

No part of the development hereby permitted shall be commenced, unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority. Commencement does not include any site clearance, ground work and the bringing on to site of any equipment, materials and machinery for use in connection with the implementation of the development.

The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and all landscaping and biodiversity related plans and documents required to be approved in the other conditions forming part of this permission.

The HMMP shall in particular include:

- (A) a background section; including:
  - (i) a high level summary of all relevant matters identified in the HMMP;
  - (ii) details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
  - (iii) the metric used for the purposes of the HMMP; and
- (B) a section setting out all planned habitat activities, including:
  - (i) overarching aims and objectives;
  - (ii) design principles informed by all relevant baseline information;
  - (iii) full details of the Habitat Provision;
  - (iv) a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;

(v) details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and

(vi) details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and

(C) a monitoring schedule section including:

(i) a monitoring strategy;

(ii) details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and

(iii) details of how Adaptive Management will be incorporated into meeting every Condition Target; and

(D) plans and details reasonably necessary for each section.

(E) No part of the development shall be brought into use unless the local planning authority has approved in writing the Completion of Development Report.

(F) The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.

(G) Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:

(i) a progress summary;

(ii) details of the person(s) responsible for compiling the information in the monitoring report;

(iii) details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;

(iv) progress toward every Condition Target including any identified barrier(s) to such progress;

(v) any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;

- (vi) a register of activity; and
- (vii) any identified need to vary the approved HMMP together with relevant explanation.

For the purposes of this condition:

"Adaptive Management" means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained [including any procedure(s) that the local planning authority may at any time specify in writing for such a purpose [in the event of any procedure not proving successful]];

"Condition Target" mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

"Completion of Development" means the date on which the local planning authority issue an approval of the Completion of Development Report;

"Completion of Development Report" means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

"Habitat Provision" means all habitat situated on the application site to which this permission relates to be retained, created and enhanced

and

"Monitoring Report" means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason: To ensure there is adequate protection for the existing habitats and provide suitable external amenity space for future occupiers in accordance with Local policies and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

#### 15. Materials

No part of the development of the West Stand or fence shall be constructed above the proposed finished ground level unless details and samples of the materials to be used in the construction of the external surfaces have first been submitted to and approved in writing by the local planning authority. The development shall only be



carried out in accordance with the approved details and once provided the approved materials shall thereafter at all times be retained.

Reason: To ensure that the impact of the development on the visual amenities of the locality is acceptable.

16. Soft landscaping

Notwithstanding the approved plans, within 6 months of the commencement of the development hereby approved, a detailed Landscape Plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The plan will further soften the development by way of planting in and around the car parks, in the public realms and fenceline.

The development shall comply with the following:

- a) The approved Landscape Plan shall be fully implemented with new planting carried out in the first planting season October to March inclusive following approval of the details sought by this condition, or in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- b) All planting shall be carried out in accordance with British Standards including regard for plant storage and ground conditions at the time of planting.
- c) The whole scheme shall align with and be retained in line with the HMMP.

Reason: to ensure that reasonable measures are taken to establish trees and vegetation in the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Local Policies.

17. Hard landscaping

Within 6 months of commencement, in the event the main works application does not progress, a scheme of hard landscaping, including:

- (a) All earthworks;
- (b) Means of enclosure and retaining structures;
- (c) Hard surfacing materials; and
- (d) Lighting,

shall be submitted to and approved in writing by the local planning authority. The approved hard landscaping scheme must be fully implemented and retained as soon as possible thereafter.

Reason: In the interests of securing the amenity and the appearance of the development and locality.

18. CCTV strategy

Prior to the first use of the development hereby approved, a CCTV strategy shall be submitted to the local planning authority and approved in writing, in consultation with Dorset Police. The strategy shall demonstrate effective CCTV coverage of the stadium site including cycle parking facilities. The approved CCTV Strategy shall be implemented prior to first use of the development and maintained in good order for the lifetime of the development.

Reason: In the interests of the public safety, to ensure a satisfactory standard of development and in the interests of security and the prevention of crime. In accordance with NPPF 2024, Section 8, paragraph 102; Section 12 paragraph 96 (b);

19. Fence

The provision of a 2.4m fence must be certified to one of the following minimum-security standards, or above: a

- LPS 1175 Issue 8 Security Rating B3, or
- STS 202 Issue 12 Burglar Resistance BR2, or
- Sold Secure SS323 Silver, or
- LPS 1673 Issue 1 Attack Rating AR.A180
- The turnstiles should meet the LPS 1175 issue 8 B3 Security standards.

Reason: In the interests of the public safety, to ensure a satisfactory standard of development and in the interests of security and the prevention of crime. In accordance with NPPF 2024, Section 8, paragraph 102; Section 12 paragraph 96 (b); Section 12 paragraph 135 (f).

20. AMS compliance

No part of the development hereby permitted shall be carried out other than in accordance with the details and timetable contained in the approved Arboricultural Impact and Method Statement.

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

21. Restoration of south stand foundations

The foundations for the south stand permitted by way of planning application reference: P/25/03733/FUL must be restored to a suitable surface as agreed with the Local Planning Authority if the redevelopment of the south stand does not begin within 3 years of the validation of the subsequent planning application for the additional capacity.

Reason: To ensure a satisfactory public realm and visual amenity for Kings Park.

22. Replacement cherry tree planting

Ten (10) Cherry (*Prunus avium* 'Plena') Extra Heavy Standard size will be planted by the end of the first planting season (October to February) following the completion of development to preserve the visual amenities which at present exist on the site. The planting location shall be within the West Car Park in excavated tree pits.

Planting specification and methodology, showing the location of the trees and engineering detail for the tree pits; demonstrating sufficient rooting volume can be achieved for the trees to reach maturity, must be submitted to and approved by the Local Planning Authority.

Should any of the replacement trees be removed, die or become severely damaged such that their future development will be compromised, or diseased within 5 years of planting they shall be replaced by tree/s of the same species to that originally planted, unless an alternative species is otherwise agreed in writing by the local planning.

Reason: To ensure that reasonable measures are taken to establish trees in the interests of local amenity and the enhancement of the development itself in accordance with the National Planning Policy Framework.

23. Lighting and species enhancements compliance

Lighting along the combined cycle/pedestrian path and within the OB compound shall comply with the Ecological Impact Assessment by LC Ecological Services, dated September 2025 and the guidance set out in Bats and Artificial Lighting in the UK (BCT, 2023), ensuring that illumination is directed away from linear features to avoid ecological disturbance. Luminaires will be mounted in a horizontal orientation, achieving a negligible Upward Light Ratio.

Species enhancements shall be provided in accordance with recommendations as set out in Ecological Impact Assessment by LC Ecological Services, dated September 2025

Reason: to protect neighbouring wildlife and habitats in accordance with Paragraph 193 of the National Planning Policy Framework.

24. Restriction of hours of amplified noise

At no time shall amplified or other music be played, nor shall any public address system (with the exception of an emergency public address) be used on the premises hereby permitted (nor on any other part of the application site shown edged red) outside the following times:

- a. 1000hrs to 2130hrs Monday to Sunday (inclusive).

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

## **Informatives**

### **1. Environmental Statement**

In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), BCP Council as Local Planning Authority is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.

### **2. Working with applicants**

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 was updated of any issues after the initial site visit,

The applicant was provided with pre-application advice,

The applicant was provided with the opportunity to address issues identified by the case officer and permission was granted.

### **3. BNG**

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 permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

4. Legal obligation

This grant of permission is to be read in conjunction with the Legal Agreement dated INSERT REQUIRED entered into between BCP Council and AFC Bournemouth.

5. Drainage

Detailed drainage proposals may typically include:

- Detailed drainage network layout

- Manhole schedule
- Construction details for drainage elements
- Construction details for SUDS elements
- Hydraulic modelling calculations
- Exceedance flow routes (including proposed ground levels)

Drainage maintenance and management information may typically include:

- Drainage ownership/responsibility layout
- Maintenance schedules
- Maintenance agreements
- Adoption agreements
- Schedules for replacement of drainage components (where design life is less than the lifetime of the proposed development)
- Operations and maintenance manuals

## 6. Advice

The applicant is directed to both the Dorset Police and Dorset and Wiltshire Fire and Rescue responses as they contain vitally important advice.

### **Background Documents:**

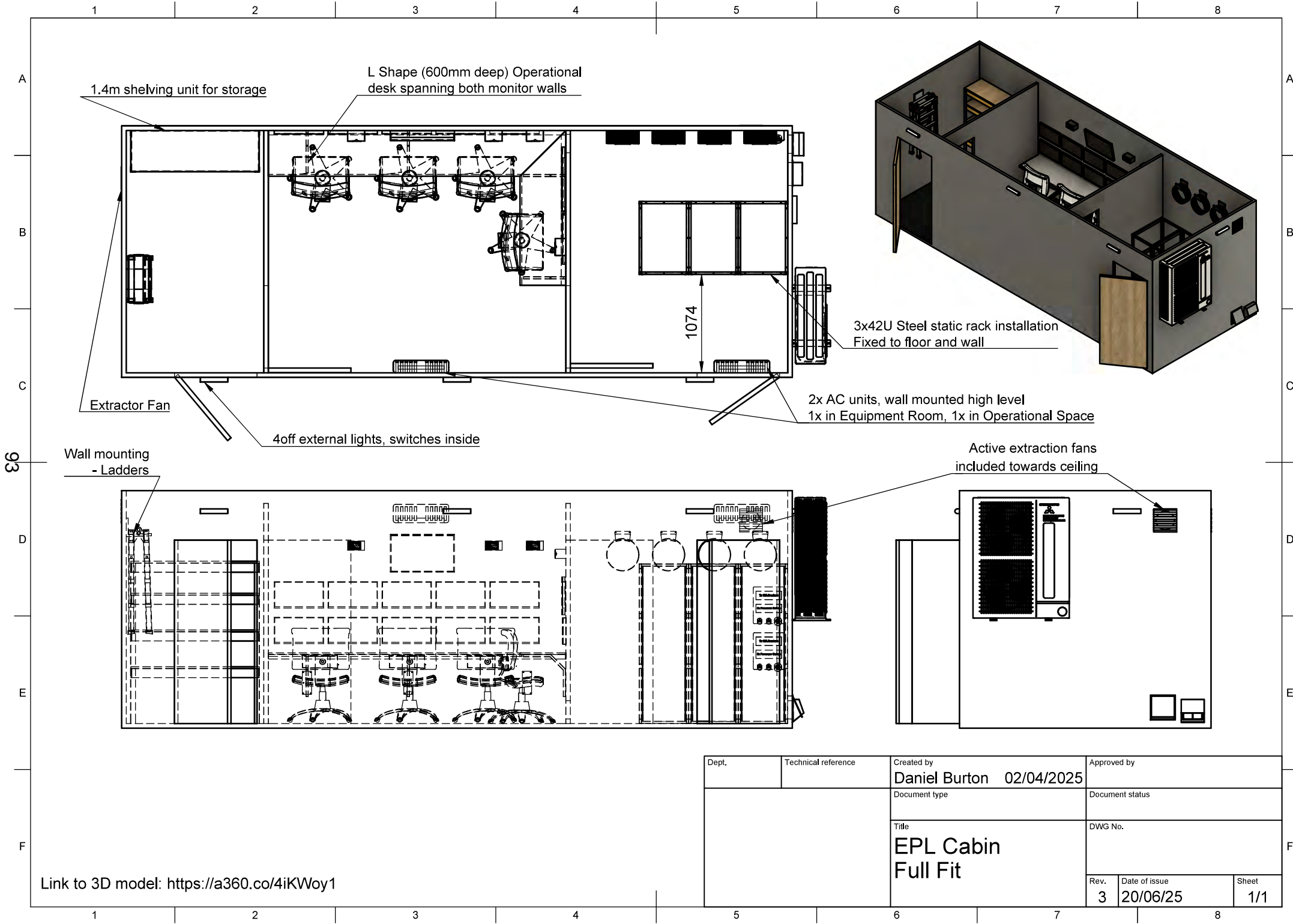
Case File: Application number – P/25/03733/FUL

For full details of all papers submitted with this application, please refer to the relevant public access pages on the Council's website.

NB: Does not include confidential documents

Reference to published works is not included.

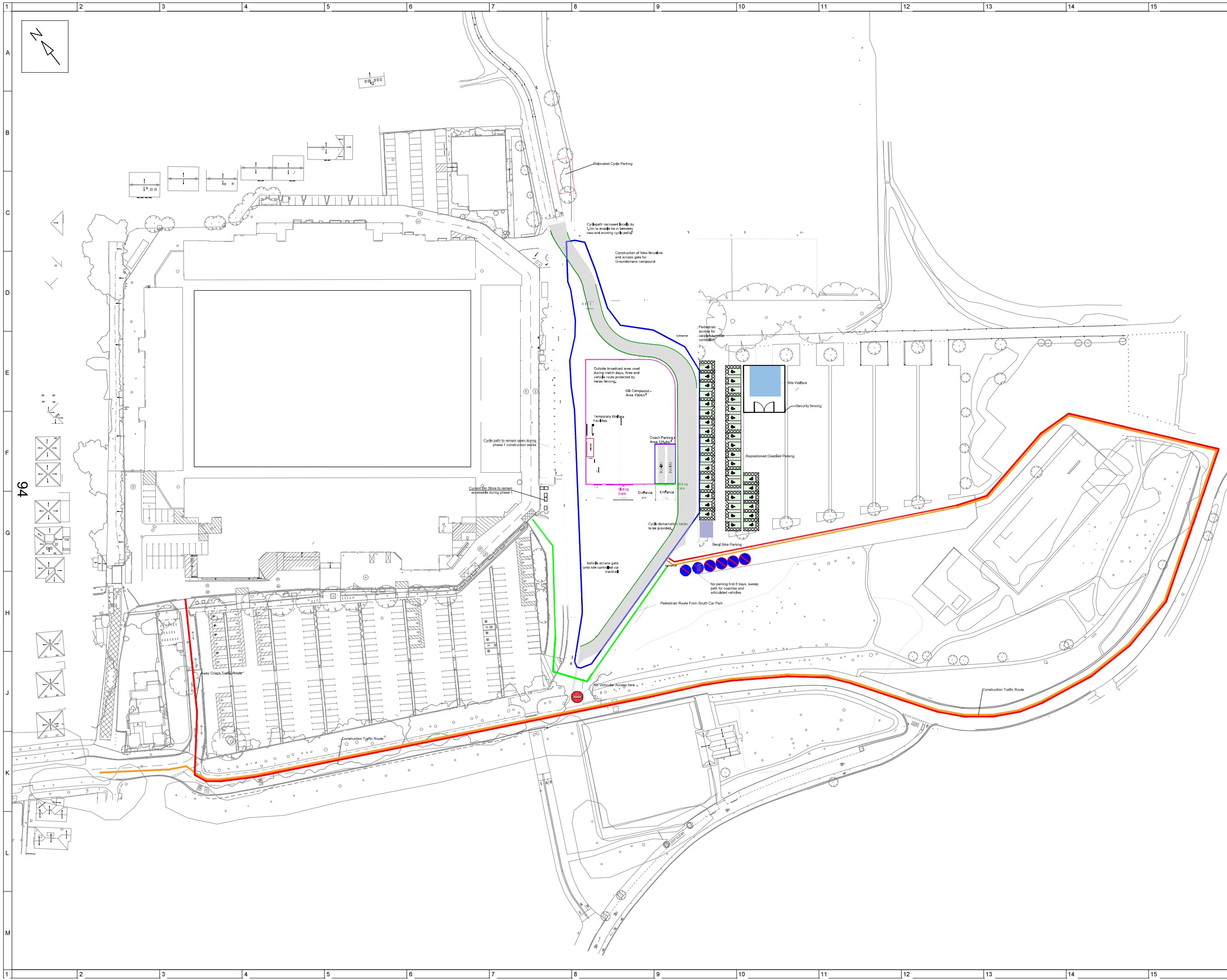
This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.



Link to 3D model: <https://a360.co/4iKWoy1>

Dept.	Technical reference	Created by Daniel Burton 02/04/2025	Approved by
		Document type	Document status
		Title EPL Cabin Full Fit	DWG No.
		Rev. 3	Date of issue 20/06/25
		Sheet 1/1	





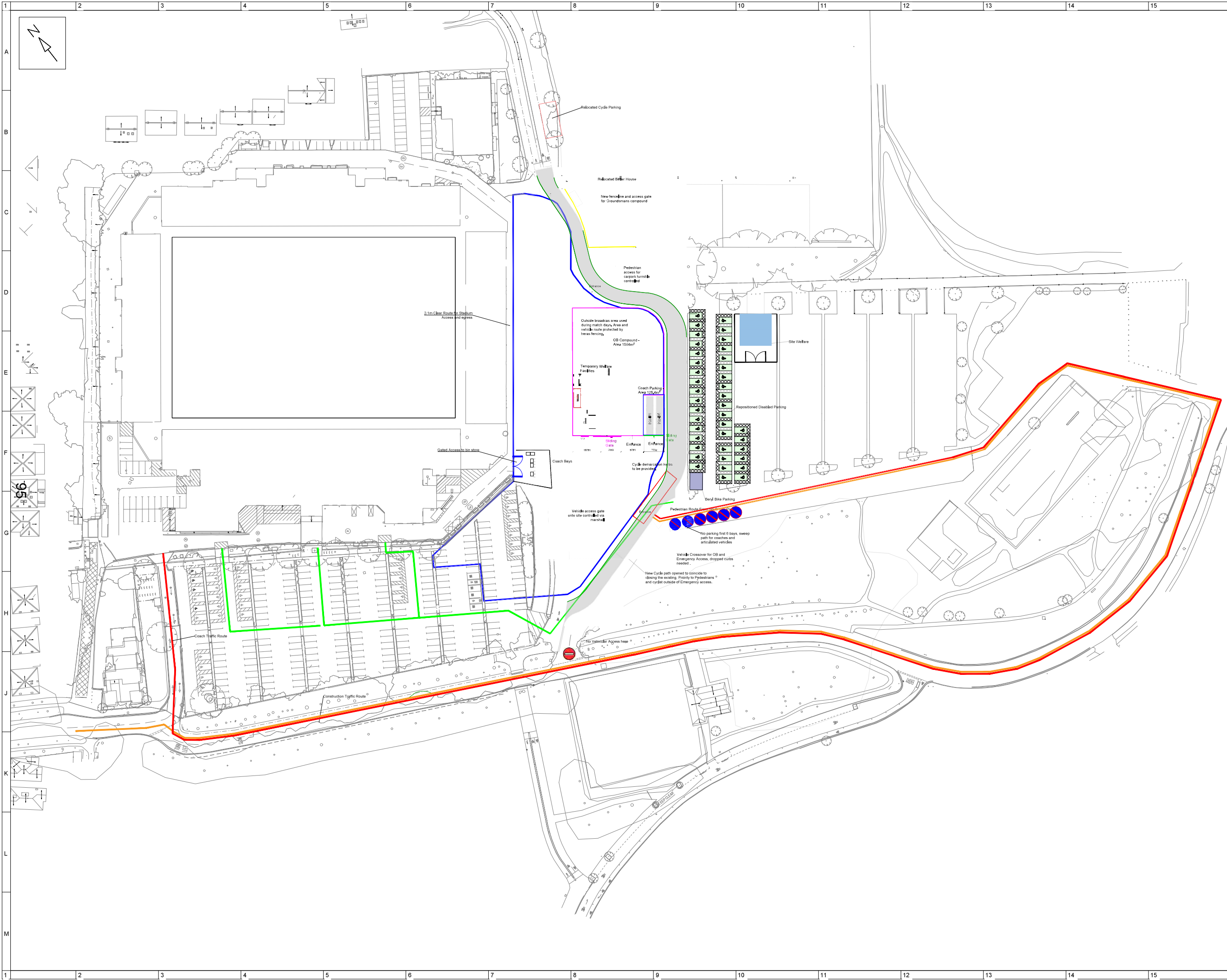
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P01	06.08.25	RR	Updated to comments received	
P02	28.08.25	RR	Updated to comments received	
P03	11.09.25	RR	Updated to comments received	
P04	15.09.25	RR	Updated to comments received	
P05	16.12.25	FN	Updated to comments received	

- Proposed Match Day Pedestrian Route
- Proposed Coach Traffic Route
- Proposed Non Match Day Construction Traffic Route
- Proposed Heras Fencing
- Proposed Hoarding Line
- Proposed Fence Line
- New Turnstile
- Proposed Emergency Vehicle/OB Compound Access Route
- Proposed Shared Footway / Cycleway



PROJECT			
AFC Bournemouth			
DRAWING TITLE			
Construction Hoarding Plan - Phase A			
CLIENT			
AFC Bournemouth			
DRAWN		DRAWING STATUS	
RR		PLANNING	
APPROVED		DATE DRAWN	
DL		12/08/25	
SCALE		JOB NO.	SUITABILITY
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DOCUMENT ID		REVISION	
250175- STA - XX - XX - DR - A - 3002		P05	
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Willis Hazell  
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FRONT FIVE

PROFESSIONAL SEAL:

Rev	Date	By	Description
P03	11.06.25	RR	Updated to comments received
P04	15.06.25	RR	Updated to comments received
P05	26.06.25	RR	Relocate Boiler House
P06	01.10.25	RR	Boiler House Updated
P07	16.12.25	FN	Updated to comments received

- Proposed Match Day Pedestrian Route
- Proposed Coach Traffic Route
- Proposed Non Match Day Construction Traffic Route
- Proposed Hoardings Fencing
- Proposed Fence Line
- New Turnstile
- Proposed Emergency Vehicle/OB Compound Access Route
- Proposed Shared Footway / Cycleway

**AFC Bournemouth**  
Vitality Stadium  
Dean Court  
Kings Park  
BH7 7AF

PROJECT:

AFC Bournemouth

DRAWING TITLE:

Construction Hoarding Plan  
- Phase B

CLIENT:

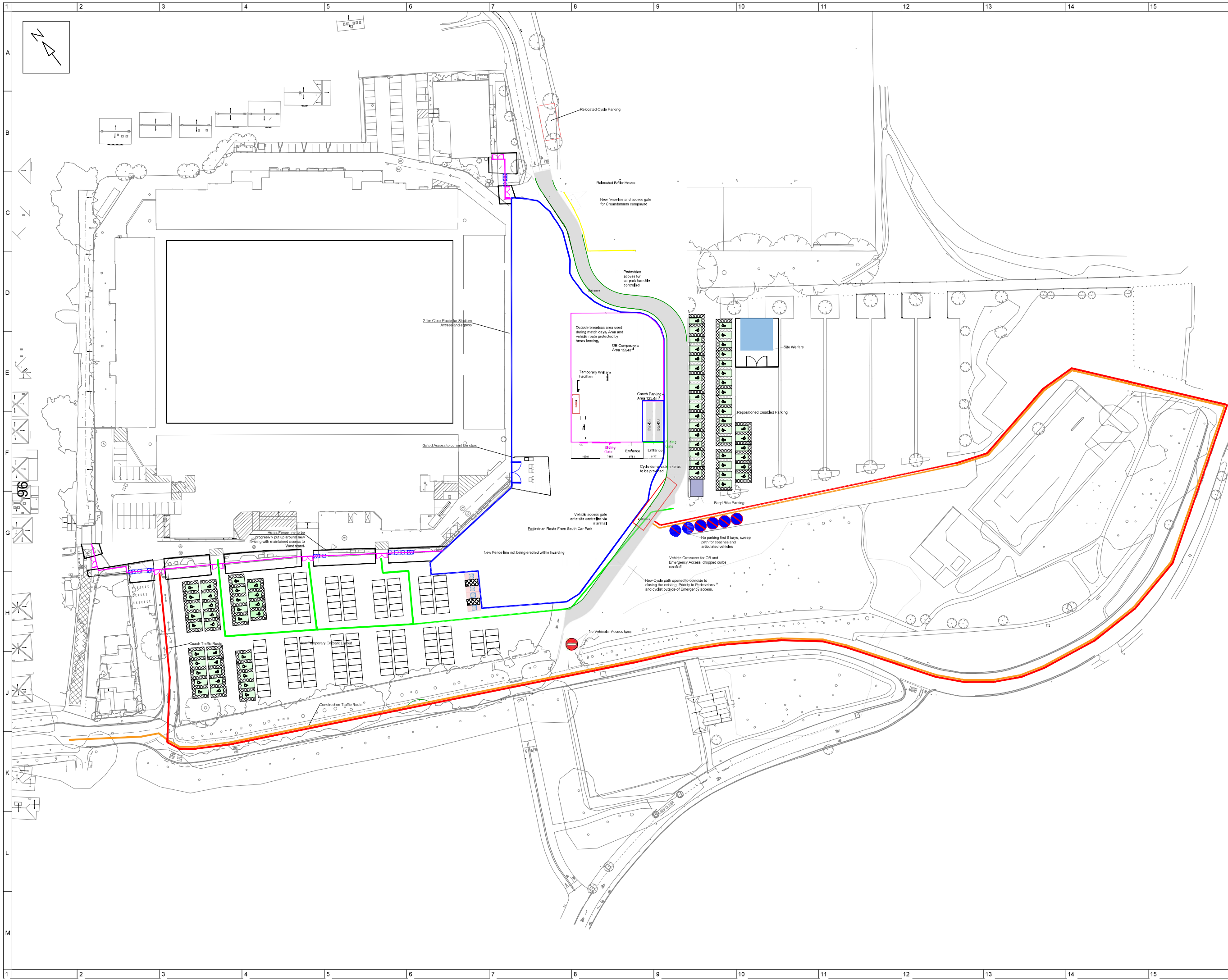
AFC Bournemouth

DRAWN	RR	DRAWING STATUS	PLANNING
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		REVISION	P07

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PROFESSIONAL SEAL:

Rev	Date	By	Description
P03	05.06.25	RR	Updated to comments received
P04	15.06.25	RR	Updated to comments received
P05	26.06.25	RR	Relocate Boiler House
P06	01.10.25	RR	Boiler House Updated
P07	16.12.25	FN	Updated to comments received

- Proposed Match Day Pedestrian Route
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PROJECT:  
AFC Bournemouth

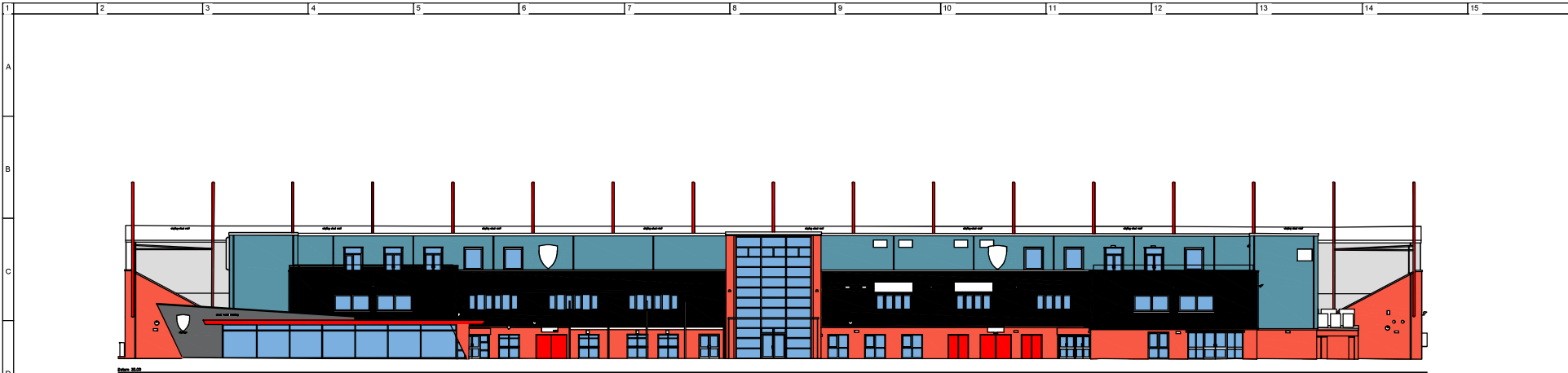
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- Phase C

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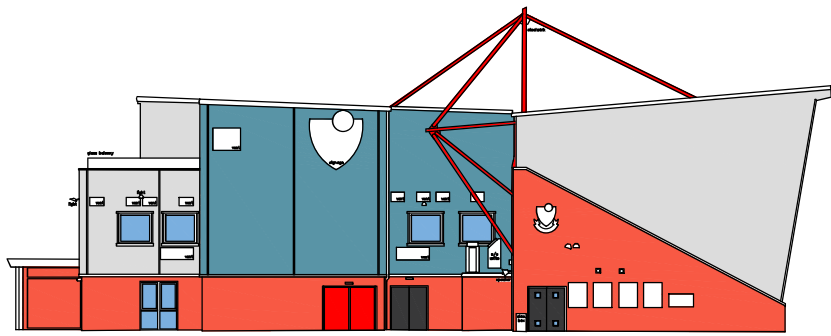
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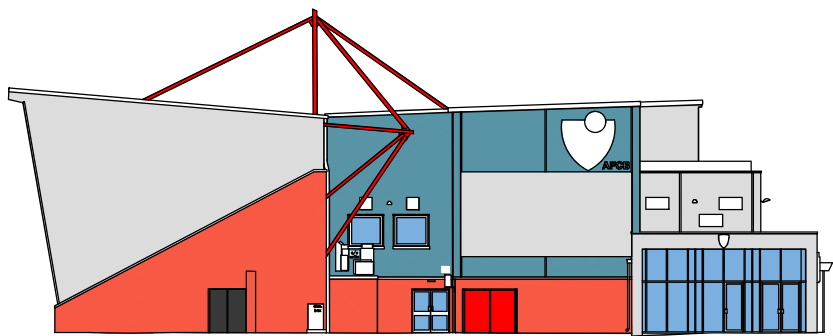


Elevation 1



Datum 32.00

Elevation 5



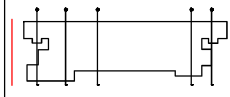
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Elevation 4



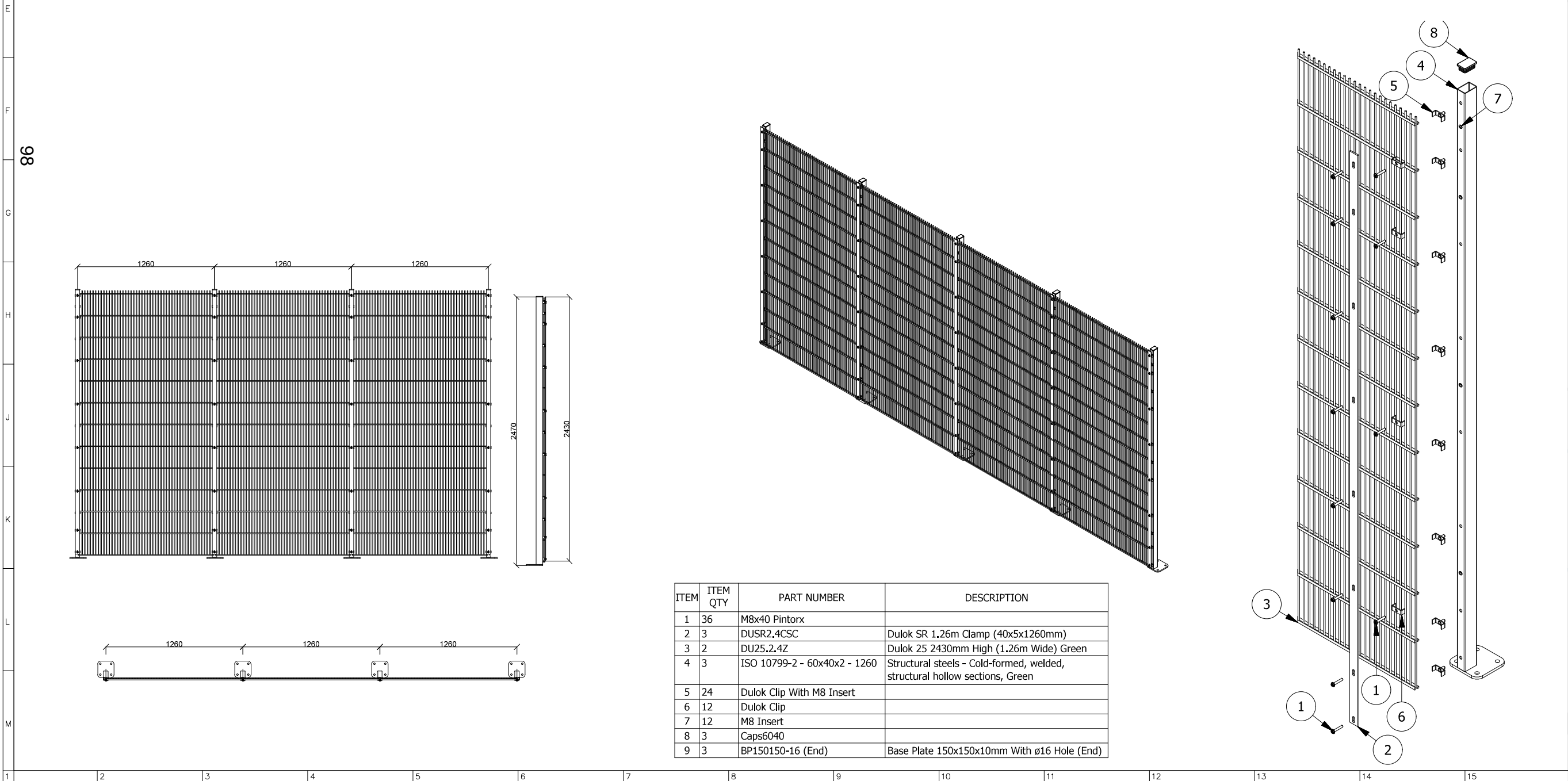
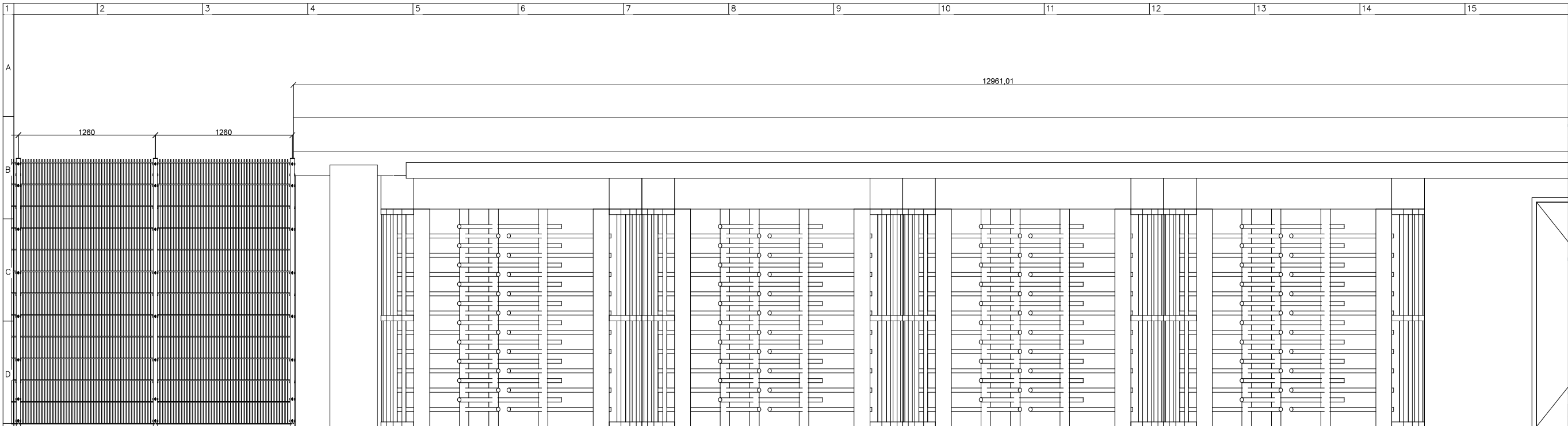
PROFESSIONAL SEAL

Rev	Date	By	Description
PD1	29.08.25	RR	Updated to comments received



PROJECT			
AFC Bournemouth			
DRAWING TITLE			
West Grandstand Existing Elevations			
CLIENT			
AFC Bournemouth			
DESIGNER		DRAWING STATUS	
RR		PLANNING	
APPROVED		DATE DRAWN	
DL		07/08/25	
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Rev	Date	By	Description	
P01	17/09/25	RR	Updated to comments received	



PROJECT:			
AFC BOURNEMOUTH			
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CLIENT:			
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DL		11/09/2025	
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# Hawk-Eye



Stadium Facilities Meeting - April 2025

# Hawkeye Cabins

## Multiyear deal

- PL have not agreed a new deal with Hawk-Eye yet, but are close to doing so...
- We believe 17 of 20 Clubs can accommodate the cabin (or room) in Season 2025/26 with the remaining Clubs following completion of building works (2026/27)
- There will be a phased installation <sup>go</sup> throughout Season 2025/26 (as soon as possible) which is reliant on fixture pairings (approx. 16 June)
- In year one, there will be a cabin and a GLT van, in years 2-4 just the cabin or room
- Current two van set up takes up 80m<sup>2</sup>, cabin and van takes up 60m<sup>2</sup>, then going down to 20m<sup>2</sup> in year 2

## YEAR 1

SERVICE	HARDWARE	OPERATIONS
VAR	<ul style="list-style-type: none"> <li>• 17x Stadia - VAR Cabin*</li> <li>• 3x Stadia - VAR Van</li> </ul>	<ul style="list-style-type: none"> <li>• 17x Stadia - VAR Cabin*; VAR Hub</li> <li>• 3x Stadia - VAR Van; VAR Hub</li> </ul>
GLT	<ul style="list-style-type: none"> <li>• GLT Van</li> </ul>	<ul style="list-style-type: none"> <li>• GLT Van</li> </ul>

\* The Installation of the cabins will be phased In Year 1 based on fixture pairings and these stadia will utilise VAR Vans until the Cabins are ready to be installed.

## YEARS 2-4

SERVICE	HARDWARE	OPERATIONS
VAR	<ul style="list-style-type: none"> <li>• 17x Stadia - VAR Cabin</li> <li>• 3x Stadia - VAR Van</li> </ul>	<ul style="list-style-type: none"> <li>• 17x Stadia - VAR Cabin; VAR Hub</li> <li>• 3x Stadia - VAR Van; VAR Hub</li> </ul>
GLT	<ul style="list-style-type: none"> <li>• VAR Hub</li> </ul>	<ul style="list-style-type: none"> <li>• HEI ROC</li> </ul>





# VAR: Evolution from Vans to Cabins

Moving VAR hardware from vans or trucks to permanent cabins onsite has the following benefits:

- **Increased feed capture capabilities** - in vans we are already at maximum feed capture capacity. Moving to cabins means we will be able to service any future increases in camera plans / higher resolution cameras, as well as, the confirmed move to HDR.
- **Increased stability of video services**, as equipment housed in stable, controlled environment. This will result in a significantly reduced likelihood of video service delivery failures.
- **Increased lifespan of equipment and less maintenance**, resulting in long term hardware cost benefits.
- **Enhanced ability to provide additional onsite services**, as we will have more space to add further hardware.
- **Easier matchday setup** with less staff required to be onsite on MD-1.
- The majority of the video services vans are at end of life and the use of cabins **removes the need for investment in new vans.**
- **Positive environmental impact** in removing the use of vans.
- Cabin equipment allows for **continuous monitoring** of GLT & SAOT camera system and networks.





# Cabin Technical Specification

- **Dimensions:**
  - 7.315m (l) x 2.743m (w) x 2.590m (h)
  - If required due to lack of space; a smaller cabin may be able to be provisioned
- **Power:**
  - As already installed - 2 x 63amp single phase (with UPS) can be re-utilised
- **Internet:**
  - No additional requirement – utilises the existing 50Mbps allocated to HE

Hawkeye will be in touch to survey and agree installation timelines.

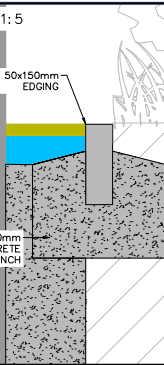
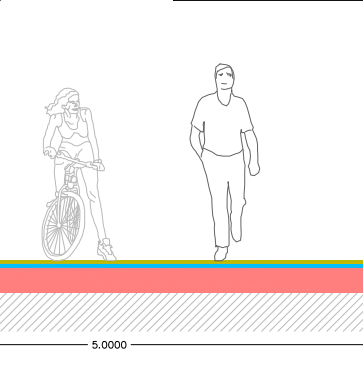
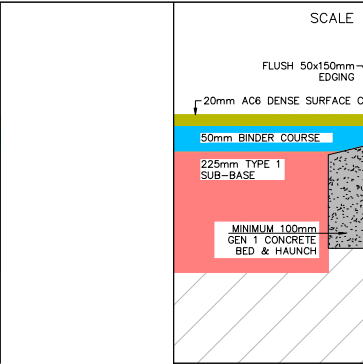
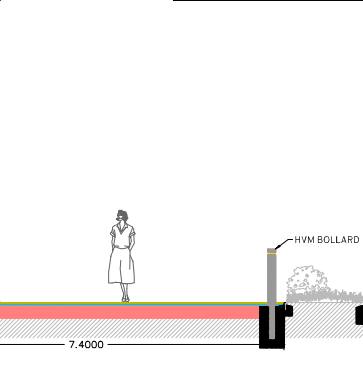
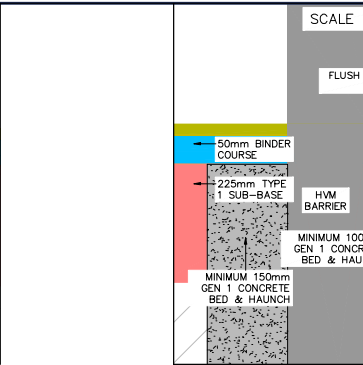
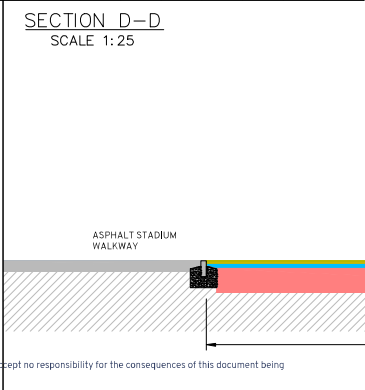
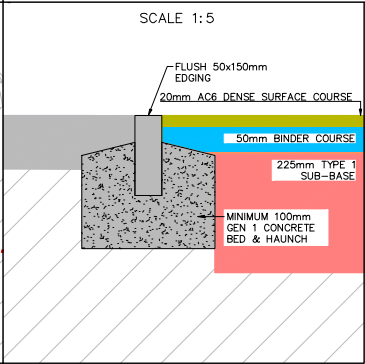
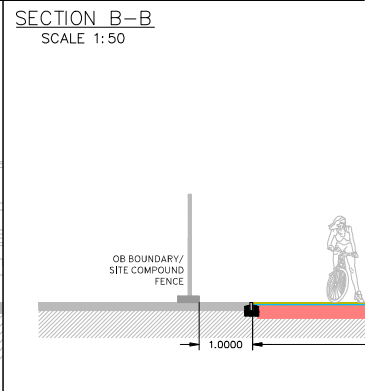
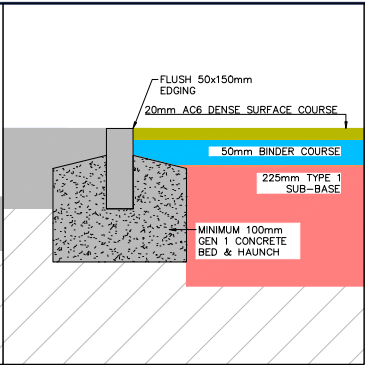
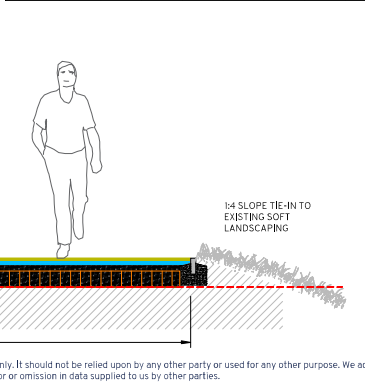
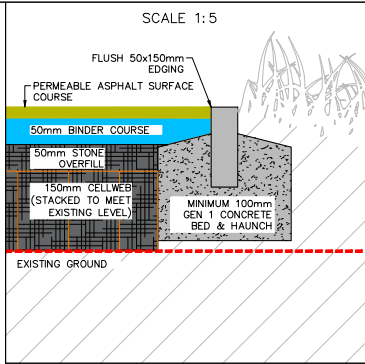
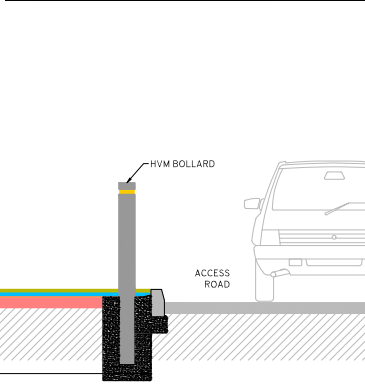
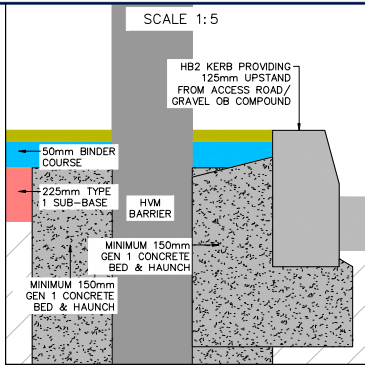
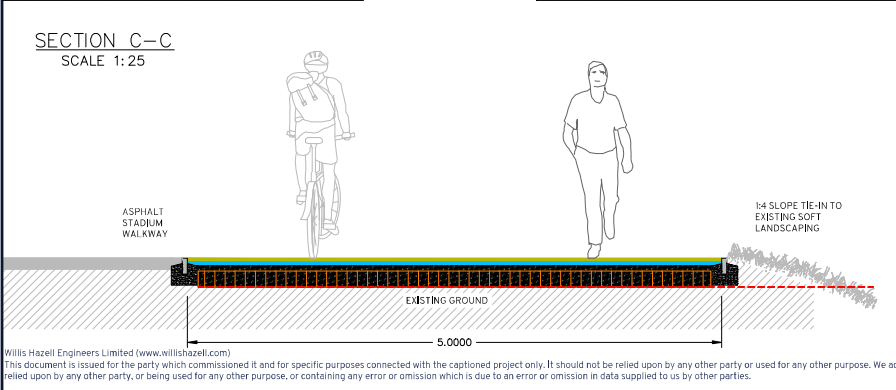
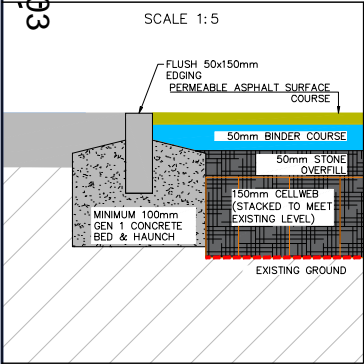
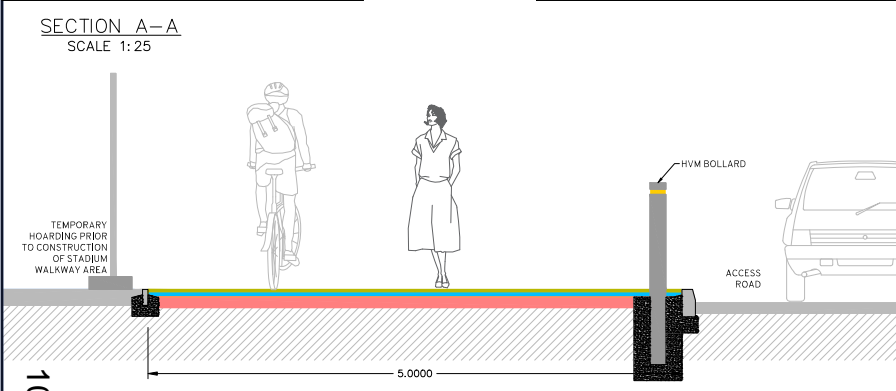
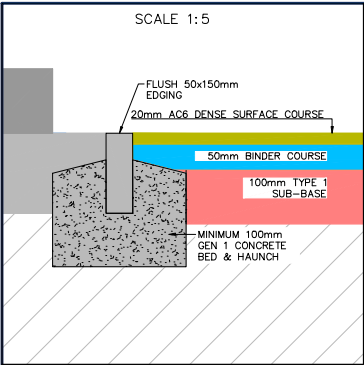
Key contact: [jamie.wykes@hawkeyeinnovations.com](mailto:jamie.wykes@hawkeyeinnovations.com)



Stadium Facilities Meeting - April 2025







Notes

- DO NOT SCALE FROM THIS DRAWING
- FOR FURTHER DETAIL OF PROPOSED ENABLING WORKS INCLUDING THE SHARED FOOTWAY DIVERSION PLEASE REFER TO PROPOSED ENABLING WORKS DRAWING PROVIDED BY STEER GROUP ON 24th OCTOBER WITH DRAWING REFERENCE 24903301-STR-HGN-100-DR-D-10801-P2.
- FOR THE LOCATIONS OF THE PROPOSED CROSS-SECTIONS SHOWN ON THIS DRAWING, PLEASE REFER TO WHE DRAWING AFCB-WHE-XX-XX-DR-C-00002-P02.

P05	16.12.2025	BA	STAGE 4 ISSUE	TF	RH
P04	11.11.2025	BA	SECTION C-C UPDATE	TF	RH
P03	11.11.2025	BA	OB COMPOUND HOARDING & NO-DIG	TF	RH
P02	07.11.2025	BA	SECTION UPDATES	TF	RH
P01	31.07.2025	BA	FIRST ISSUE	TF	RH
Rev	Date	Drawn	Description	Chk'd	App'd

Status

PRELIMINARY

Client

Contractor

Structural Engineer

**Willis Hazell**  
ENGINEERS

Project Title

AFC BOURNEMOUTH

Drawing Title

PROPOSED PREDESTRIAN AND CYCLE  
SHARED USE ROUTE DIVERSION  
TYPICAL SECTIONS AND DETAILS  
(SHEET 1 OF 2)

Suitability Status

S0 - Work In Progress

WHE Project Number

1070

Scale @ A1

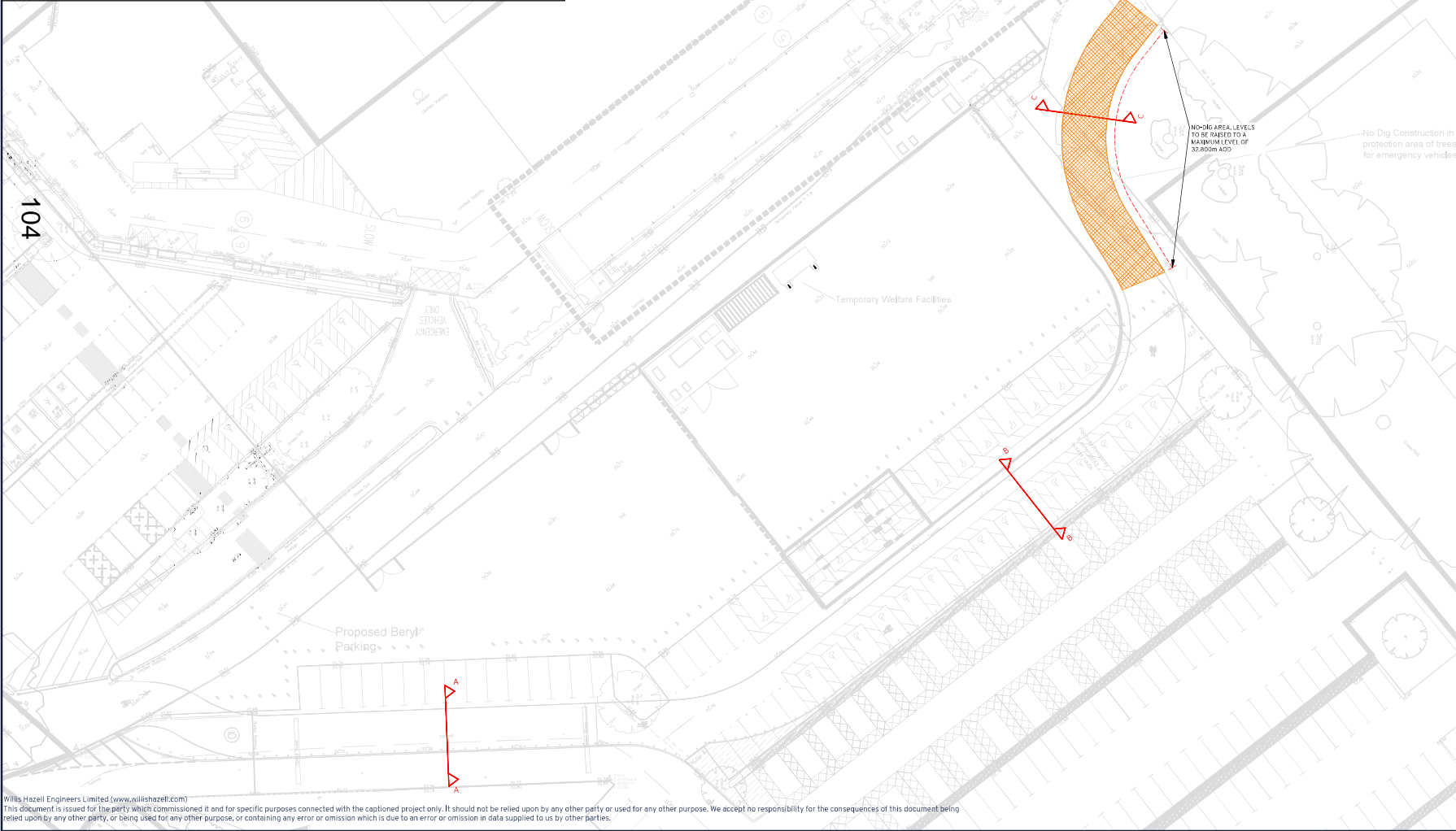
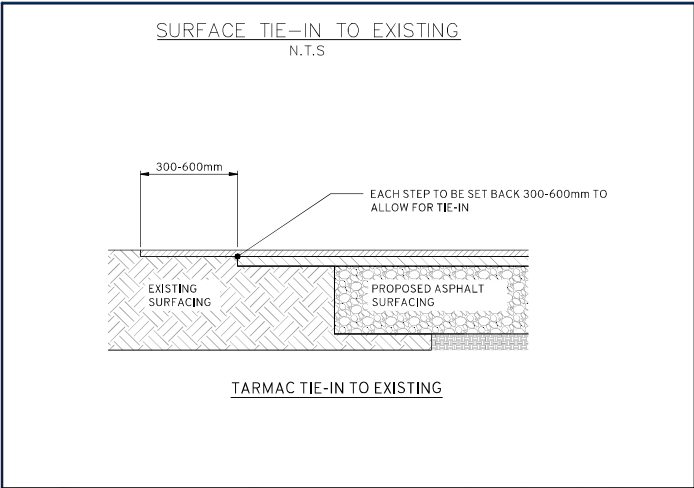
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Rev

P05

Drawing Number

AFCB-WHE-XX-XX-DR-C-00001



Notes

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- FOR PROPOSED CROSS-SECTIONS, PLEASE REFER TO WHE DRAWING AFCB-WHE-XX-XX-DR-C-00001-P02.

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P03	16.12.2025	BA	STAGE 4 ISSUE	TF	RH
P02	11.11.2025	BA	SECTION UPDATES	TF	RH
P01	31.07.2025	BA	FIRST ISSUE	TF	RH
Rev	Date	Drawn	Description	Chk'd	App'd


Status

PRELIMINARY

Client

Contractor

Structural Engineer



**Willis Hazell**  
ENGINEERS

Project Title

AFC BOURNEMOUTH

Drawing Title

PROPOSED PREDESTRIAN AND CYCLE  
SHARED USE ROUTE DIVERSION  
TYPICAL SECTIONS AND DETAILS  
(SHEET 2 OF 2)

Suitability Status

S0 - Work In Progress

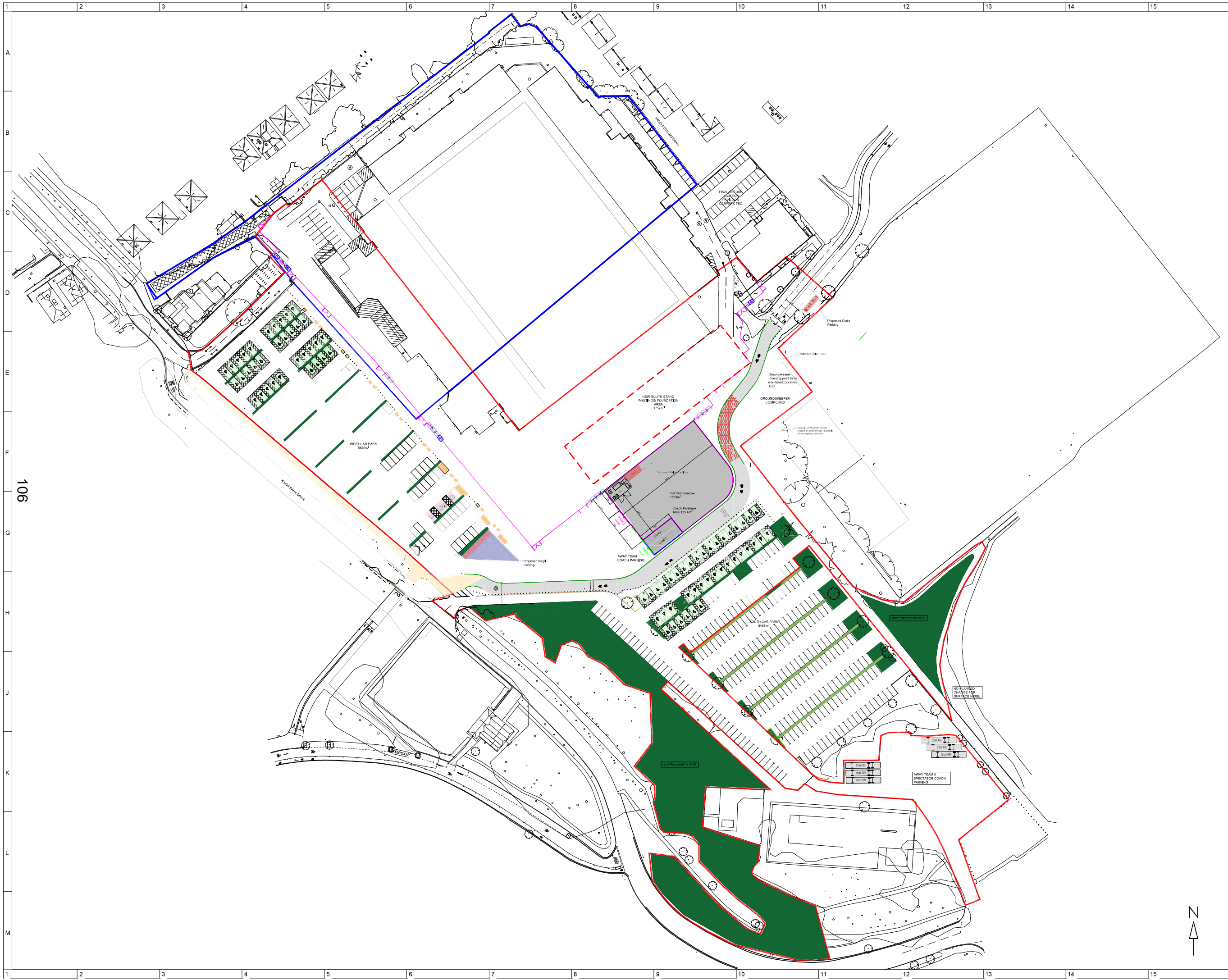
WHE Project Number	Scale @ A1	Rev
1070	1:250	P04

Drawing Number

AFCB-WHE-XX-XX-DR-C-00002







106



PROFESSIONAL SEAL:

Rev	Date	By	Description
P07	18.08.25	RR	T16 Tree Added
P08	26.08.25	RR	Boiler House Relocated
P09	26.08.25	RR	South Foundation Line Ammended
P10	01.10.25	RR	Boiler House Updated
P11	16.12.25	FN	Updated to comments received

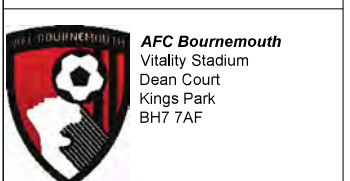
- Site Boundary Line
- Proposed Fence Line
- New Turnstile
- Proposed Emergency Vehicle/OB Compound Access Route
- Proposed Shared Footway / Cycleway
- Proposed Beryl Bike Space
- BNG & Landscaping
- Standard Car Park Space
- Disabled Car Park Space
- Electric Vehicle Space
- Proposed Cycle Parking
- Antiterrorism planters and bollards

**West Car Park**

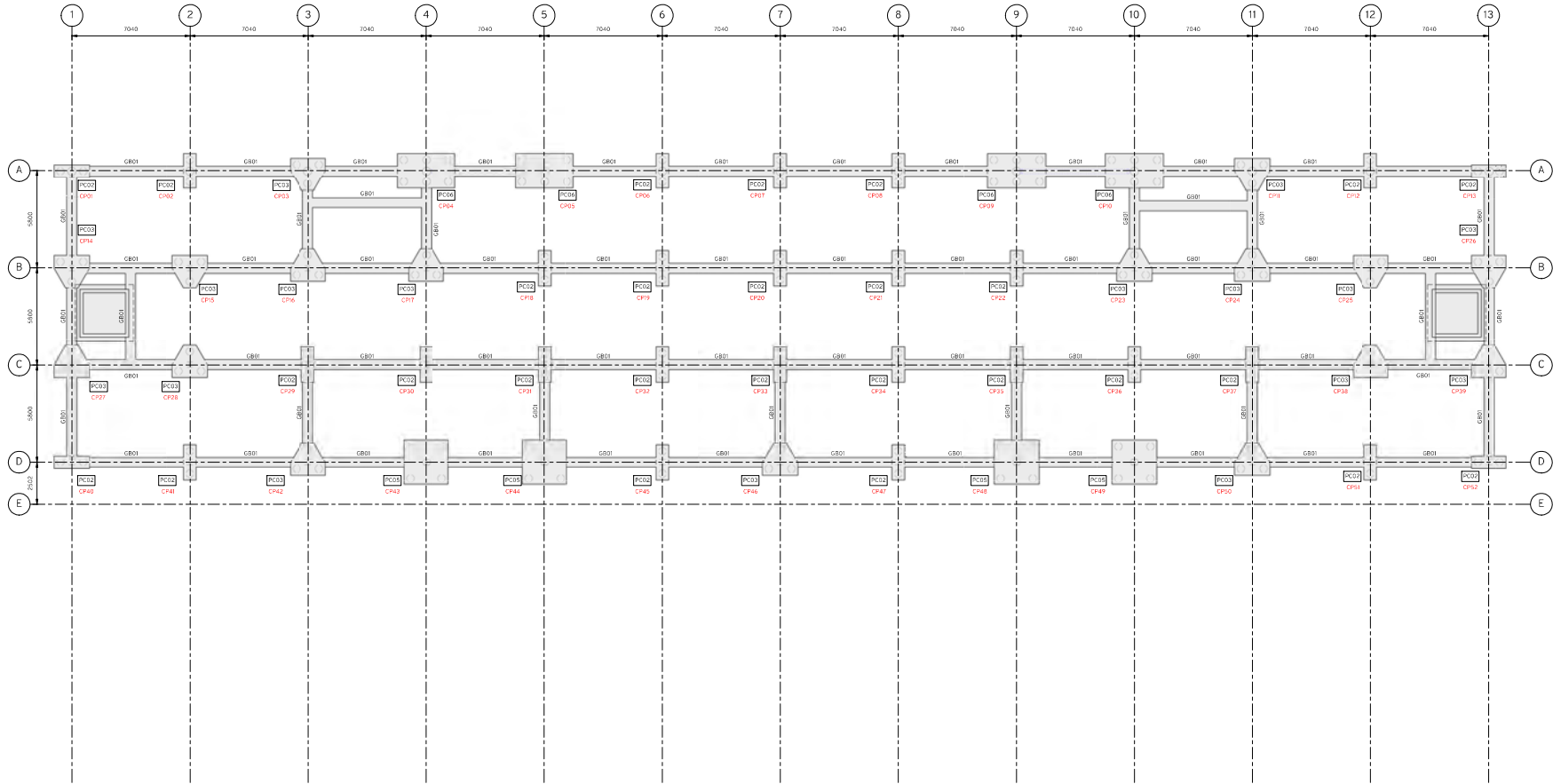
34 No. Disabled Spaces  
4 No. EV Parking Spaces  
144 No. Car Spaces

**South Car Park**

347 No. Car Park Spaces  
40 No. Disabled Spaces



PROJECT: AFC Bournemouth			
DRAWING TITLE: Site Plan			
CLIENT: AFC Bournemouth			
DRAWN: RR	DRAWING STATUS: PLANNING		
APPROVED: DL	DATE DRAWN: 12/08/25		
SCALE: NTS @A3	JOB NO: 25017.5	SUITABILITY: A1	REVISION: P11
DOCUMENT ID: 250175- STA - XX - XX - DR - A - 3001			
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Pile Cap Schedule					
Type Mark	Pile Cap Dimension			Pile Information	
	Length (mm)	Width (mm)	Depth (mm)	Number	Embedment (mm)
PC02	2600	750	1010	2	450
PC03	1950	2100	1010	3	450
PC05	3650	3650	1010	6	450
PC06	3450	2100	1350	6	450

Ground Beam Schedule		
Type Mark	Width (mm)	Depth (mm)
GB01	800	800

Notes

- All dimensions are in millimetres and levels in metres unless noted otherwise.
- The drawing is to be used in conjunction with all relevant Architects and Engineers drawings, specifications and general notes.
- This drawing has been produced electronically and may have been photo reduced or enlarged when copied. Do not rely on any scales quoted. Work only to figured dimensions (do not scale). All dimensions to be checked on site. Any errors or omissions to be reported to the Engineer immediately.

Site Plan

Legend

PC02	Pile Cap Type (Refer to pile cap schedule for size)
PC02	Pile Cap Mark (Individual reference)

Reference

Document Title	Document Number
AFCB-WHE-SS-FN-DR-S-20001	Piling Schedule
AFCB-WHE-SS-FN-DR-S-20101	Piling Layout
AFCB-WHE-SS-FN-DR-S-20401	Pile Cap Details

Rev	23/08/23	Mr	Issued For Information	JB	Rev
Rev	Date	Drawn	Description	Checked	App'd

Status: PRELIMINARY

Client	Contractor

Civil & Structural Engineer

**Willis Hazell**  
ENGINEERS

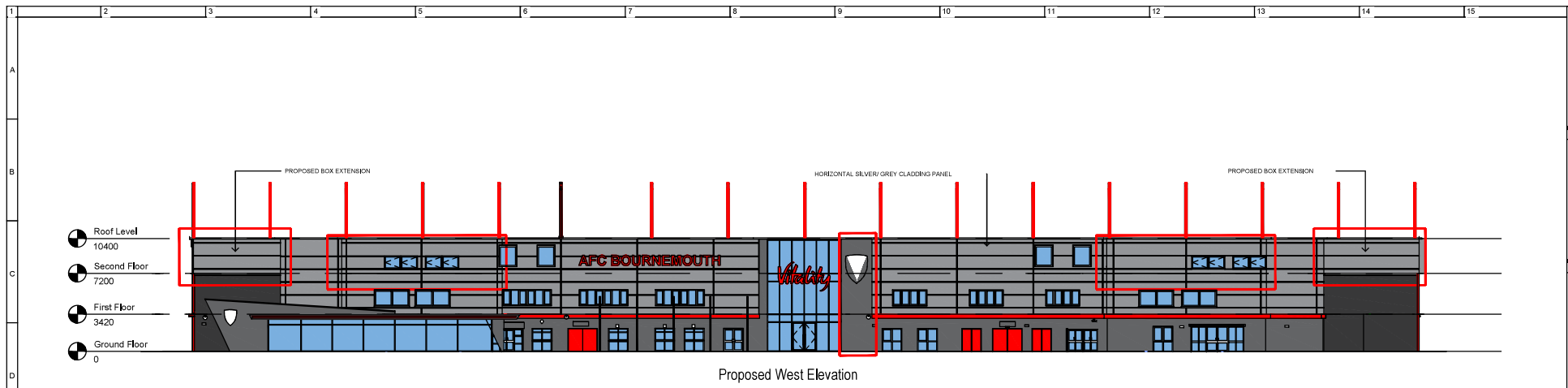
Project Title:  
AFC Bournemouth Stadium Development

Drawing Title:  
South Stand  
Foundation Layout

Suitability Status:  
**S2 - Information**

WHE Project Number	Scale @ A0	Rev
1070	1:100	P01

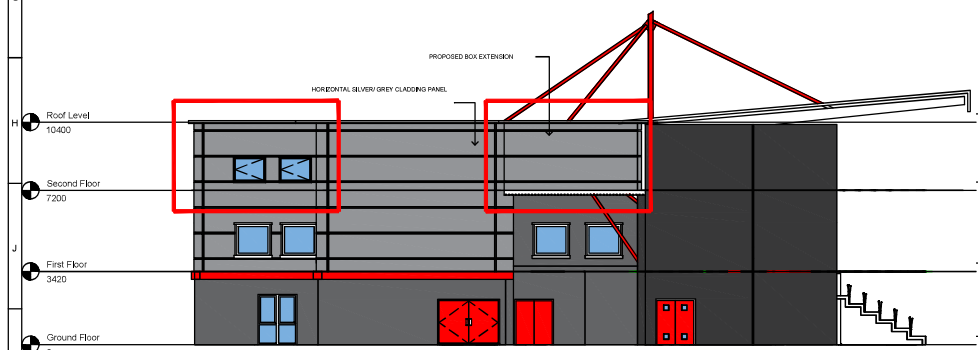
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Proposed West Elevation

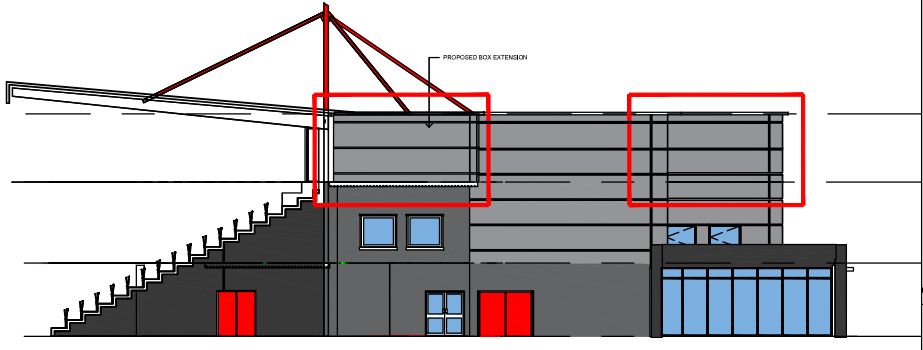
Scale: 1:400

108




Proposed South West Elevation

Scale: 1:250




Proposed North West Elevation


Scale: 1:250



STADIUM  
STRUCTURES




Willis Hazell  
ENGINEERS



FRONT FIVE

PROFESSIONAL SEAL

Rev	Date	By	Description
PD1	06.08.25	RR	Updated to comments received
PD2	29.08.25	RR	Updated to comments received
PD3	26.09.25	RR	Scale Adjusted



**AFC Bournemouth**  
Vitality Stadium  
Dean Court  
Kings Park  
BH7 7AF

PROJECT  
AFC Bournemouth

DRAWING TITLE  
West Grandstand Elevations

CLIENT  
AFC Bournemouth

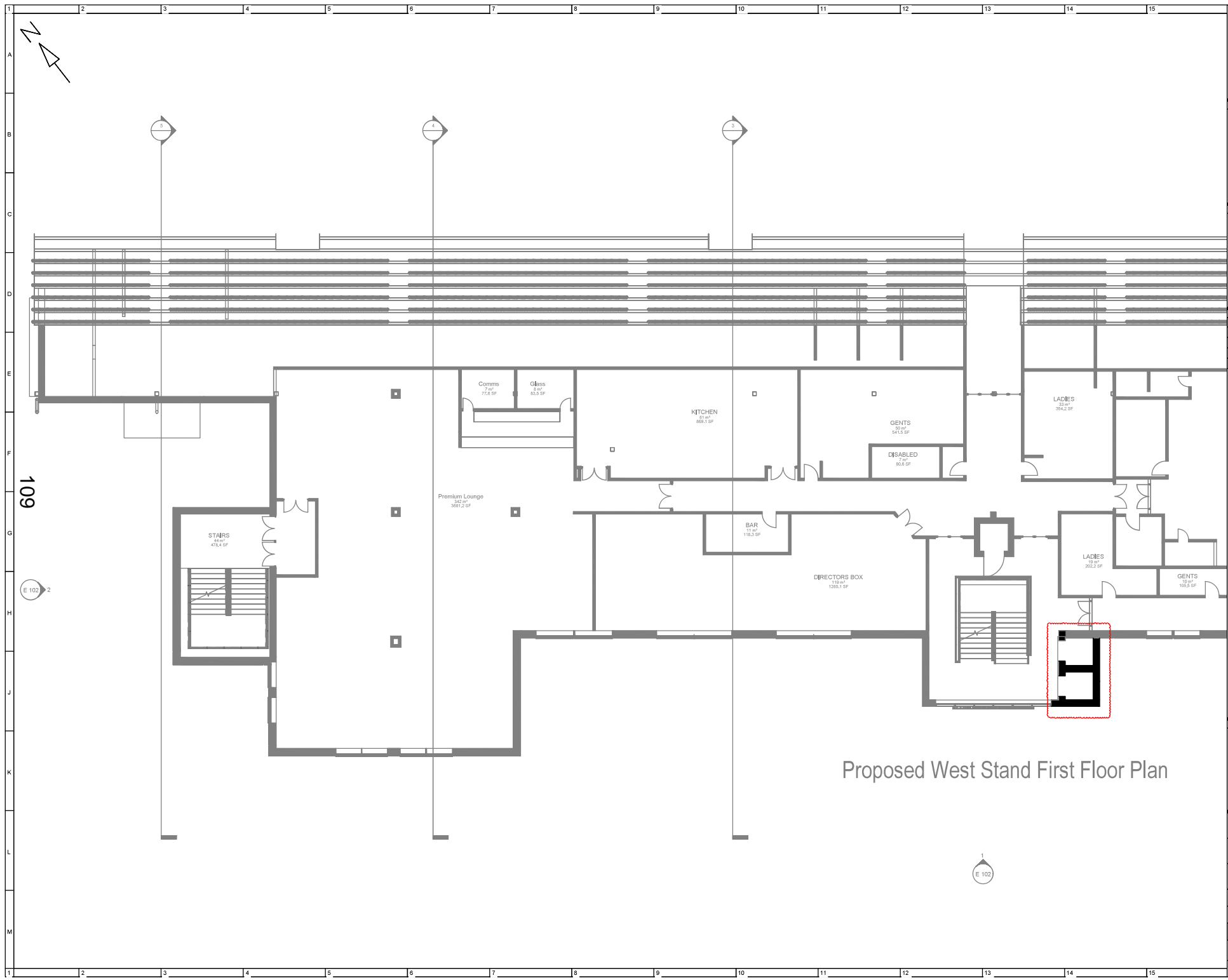
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RR		PLANNING

APPROVED	DATE DRAWN
DL	07/08/25

SCALE	COORDINATE	REVISION	REVISION
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250175 - STA - W - XX - DR - A - 1000

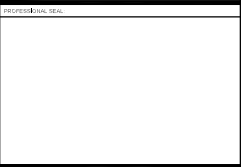
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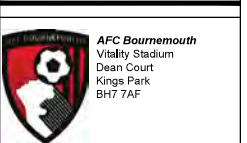
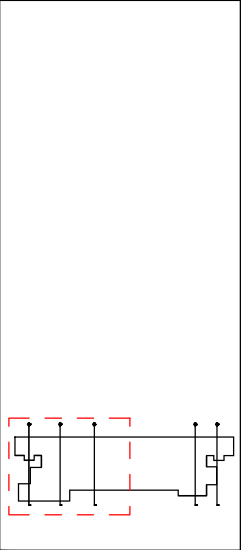
109

E 100 2

Proposed West Stand First Floor Plan



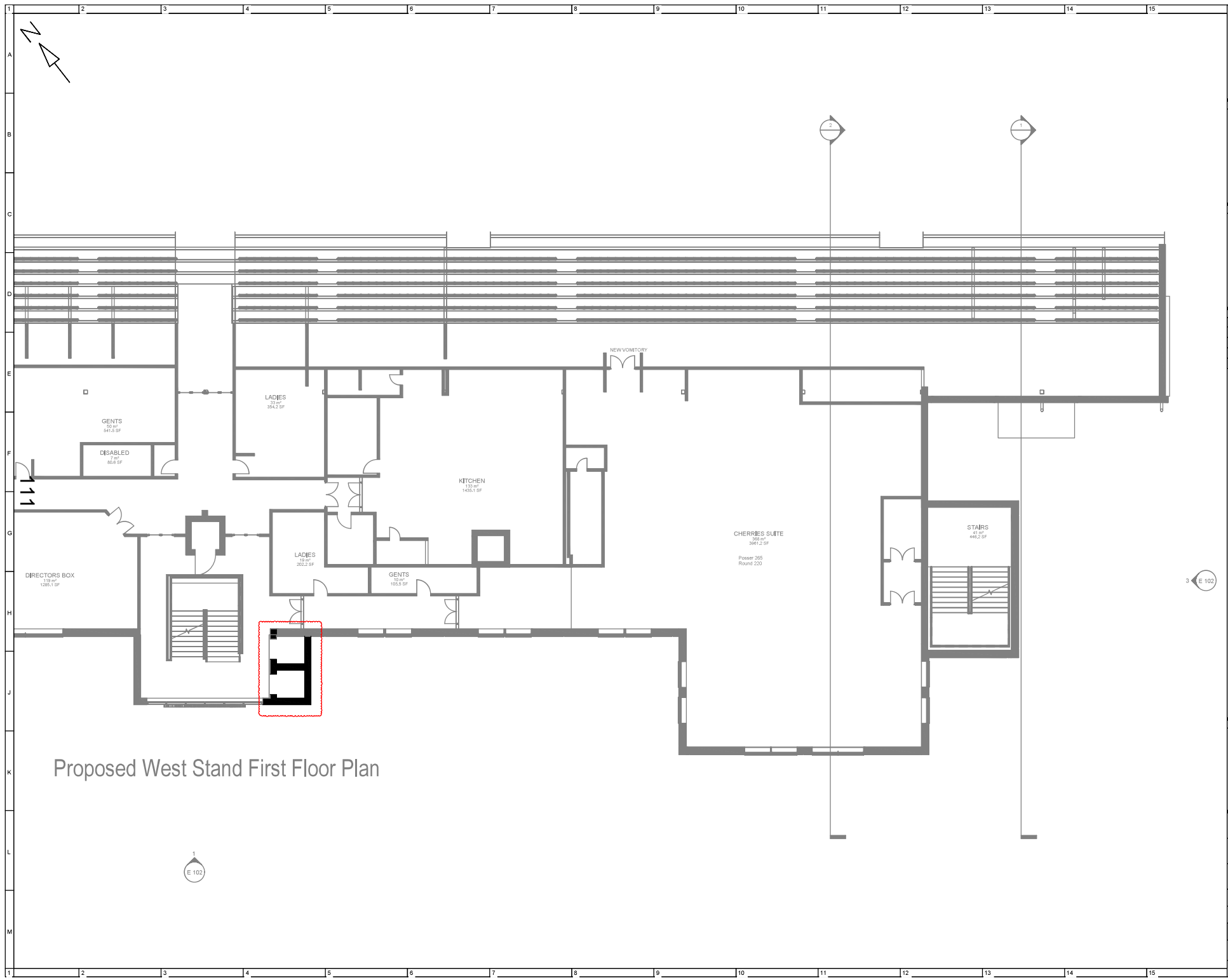
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PD1	06.08.25	RR	Updated to comments received
PD2	29.08.25	RR	Updated to comments received



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DRAWING TITLE			
Proposed West Stand First Floor 1/2			
CLIENT			
AFC Bournemouth			
DESIGN		DESIGNED STATUS	
RR	PLANNING		
APPROVED		DATE DRAWN	
DL	07/08/25		
SCALE		JOB NO.	
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REVISION		P02	
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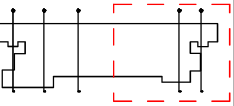


Proposed West Stand First Floor Plan



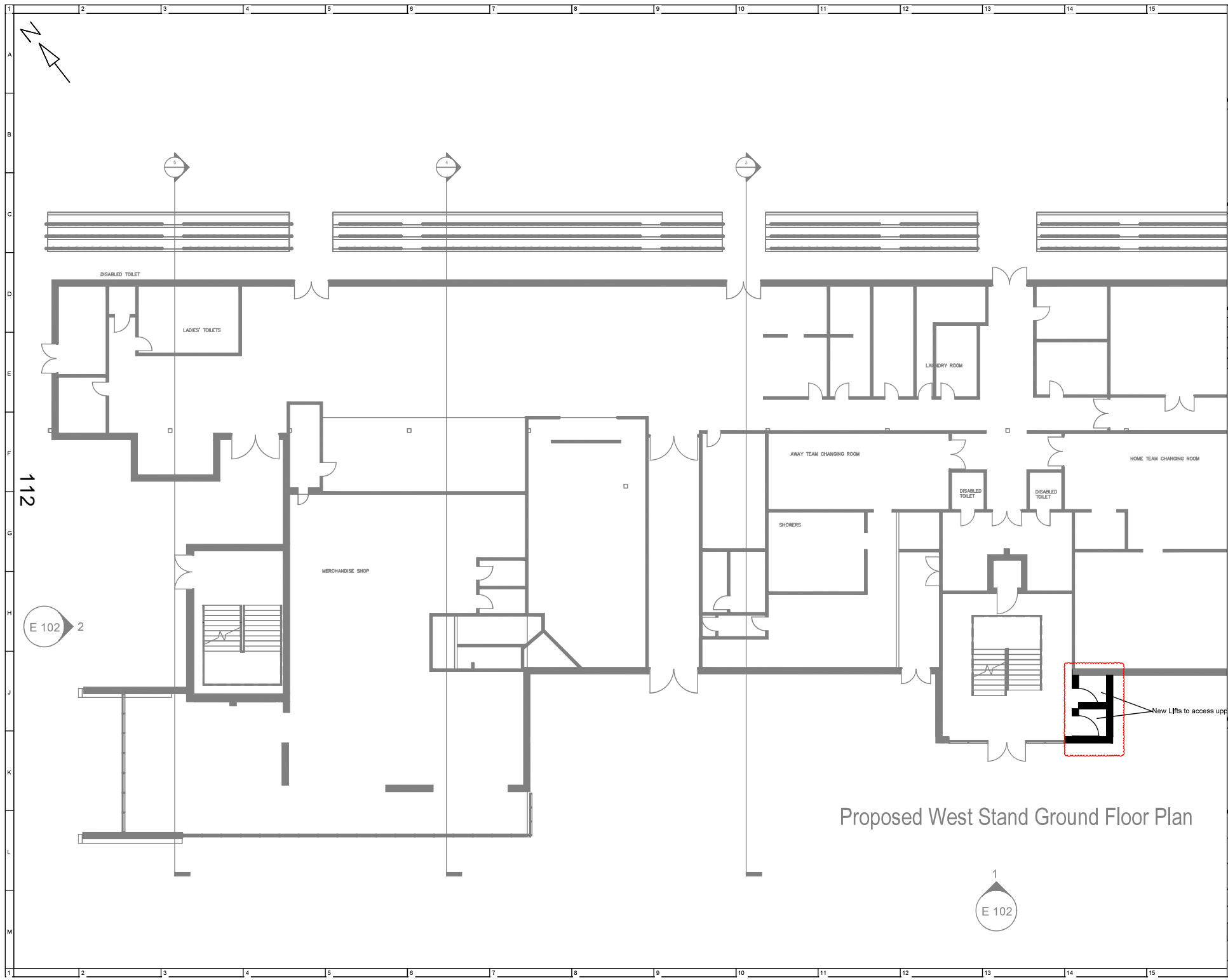
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PD2	29.08.25	RR	Updated to comments received



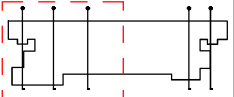
**AFC Bournemouth**  
Vitality Stadium  
Dean Court  
Kings Park  
BH7 7AF

PROJECT				
AFC Bournemouth				
DRAWING TITLE				
Proposed West Stand First Floor 2/2				
CLIENT				
AFC Bournemouth				
DESIGN		DESIGNED STATUS		
RR		PLANNING		
APPROVED		DATE DRAWN		
DL		07/08/25		
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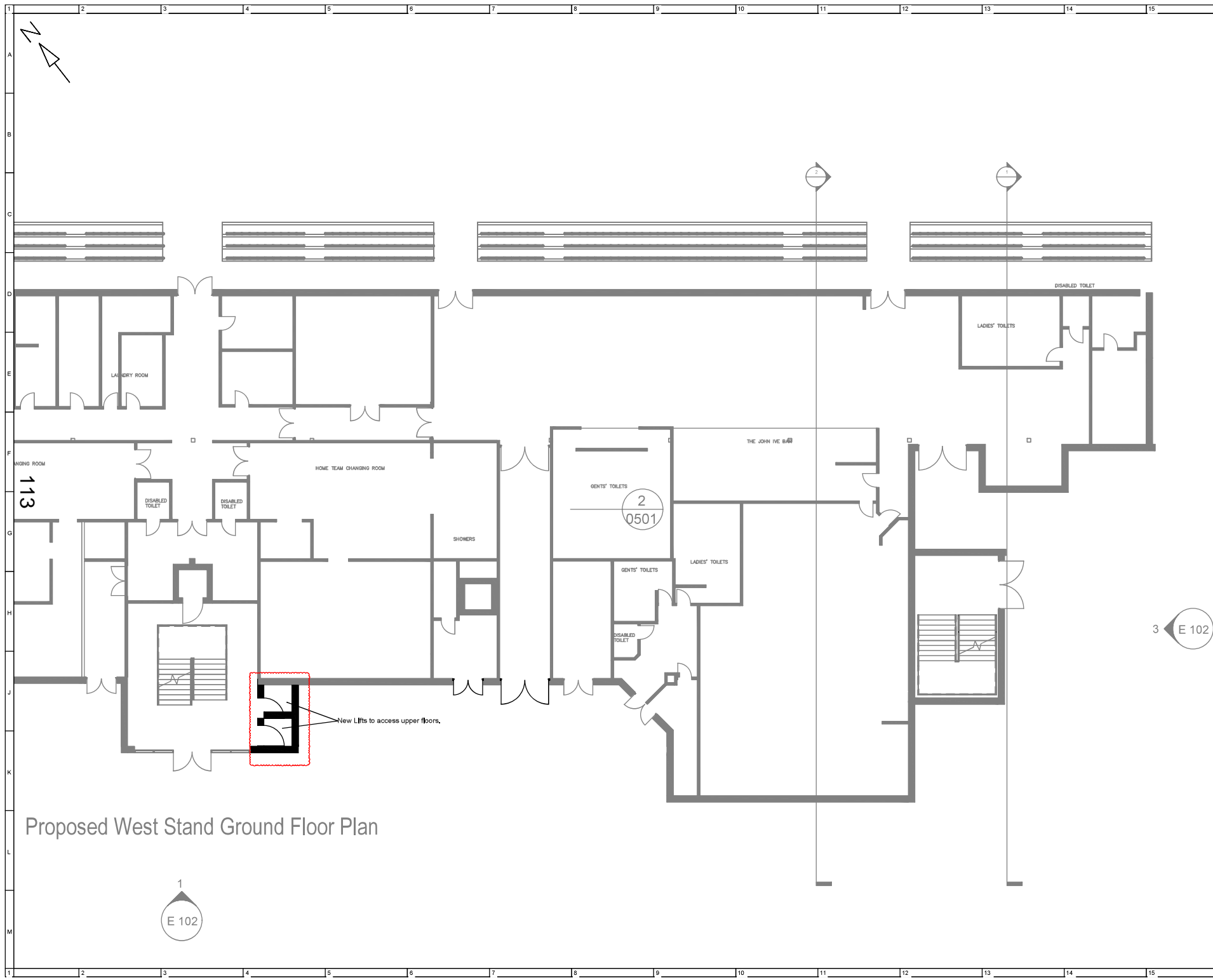
Rev	Date	By	Description
PD1	06.08.25	RR	Updated to comments received
PD2	29.08.25	RR	Updated to comments received



PROJECT AFC Bournemouth			
DRAWING TITLE Proposed West Stand Ground Floor 1/2			
CLIENT AFC Bournemouth			
DESIGNER RR	DRAWING STATUS PLANNING		
APPROVED DL	DATE DRAWN 07/08/25		
SCALE 1:200@A3	JOB NO. 25017.5	REVISION A1	REVISION P02
DOCUMENT ID 250175 - STA - W - 00 - DR - A - 0032			

Proposed West Stand Ground Floor Plan



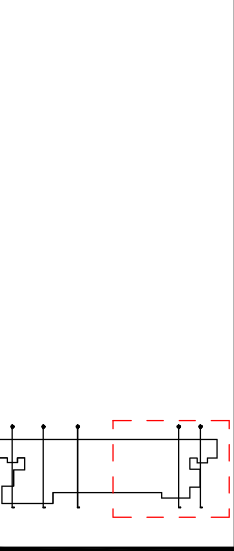


Proposed West Stand Ground Floor Plan

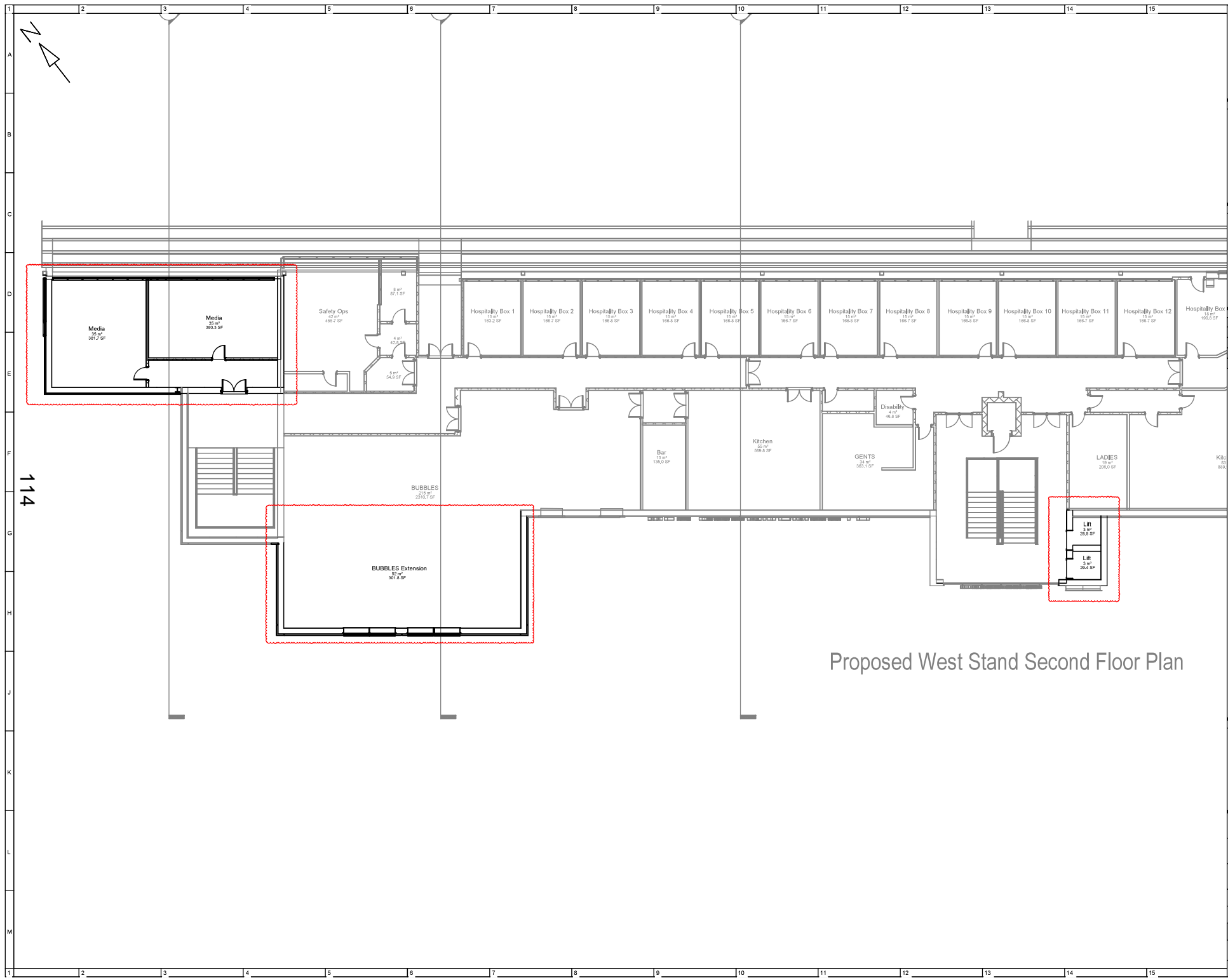


PROFESSIONAL SEAL

Rev	Date	By	Description
PD1	06.08.25	RR	Updated to comments received
PD2	29.08.25	RR	Updated to comments received




PROJECT			
AFC Bournemouth			
DRAWING TITLE			
Proposed West Stand Ground Floor 2/2			
CLIENT			
AFC Bournemouth			
DESIGNER		DESIGNED STATUS	
RR		PLANNING	
APPROVED		DATE DRAWN	
DL		07/08/25	
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250175 - STA - W - 00 - DR - A - 0033			
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Proposed West Stand Second Floor Plan



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STRUCTURES




Willis Hazell  
ENGINEERS



FRONT FIVE  
ARCHITECTS

PROFESSIONAL SEAL

Rev	Date	By	Description
P01	06.08.25	RR	Updated to comments received
P02	29.08.25	RR	Updated to comments received



**AFC Bournemouth**  
Vitality Stadium  
Dean Court  
Kings Park  
BH7 7AF

PROJECT  
AFC Bournemouth

DRAWING TITLE  
Proposed West Stand Second Floor 1/2

CLIENT  
AFC Bournemouth

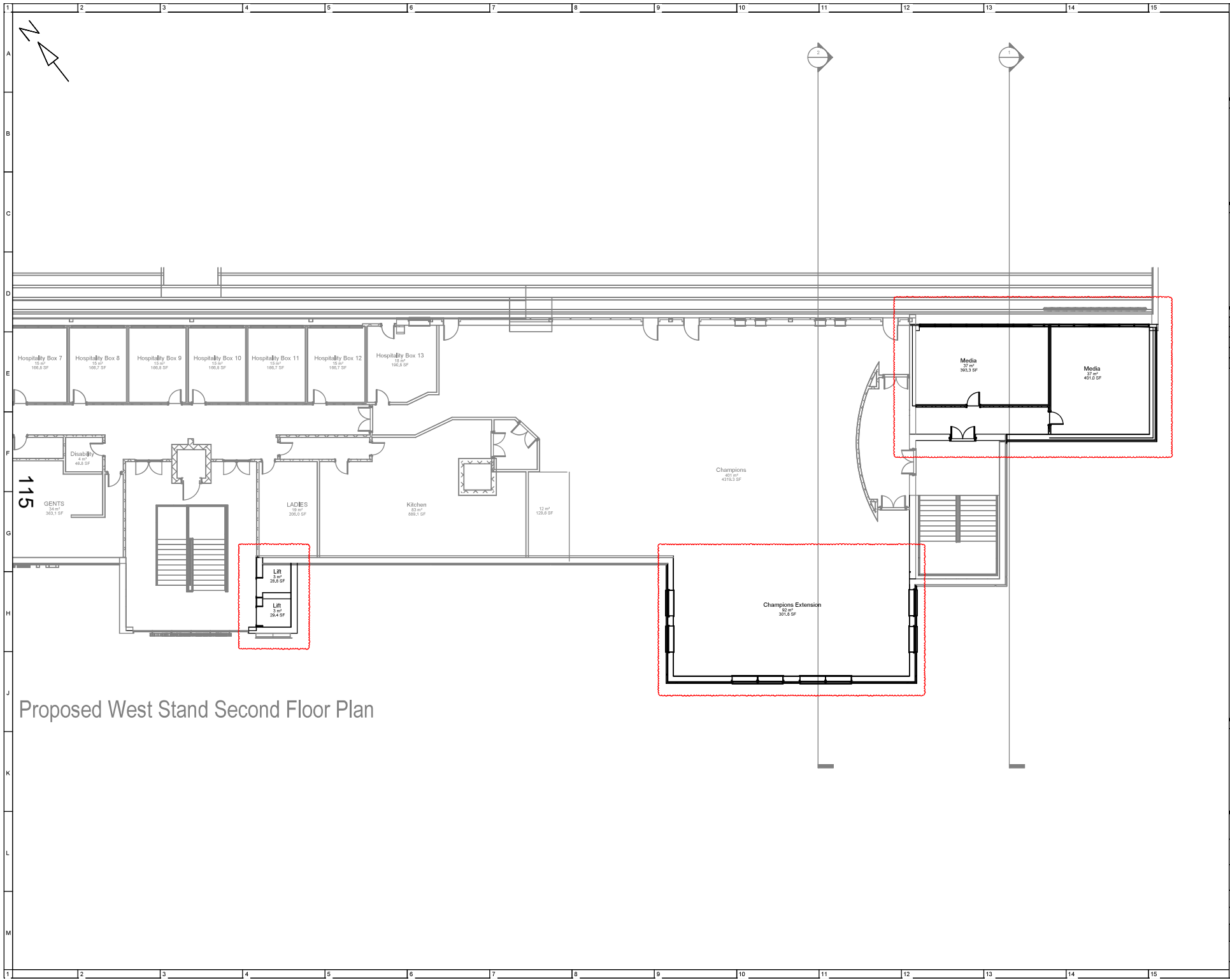
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RR		PLANNING

APPROVED	DATE DRAWN
DL	07/08/25

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DISCIPLINE	NO.	DATE	REVISION
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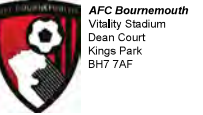
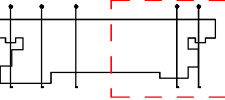


Proposed West Stand Second Floor Plan

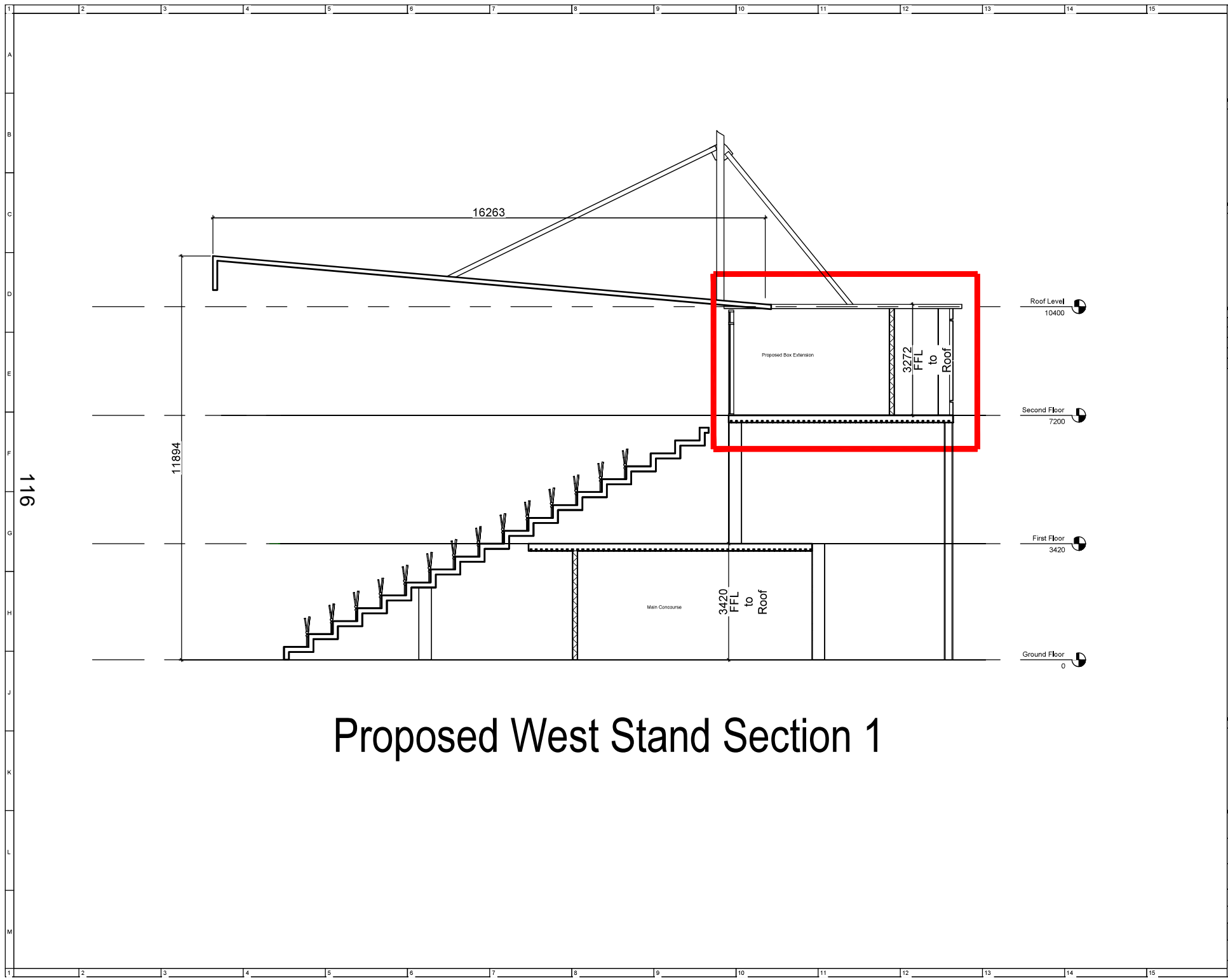


PROFESSIONAL SEAL


Rev	Date	By	Description
PD1	06.08.25	RR	Updated to comments received
PD2	29.08.25	RR	Updated to comments received




PROJECT			
AFC Bournemouth			
DRAWING TITLE			
Proposed West Stand Second Floor			
2/2			
CLIENT			
AFC Bournemouth			
DRAWN		DRAWING STATUS	
RR		PLANNING	
APPROVED		DATE DRAWN	
DL		07/08/25	
SCALE		JOB NO.	
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250175 - STA - W - 02 - DR - A - 0203		A1	
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Proposed West Stand Section 1



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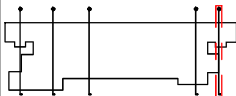
Willis Hazell  
ENGINEERS




FRONT FIVE  
ARCHITECTS

PROFESSIONAL SEAL

Rev	Date	By	Description





**AFC Bournemouth**  
Vitality Stadium  
Dean Court  
Kings Park  
BH7 7AF

PROJECT  
AFC Bournemouth

DRAWING TITLE  
Proposed West Stand Section 1

CLIENT  
AFC Bournemouth

Drawn	Checked	Status
RR	DL	PLANNING

APPROVED	DATE QUANT
DL	07/08/25

SCALE	JOB NO.	REVISION	REVISION
1:100@A3	25017,5	A1	

250175 - STA - W - XX - DR - A - 1051

Project Name: 250175 Job No: 25017,5 Revision: A1

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# Planning Committee

Application Address	Westover Retail Park Castle Lane West Bournemouth BH9 3JS
Proposal	Redevelopment of the Westover Retail Park to provide a Class E(a) retail store with associated parking, landscaping and access works.
Application Number	P/25/02274/FUL
Applicant	Mr Oliver Roberts - Lidl
Agent	Mr Chris Tookey - Carney Sweeney
Ward and Ward Member(s)	Moordown Cllr Joe Salmon Cllr Kate Salmon
Report status	Public
Meeting date	22 January 2026
Summary of Recommendation	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	<p>At the request of Councillor Joe Salmon for the following reasons:</p> <p><i>I am requesting that this application be determined by Planning Committee due to continuing and unresolved conflicts with national and local planning policy, notwithstanding revisions made since the previous refusal.</i></p> <p><i>In particular, I remain concerned about the quality of the proposed design and its relationship with the surrounding area, especially along Castle Lane West. I believe the scheme remains visually poor, overly box-like, and insufficiently articulated, with an inactive frontage dominated by signage and limited contribution to the public realm re: 135 of the National Planning Policy Framework.</i></p> <p><i>I am also concerned about the impact of the scale and massing of the building on nearby residential properties, including potential harm to residential amenity through dominance, outlook, and operational disturbance, which raises issues under the NPPF requirement to create places</i></p>

	<p><i>with a high standard of amenity for existing and future users.</i></p> <p><i>Given the planning history of the site, the professional advice received, and the cumulative nature of these issues, I consider the application raises matters of sufficient significance to warrant consideration by Planning Committee rather than determination under delegated powers.</i></p>
Case Officer	Steve Davies
Is the Proposal EIA Development?	No

### **Description of Proposal**

1 Planning permission is sought for 'Redevelopment of retail park by erecting a food store (Use Class E(a) with associated access, parking, and landscaping works, involving demolition of existing 4 x retail units'. This is an amended proposal following the refusal of a similar scheme earlier in the year. The main change is that the proposal now includes space to dedicate to the Council land for a cycle route on Castle Lane West. As a result, the store and car park is slightly smaller.

2 The key features of the proposal are as follows: -

- A new single building with a gross internal area (GIA) of 1,843sq m and a net sales area of 1,175sq m. (Currently the existing development comprises 3 non-food retail units and 1 restaurant totalling 2,125 sq m gross floorspace;
- Includes an onsite bakery;
- A total of 75 car parking spaces will be provided including 5 disabled spaces, 6 parent and child spaces, and 2 electric vehicle charging bays, with further passive EV charging infrastructure to 20% of the overall parking provision. Covered cycle parking is also provided for 24 customer bicycles, with a further 5 cycle racks for staff within the store warehouse. (currently parking for 100 cars);
- Eaves height of building – 4.96m. The sloping roof rises about another 2m;
- The design and materials are modern and the walls are almost all brick (with no piers) with limited amounts of render on the side elevation at the end and at the edge of the poster panels, timber cladding. The walls have red brick panelling and aluminium framed glazing and a low pitched metal roof with solar PV panels;
- The typical opening hours for Lidl stores are 07:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays;



- The applicant had indicated that based on existing Lidl's elsewhere the proposed store is likely to provide up to 40 job opportunities;
- The proposed development will incorporate PV panels on its roof, as well as other sustainable design features, and the submitted energy report confirms that the proposal will far exceed the Council's 10% renewable energy requirements under policy CS2 of the Core Strategy;
- The proposed use is to operate as a specific type of food store. Lidl have classed themselves together with Aldi as a Limited Assortment Discounter (LAD), a category of retailer distinct from the mainstream operators. However, in planning terms the use still falls within the general Class E use which allows commercial, business and service uses.

3 The applicant carried out pre-application discussions initially with the Council and following the previous application have resubmitted and updated where appropriate reports to deal with key issues as follows;

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Assessment
- Bat Survey report
- Landscape Management Plan & Maintenance Schedule
- Noise Impact Assessment
- Daylight, Sunlight and Overshadowing Assessment
- Tree Survey Report and Arboricultural Impact Assessment
- Phase 1 Site Investigation & Preliminary Risk Assessment
- Geo-Environmental Investigation Report
- Surface & Foul Water Drainage Technical Note
- Energy Usage and Sustainability Statement
- Ventilation and Extraction Statement

4 The applicant had previously carried out some Community Involvement for the project. Individual flyers outlining the development proposals were sent in November 2022 to local households and businesses within the catchment area, on the north side of Bournemouth. The aim of the flyer was to inform local residents, community groups

and businesses of the plans. However, this has not been carried out again for the revised proposal given the relatively short intervening period.

### **Description of Site and Surroundings**

5 The site lies at the junction of Castle Lane West and Wimborne Road. Although it is in the Moordown Ward it is close to Redhill to the west and Muscliff to the north. As can be seen from the image below it is a triangular shaped site with small, detached bungalows adjoining along the SE boundary with Lawford Rise and 2 storey detached houses to the South in Wimborne Road. The properties opposite in Wimborne Road and Castle Lane are similarly domestic in scale. As can be seen from the image the site is presently occupied by commercial retail warehouse buildings falling within the former A1 retail use which is now class E with a total of 4 units (the central unit is subdivided) and a pizza hut restaurant. Access is off Wimborne Road opposite the junction with The Grove. The site is about 420m north of and outside the Moordown local shopping area.



### **Relevant Applications and Appeals:**

6 Note the following table

P/25/00830/PND EM	Westover Retail Park  Wimborne Road  Bournemouth  BH9 3JS	Clear the site prior to proposed redevelopment.	Granted	02/05/25
7-2023-1927-BT	Westover Retail Park  Castle Lane West  Bournemouth  BH9 3JS	Redevelopment of retail park by erecting a foodstore (Use Class E(a) with associated access, parking, and landscaping works, involving demolition of existing 4 x units.	Refused	30/01/25
7-2023-1927-BU	Prama  Unit 3a Westover Retail Park  Castle Lane West  Bournemouth  BH9 3JS	Retrospective application to install 4 x non-illuminated signage boards	Granted	05/10/23
7-2000-1927-AT	Westover Retail Park  Wimborne Road  Bournemouth  BH9 3JS	: Erection of three retail units, one restaurant, formation of new vehicular access and car parking - Approval of Reserved Matters of Application No: 7/99/1927/AS.	Granted	17 July 2000
Various other applications for advertisements and minor works but nothing significant or relevant to the current proposal.				

7 The “AT” permission above included the following condition which is relevant to the current application;

*The Class A1 retail premises shall not be used for the sale of food for consumption off the premises other than confectionery except for one unit up to a maximum floor area of 232 sq.m. gross floor area.*

*Reason: The Local Planning Authority does not wish to consolidate this type of shopping on this site, which could prejudice the vitality and viability of nearby town centres.*

### **Constraints**

8 There are no statutory constraints such as a Tree Preservation Order, Conservation Area or listed building. However, other specific constraints and relevant matters will be set out below in the considerations section below.

### **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 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.

11 For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.

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

### **Consultations**

13 **Policy Officer** – the key points of the policy advice is summarised as follows

### Retail Policy:

The proposed Lidl store has a gross internal area of 1,843 sq m and a net sales area of 1,175 sq m, slightly smaller than the previous application (ref 7-23-1927-BT).

A sequential test was conducted for the previous application, concluding no suitable alternative sites within or on the edge of designated centres.

The Council's independent retail impact assessment for the previous application found minimal impact on nearby district centres and no significant adverse effects on other designated centres.

The current application adopts the same trade diversion pattern as the previous assessment, with a smaller turnover and reduced impact.

As the draft BCP Local Plan has been withdrawn, the national threshold of 2,500 sq m for retail impact assessments applies, and no retail impact test is required.

### Mixed-Use Scheme:

The previous application was refused for failing to provide land for walking/cycling networks and not incorporating a mixed-use commercial and residential scheme, contrary to NPPF Chapter 11 and Policy P19 Site M1 of the withdrawn BCP Local Plan.

The withdrawn BCP Local Plan policies hold no weight, and the proposal must be assessed under Chapter 11 of the NPPF.

NPPF encourages mixed-use schemes to provide multiple benefits, including housing, especially on under-utilised brownfield land.

BCP faces significant housing needs, with a housing land supply of only 2.1 years and a Housing Delivery Test result below 75%. Conversely, there is an oversupply of retail and food/beverage floorspace in the area up to 2033.

The applicant has stated that incorporating residential use into the scheme is not viable, but no detailed evidence has been provided to support this claim.

Examples of Lidl incorporating residential use in other areas, such as London, demonstrate the feasibility of mixed-use schemes.

### Conclusion:

The proposed store aligns with retail policy, with minimal impact on nearby centres.

However, given the significant housing need and oversupply of retail space in the area, the efficient use of land should prioritise opportunities to meet housing needs.

The applicant's claim regarding the non-viability of residential incorporation requires further evidence and consideration by the case officer in the planning balance.

This summary provides an overview of the policy considerations for the proposed development, highlighting the need to balance retail and housing priorities in line with the NPPF.

14 **Council Arboricultural Officer** – the officer comments on the tree loss and landscaping proposals as follows;

*The proposed development will result in the loss of 39 trees, one hedge, and part of another hedge.*

*The landscape scheme includes 38 replacement trees, but concerns were raised about the species proposed. Many are short-lived, small at maturity, and lack interlinked canopy covers. Fastigate tree forms are also included, and some perimeter areas will remain without trees.*

*Biodiversity Net Gain (BNG) issues need to be addressed, and the landscape scheme must provide high visual amenity and comply with BNG requirements.*

A 30-year maintenance scheme is required for the site.

15 **Council Urban Design Officer** – Key Points:

Use: The proposal remains retail-only, failing to incorporate mixed-use development (commercial and residential), contrary to national and local planning policies (NPPF Paragraph 11, Chapter 11).

Layout and Movement: Improvements include a dedicated strip of highway land for walking and cycling and a relocated pedestrian ramp, providing a more open route to the store entrance.

However, the building remains tight to the boundary, particularly at the eastern corner.

Massing and Appearance:

The store design is modern but boxy, with a shallow mono-pitch roof, similar to the previously refused scheme.

The Castle Lane West frontage is inactive and dominated by advertising, with less articulation than the previous scheme.

Recommendations for improvement include reducing advertising, increasing public art, using clear glazing, and better articulation of massing with timber effect cladding or render.

Planting: Perimeter planting is welcomed for screening, but there is insufficient planting within the site to break up the car parking.

Boundary Treatments: Clarification is needed for boundary treatments.

Recommendations include specifying brick retaining walls with railings above and marking brick walls and railings along the ramp sides.

Conclusion: The proposal requires amendments to address issues related to mixed-use development, design quality, planting, and boundary treatments.

16 **Ecology Comments** – The ecology officer has highlighted that there are bats present and that an up to date survey is required. Separate consent has already been granted to demolish the building under the permitted development process but this will not override the requirement to ensure that comments are summarised as follows

Holding Objection: Pending results of bat surveys as outlined in the "Technical Note – Ecology Lidl Castle Lane West, Bournemouth" by RPS. Surveys must include dusk emergence visits between May and September, compensation for loss of roosts, and enhancement details for bats and other species.

Conditions if Permission Granted:

Bat Boxes: Details of bat boxes integrated into the building must be agreed, implemented, and maintained for at least 30 years to comply with the National Planning Policy Framework (2024) and policy CS30.

Landscape Management Plan: The plan by RPS must be fully implemented to ensure biodiversity net gains.

Lighting Compliance: Lighting must adhere to ILP's "Guidance Note 08/18 Bats and Artificial Lighting in the UK" and the RPS Technical Note.

Additional Requirements:

EPS Mitigation Licence: A bat European Protected Species (EPS) mitigation licence from Natural England must be obtained before any works commence.

Biodiversity Net Gain Plan: A Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan must be agreed upon prior to the start of work due to significant proposed biodiversity net gains on-site.

Reasoning: All conditions and requirements align with the National Planning Policy Framework (2024) and policy CS30 to minimize environmental impacts and enhance biodiversity.

17 **Biodiversity Net Gain (BNG)** – an assessment has been carried out and with the mitigation proposed would meet the statutory requirements.

18 **Environmental Health** – The Environmental Health Officer considers that the recommendations for noise mitigation as set out in the submitted noise report are acceptable. Noise mitigation conditions are recommended.

Written confirmation from a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority prior to first use, confirming that the installed mitigation achieves the required attenuation levels and complies with the assessment criteria.

The approved mitigation measures, including the acoustic barrier, shall be retained and maintained in full working order for the lifetime of the development

All noise mitigation recommendations specified in the noise impact assessment by Acoustic consultants' Ltd report ref: 9642/LN to be installed prior to use of the development.

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours 0700-2200 Monday to Saturday and 0800-1800 on Sundays and Bank Holidays

19 **Highway Officer** – The full comments and issues are discussed in the planning assessment below. However, the comments here set out the key issues.

Previous application (7-2023-1927-BT) for a larger food store (1926sqm GFA) was refused due to failure to dedicate land for a pedestrian and cycle route.

Current proposal reduces store size to 1843sqm GFA and car parking spaces by 3, allowing land dedication for public highway along Castle Lane West.

#### Cycle Parking:

29 cycle spaces proposed (24 visitor, 5 staff, including 2 accessible spaces), meeting BCP Parking Standards SPD (2021). Design details for staff parking to be secured by condition.

#### Car Parking:

75 car parking spaces proposed, including 5 disabled bays, meeting SPD requirements. Electric vehicle charging points covered by Building Regulations.

#### Access Arrangements:

Vehicular access via priority crossover junction from Wimborne Road, with widened internal access for deliveries.

Adequate visibility levels and improved landscaping for safety.

Pedestrian access includes footways, crossing points, and a new ramped access from Castle Lane West, compliant with mobility guidance.

#### Highway Impact Assessment:

Vehicular trip generation expected to result in minimal impact on the highway network, with less than a 3% increase in daily traffic flow.



Junction modelling indicates site access and nearby signal-controlled junctions will operate within capacity post-development, with negligible queuing or delays.

Non-Vehicular Trip Generation & Mitigation:

Significant increase in non-car trips expected (125% on weekdays, 320% on Saturdays).

Financial contributions required for sustainable travel measures:

£50,000 for a pedestrian crossing on Wimborne Road.

£20,000 for Real-Time Information (RTI) system at the bus stop.

£4,950 for 5-year Travel Plan monitoring.

Dedication of land along Castle Lane West for future walking and cycling network improvements.

The Local Highway Authority concludes that the proposed development will have a negligible impact on the highway network and supports the application with the recommended conditions and legal agreements. No highway objection subject to:

Section 106 Agreement: Financial contributions totalling £74,950 for sustainable travel measures and land dedication for public highway.

Conditions: Construction of vehicular access, parking, turning areas, cycle parking facilities, and adherence to a revised Travel Plan and Construction Management Plan.

Informative Notes: No storage of materials on footways/highways and early engagement with the Streetworks Team for permits and traffic management during construction.

20. **Police Architectural Liaison** – “I make no objection to this application. I do highlight the means of escape from the eastern rear of the premises may also be attractive to uninvited guests. There is a gate shown round to the rear that may be better placed on the building line, or even another fire gated point at the top of the slope in from Castle Lane. I am sure that Lidl will have their own security systems and highlight that there have been a number of retail premises attacked by way of either crowbarring the sliding front doors, or simply smashing the glazing to the side of the doors.”.

[A condition will be recommended to ensure that this detail is resolved with a scheme that ensures gates, surveillance and access are secure.]

21. **Fire Safety Inspector** on behalf of the Dorset & Wiltshire Fire and Rescue Authority– flagged up issues that will be addressed under the building regulations assessment.

22. **BCP’s Inland Flood Risk Management (iFRM) team** - Drainage Strategy

The drainage team have asked that an optimum Suds scheme is explored for the site. However, until the buildings have been demolished and the potential infiltration can be measured this cannot be established. However, they have confirmed that there is no drainage objection in principle and have recommended conditions.

## **Representations**

23 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 8/8/25. A press notice was published with an expiry date of 21/8/25.

24 Unlike the previous application currently only 3 letters of objection have been received setting out the following concerns:

1. Traffic Congestion and Road Safety
2. Inadequate Traffic and Pedestrian Mitigation Measures
3. Unresolved Cycle Infrastructure Commitment [note that the Highway Officer is satisfied with the dedication of land for the cycle way]
4. Local Parking Pressure
5. Lack of Demonstrable Local Retail Need
6. Employment Impact
7. Construction Disruption
8. Environmental Impact
9. This site is more appropriate for housing than another retail outlet.
10. Loss of local pet store

25 Tesco have also submitted an objection similar to their previous concerns which can be summarised as follows.

26 1. Failure to Comply with Local and National Policy

Previous application for a food store was refused (Jan 2023) because it did not deliver a mixed-use scheme (commercial + residential). This was contrary to NPPF: Paragraph 11 and Chapter 11 (effective use of land), BCP Local Plan: Policy P19 and Site M1.

Lack of mitigation measures undermined sustainability.

27 2. Policy Context

Policy P19: Westover Retail Park earmarked for mixed-use redevelopment (commercial ground floor, residential above). Although the BCP Local Plan was withdrawn, Policy P19 remains a material consideration as its evidence base is still valid.

28 3. Inefficient Use of Land

NPPF (Paragraphs 125–129) promotes mixed-use and efficient land use. Council has:

Housing shortfall: Only 2.1 years supply (Economic Housing Land Availability Assessment, 2024).

No retail need: Retail and Leisure Needs Assessment (2021) shows no need for extra retail floorspace until 2033.

Solely retail redevelopment misses opportunity to meet housing need.

Lidl has successfully integrated residential units above stores elsewhere, proving feasibility.

29     4. Transport and Sustainability Concerns

Lack of mixed-use prevents sustainable travel patterns.

Likely to increase single-purpose car trips, adding congestion and emissions.

Conflicts with:

NPPF Paragraph 105 (minimise need to travel, provide transport choice).

Bournemouth Core Strategy: Policies CS18 (sustainable travel) and CS19 (reduce car reliance).

Undermines Council's climate objectives.

30     5. Failure to Assess Cumulative Retail Impacts

Lidl has another live application for an out-of-centre food store at Ringwood Road, Poole (ref: APP/24/00318/F).

Both proposals:

Located outside defined centres.

Overlapping catchments.

Likely to draw trade from Poole, Bournemouth, and Kinson.

Best practice requires cumulative 'worst-case' retail impact assessment (NPPF Paragraphs 90–91).

Absence of this assessment is a major deficiency; Council cannot be satisfied proposals would not harm vitality and viability of existing centres.

## **Key Issues**

31     The main considerations involved with this application are:

- **Principle of development including impact of retail use on nearby centres**
- **Impact on character and appearance of the area;**
- **Impact on residential amenity including noise;**
- **Drainage**
- **Biodiversity**
- **Traffic and Transport Issues**

## •Sustainability.

These points will be discussed as well as other material considerations below.

### **Planning Policy Context**

#### 32 Bournemouth Local Plan Core Strategy (2012)

- CS1: NPPF and Sustainable Development
- CS2: Sustainable Homes and Premises
- CS4: Surface Water Flooding
- CS6: Delivering Sustainable Communities
- CS7: Town Centre (town centre first sequential approach)
- CS9: Enhancing District Centres
- CS11: Protecting Local Facilities and Services
- CS13: Key Transport Routes
- CS14: Delivering Transport Infrastructure
- CS15: Green Travel Plan and Transport Assessments
- CS16: Parking Standards
- CS17: Encouraging Greener Vehicle Technologies
- CS18: Increasing Opportunities for Cycling and Walking
- CS21: Housing Distribution Across Bournemouth
- CS27: Protecting unallocated employment sites.
- CS38: Minimising Pollution
- CS41: Quality Design

#### 33 Bournemouth District Wide Local Plan (2002)

3.28: Flooding

4.25: Landscaping

5.26: Outside the defined shopping areas, the creation of additional retail floorspace will be resisted

#### 34 The former Emerging BCP Local Plan

The draft BCP Local Plan was submitted to the Secretary of State on 27 June 2024 for examination. However, it has now been withdrawn and has no status. It would have replaced the current Local Plans, but this is unlikely to be in the near future. Due to the relatively early stage of the Plan process the majority of policies would have attracted only very limited weight at that time. However, reference in this report is only provided for background purposes only and they have no status.

#### “Strategic Policy E1: Nurturing our economy

To nurture and stimulate the growth of a more inclusive, sustainable and green economy, development proposals must:

- a. focus employment development on allocated sites;
- b. safeguard existing employment areas for employment uses;
- c. encourage the growth of businesses and industries, as well as attracting new inward investment;
- d. support new models and ways of working, including more flexible working practices;
- e. enable the tourism sector to grow in a sustainable manner;
- f. focus on a town centre first approach for main town centre uses including retail opportunities; and
- g. increase opportunities for higher education by supporting colleges and universities.”

#### 35 “Policy E11: Retail and Town Centres

The town, district and local centres as defined on the Policies Map and in accordance with the retail hierarchy, will be the focus for retail and main town centre uses.

##### 1. Within Centre

- a. Proposals (including change of use) involving retail within the primary shopping areas of the town centres; district centres; local centres; and neighbourhood parades, and proposals (including change of use) involving main town centre uses within town centres; district centres; local centres; and neighbourhood parades will be supported where they:
  - i. maintain or enhance vitality, viability and diversity of the centre;
  - ii. are appropriate in scale and function;
  - iii. retain or provide active commercial (Use class E) or community (Use class F) uses on the ground floor; and
  - iv. In the case of sui generis uses (i.e. pub, hot food takeaway, betting shop) would not result in or exacerbate an over-concentration of such uses.

b. Where a site is within, but close to the centre boundary and has become isolated by residential uses, an exception to the loss of an existing class E use and active commercial frontage may be supported.

## 2. Out of Centre

a. Proposals (including change of use) for retail uses outside of primary shopping areas, district centres, local centres, and neighbourhood parades; and proposals (including change of use) for main town centre uses outside of town centre boundaries, district centre, local centres and neighbourhood parades will only be permitted where:

- i. a full retail sequential test has been carried out which demonstrates that there are no alternative suitable and available sites, firstly within the centres (as defined on the policies map), and then edge of centre.
- ii. for any retail and leisure proposals over 400 sqm (gross) floor space a retail impact assessment has been carried out which demonstrates that there would be no significant adverse impact on an existing centre.
- iii. the proposal would be appropriate in scale, role, function and nature to its location and would not undermine the retail strategy (as set out in the hierarchy in figure 9.5).

b. The loss of an existing local convenience shop outside of town, district, local centres and neighbourhood parades, will only be permitted where:

- i. there is an existing alternative local convenience shop that will conveniently serve the catchment area; or
- ii. it has been demonstrated that the shop is no longer viable through marketing and a viability assessment.”

## 36 Site Specific policies

### “Wimborne Road Retail Park (M.1)

The site is allocated for mixed use commercial (Use class E) and residential development. Development proposals must:

- i. Make efficient use of land utilising upper floors;
- ii. Ensure any ground floor commercial uses (Use class E) do not undermine the viability of shopping centres;
- iii. Provide in the region of 40 homes;
- iv. Enhance the public realm and walking and cycling environment within and to and from the site;
- v. Be predominantly between two and three storeys (approximately 6-12 metres) in height; and

vi. Ensure buildings are set back to enable a segregated cycle route to be constructed on Castle Lane West (three metres from rear of current kerb line)."

### 37 The National Planning Policy Framework (as issued in December 2024)

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

Including the following relevant paragraphs and sections:

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 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 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 6 – Building a strong, competitive economy;

Section 7 – Ensuring the vitality of town centres; In particular paragraph 94 states: -

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Section 8 – Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Achieving well designed places.

Paragraph 135 in particular states: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

## **Planning Assessment**

### **Key Issues**

#### **Principle of development and retail impact**

38 The main issue is whether the principle of a food supermarket is acceptable on this site. The issues were considered when the previous application was determined. The LPA were satisfied with the retail impact although there were concerns with the



principle of a single use retail development not being efficient insofar as not providing a mixed use development with a residential element.

39 Whilst considered acceptable previously the issue needs to be revisited for the purposes of this application. With regard to retail impact there is already a retail presence on the site which has a similar and in fact larger floor space. Since the earlier decision, national and local planning policy has continued to support a town centre-first approach, as set out in the National Planning Policy Framework (NPPF) and the Local Plan. The main questions therefore remain:

- **Sequential Approach** – whether there are any sequentially preferable sites within existing retail centres that could accommodate the proposed Lidl store; and
- **Retail Impact** – whether the proposal would result in significant adverse impacts on the vitality and viability of nearby centres by diverting trade, given that policy generally seeks to focus retail uses within established centres.

39a Section 7 of the NPPF reiterates previous guidance that LPAs should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation, and promote their long-term vitality and viability. Paragraph 91 requires a sequential approach to selecting sites for main town centre uses (which include retail development, hotels, restaurants and bars) where they are not in an existing centre or in accordance with an up-to-date Local Plan. The first preference is for sites within town centres, followed by edge-of-centre locations and only then out-of-centre sites. Sites must be suitable and reasonably available for the proposed development, and both developers and local planning authorities should demonstrate flexibility on issues such as format and scale.

40 Paragraph 94 states that for retail development outside a town centre and not in accordance with an up-to-date Local Plan, an impact assessment will be required if the development is over a proportionate locally set floorspace threshold: in the absence of a locally set threshold the default is 2500sq m. The proposal which has a floor area of 1926 sq m is below the threshold.

### Sequential Test

41 In accordance with paragraph 91 of the NPPF and Policy CS7 of the Core Strategy which requires a town centre first approach the applicant has carried out a sequential test looking at other potential sites that might be available for their proposal and the Policy Officer has reviewed this and made the following comments.

*“The applicants have prepared a sequential test. They have provided a map of the proposed Lidl catchment area and have searched for suitable sites within or on the edge (within 300m) of Moordown and Castlepoint district centres which is a reasonable approach. They have included commentary of their search for suitable units within this area and it looks to be a comprehensive search which concludes that there are no suitable sites within the district centres. It should be noted that the NPPF requires consideration of all town centres which also includes local centres as well as district*

*centres. Whereas, the Bournemouth Core Strategy has an emphasis on District Centres whilst local centres are not defined on the Proposals Map. For robustness, I have looked at the local centres within this catchment boundary, and there are no premises that would be of a suitable size to accommodate the proposal. Therefore, I am satisfied that there are no suitable alternative sites within any town centre within the catchment area (both in local and district centres) and the proposal passes the requirements of the sequential test”.*

*The sequential test has also been reviewed by the Councils retail consultants and they have come to a similar view and they conclude: -*

*“Based on the information provided, there do not appear to be other suitable and available sequential alternatives within or on the edge of centres that would serve the primary catchment area.”*

#### Retail impact

42 Given that there is already a significant retail presence on this site it is still considered that this can be an appropriate location for a new supermarket in principle as a new out of centre retail presence is not being established. However, the assessment needs to have regard to policy CS9 which states “development proposals within, or outside of, the district centres that would result in a detrimental impact on the continued function, vitality and viability of a centre will be resisted.” The question here is whether the new store will have a detrimental impact on nearby centres such as Moordown and other sites further afield. The closest centres are Moordown which is about 0.5km to the south and Kinson, Castlepoint and Winton which are about 2km away. Saved policy 5.26 of the District Wide Local Plan (DWLP) also requires consideration of alternative sites and to ensure that the development will not undermine nearby centres. Whilst that policy does not set a threshold it does pre-date the NPPF so it could be reasonable to assume that the current NPPF would set a better and more up to date threshold.

43 The former Draft BCP Local Plan had recommended setting the threshold for retail impact assessment at 400sq m which would at the time have captured the current application is set out below.

*9.64 Proposals for retail and leisure floorspace over 400 sqm gross floor space in out of centre locations will also need to undertake and submit a Retail Impact Assessment which will need to demonstrate that there would be no significant adverse impact on existing centres. The 400 sqm is a locally set threshold which reflects the characteristics of retail floorspace within the BCP area*

44 However, to reiterate that plan and policy has now been withdrawn and therefore, it currently carries no weight other than previously it been on the table.

45 Therefore a detailed retail impact study has not been carried out, however, the applicant at the time had provided the following comment and still provides the same view: -

*“Notwithstanding the fact that an impact assessment is not required, and therefore one has not been undertaken, it is the case that ‘like impacts like’ (as recognised in the National Planning Practice Guidance), and here we expect that the proposed store will take the largest share of its turnover from Lidl’s existing store in Winton, which is a comparatively short distance away from the application straight down Wimborne Road, and from the Aldi on Mallard Retail Park. Both of these existing stores are trading well above their benchmark levels and so we do not envisage that either will suffer any significant adverse impact; the Mallard Retail Park is also not a defined centre so enjoys no particular protection in terms of retail planning policy.*

*Only a small amount of turnover is likely to be derived from Castlepoint (from the Asda superstore) and a negligible amount from stores in Moordown. Given that both of those centres appear to have a reasonable level of vitality and viability, and both have a strong comparison goods offer (in particular Castlepoint), it is unlikely that the proposed Lidl will have any significant impact on the total (convenience and comparison) turnover of either centre”*

46 Nevertheless given the significance of the matter and as there is a strong objection relating to retail impact and given that the new local plan at the time was suggesting a lower threshold for retail impact assessments the Council had sought specialist advice from Litchfields Planning Consultancy on this matter. Litchfields had also given advice previously to the Council about retail matters including input into the Emerging Local Plan. They had looked at the BCP Retail & Leisure Study 2021 to estimate levels of trade diversion and impact on designated centres and the main food stores.

47 The Council had also sought additional advice from Litchfields regarding the effect of cumulative impact as part of the retail impact assessment, as there is another application in the area to relocate the Aldi Store from the Wallisdown centre further west on Wallisdown Road. That application has now been refused consent.

Litchfields in their report had concluded that: -

(extract)

*4.1 Excluding Wallisdown District Centre, Lichfields’ cumulative impact analysis suggests district centres at Moordown, Castlepoint, Winton and Kinson will be the most affected centres. The proportional impact on convenience goods businesses in these centres ranges from -3.1% to -4.2%. Most of this cumulative trade diversion and impact will fall on large food stores, on the basis that like tends to compete with like, which in this case is large food stores attracting predominantly main and bulk food shopping trips. These relatively low levels of impact are not expected to cause trading difficulties for existing food store or cause shop closures. Food stores in these centres appear to be trading satisfactorily, and in some cases, healthily.*

*4.2 All these centres have a below average shop vacancy rate and a good mix of retail and non retail uses. Convenience goods businesses account for a small proportion of*

*occupied units in each centre. On balance, the proposed Lidl and Aldi stores are not expected to have a significant adverse impact on the vitality and viability of any of these designated centres.*

*4.3 The solus impact of the Lidl store on Wallisdown District Centre is only -1.8%, which is also not considered to be significant. The proposed closure and relocation of the Aldi store in Wallisdown District Centre to a new and enlarged out of centre store is expected to have a much greater impact on the centre than the proposed Lidl store.*

*4.4 When determining the Aldi planning application, BCP Council will need to consider whether the loss of convenience goods trade from the centre (estimated by Lichfields to be £8.82 million) represents a significant adverse impact. If BCP Council concludes this scenario does represent a significant adverse impact on Wallisdown District Centre then the Aldi application could be refused regardless of the outcome of the Lidl planning application.*

*4.5 Alternatively, if the Council concludes the relocation of the Aldi store from the centre, does not represent a significant adverse impact on Wallisdown District Centre then a marginal increase in the loss of trade to the Lidl store is also unlikely to represent a significant adverse impact.*

*4.6 In our view the Lidl store can be determined before the Aldi store at Wallisdown Road, because the retail impact implications of the Lidl store will not materially affect the outcome of the consideration of the impact assessment of the Aldi store on Wallisdown District Centre.”*

48 Although this advice relates to the previous application it is still considered relevant and has not been superseded by any more recent advice or circumstances. Also this advice can be updated as the proposed store at Wallisdown has now been refused consent so is no longer in the pipeline for assessment.

49 Another matter is the relevance of the condition attached to the original year 2000 consent which restricts “food” sales as opposed to any other retail product. The condition states: -

*“The Class A1 retail premises shall not be used for the sale of food for consumption off the premises other than confectionery except for one unit up to a maximum floor area of 232 sq.m. gross floor area.*

*Reason: The Local Planning Authority does not wish to consolidate this type of shopping on this site, which could prejudice the vitality and viability of nearby town centres.”*

50 That was specific to food sales at that time. The Policy Officer has advised as follows: -

*“As for the condition, I would say that it was less relevant nowadays. If we required a retail impact assessment we would only be concerned with the impact on food retailers*

*in nearby centres. This condition is about impact on vitality and viability of nearby town centres which is broader. In this situation, the retail is already here. But even if this was a vacant site, we would still only have to require them to do a sequential test, not a retail impact test in view of the lack of a lower threshold. ....CS9 does refer to development proposals within or outside of the district centres that would result in a detrimental impact on the continued function, vitality and viability of a centre will be resisted. However, it is how you assess this in the absence of robust evidence.”*

51 To conclude the paragraphs above with regard to retail impact whilst a full retail impact assessment has not been carried out there is no current policy that requires this to be carried out. However, the advice by Lichfields acting as the Councils Retail Consultants considers that the impact on nearby centres is likely to be “insignificant”. Therefore, it is considered that the proposal is acceptable in principle with regard to retail impact and the sequential test having regard to the NPPF and local plan policy.

52 Another matter of principle is whether the proposal takes full advantage of the site potential and uses the land efficiently. Both the Urban Design Officer and one of the objectors considers that the site is not used efficiently, and the aspiration in the former emerging local plan had highlighted this site for a mixed use suggesting commercial on the ground floor and residential uses above. Although this was suggested to the applicant, they have made it clear that this option is not feasible for them. Section 11 of the NPPF says that planning decisions should promote an effective use of land. The opportunity for a scheme that includes housing would certainly help the Council with its housing targets. However, the current proposal otherwise demonstrates a strong economic investment and is maintaining and creating jobs on a site where the current uses do not appear to be making the most efficient use of the site. Also, the applicant has indicated that a mixed-use scheme is not viable or deliverable by them.

53 Whilst a full viability assessment has not been sought on this matter it is considered that there are site constraints which are relevant. Given the low rise nature of the area and the corner location this may mitigate against the suitability of this site for a high density mixed residential/commercial scheme. Also, a mixed scheme would lean towards flats and the key shortfall in the area is for houses. The applicant has submitted a legal opinion which suggests that as the proposal is otherwise in accord with the development plan the mixed use requirement should not prevail. Again, whilst this is a matter of judgment it is considered that the lack of clear firm policies requiring a residential use on this site and the points set out above suggest a refusal on this ground would not be justified.

#### Conclusion on Principle

54 On the basis of the above, and notwithstanding the other issues discussed below, the proposal is considered acceptable in principle and in accordance with policy CS1 and CS6 of the Core Strategy by maintaining a balance in development opportunities whilst protecting key facilities. The provision of housing on the site would be beneficial but given the policy position this is not considered to be an overriding

requirement. Also, given the retail impact advice identified by Litchfields it is not considered to undermine the vitality and viability of the town centre or local centres/parades as set out in policy 5.26 of the District Wide Local Plan.

55 Furthermore, the current proposal represents a significant economic investment, retains and creates jobs, and replaces existing uses that do not make the most efficient use of the site.

### **Impact on character and appearance of the area**

56 The site occupies a highly prominent position at the junction of two major roads. Currently, it is dominated by the Pizza Hut building on the corner and two large warehouse-style units. The proposal introduces a single store set back within the site, with parking to the front. From Wimborne Road and the west, views of the car park will remain a weak point in urban design terms, and from the east the side/rear elevation of the store will be visible.

57 As this is a corner site, good urban design principles would normally seek a strong focal point and active frontages to both main roads. The Urban Design Officer has noted that a mixed-use scheme incorporating residential could achieve this aim but it is considered that the Council cannot refuse the current proposal simply because a different scheme might be preferable. The application must be assessed on its own merits.

### **Landscaping and NPPF Guidance**

58 Paragraph 153 of the NPPF requires that new development should be visually attractive through good architecture, layout, and appropriate landscaping. While the proposed building does not create a landmark presence, its impact will not be significantly worse than the existing arrangement of warehouse buildings and surface parking. In fact, from Muscliff Lane/Castle Lane, the design—with glazing and modern panels—will present a clearer retail identity than the current Cotswold building.

59 The scheme includes a new pedestrian access near the Castle Lane crossing, enhanced with a feature and public artwork, secured by condition. Additional public art is proposed along the Castle Lane frontage. These measures will help create visual interest and activity.

60 One concern has been the need for a level car park, which results in higher site levels and a retaining wall along Castle Lane West. Following negotiations, the wall height has been reduced and stepped to allow for some landscaping. However, the scope for planting has been constrained by land now dedicated to a cycle lane, reducing the overall landscaped buffer compared to the previous scheme. Despite this, the revised design incorporates new planting where possible to soften views and improve the site's appearance.

## Tree Loss and Replacement

61 The current view from Wimborne Road will improve as the unattractive Pizza Hut service zone will be removed. While the corner will remain open to the car park, a landscaped area is proposed to soften this view. Nevertheless, the Arboricultural Officer has expressed concern about tree loss: 39 established trees within the red line will be removed, although 6 will be retained and 38 new trees planted, alongside hedge planting. Additional trees around the electricity substation (outside the application site but within Lidl's ownership) will remain. While replacement planting will take time to mature, the applicant's commitment to replanting will help restore a treescape over time. There is still a potential conflict as the tree officer would prefer trees with a wider cover whereas the applicant would prefer fastigate (slender) trees so that the views of the store from outside of the site are maintained. This matter can be negotiated further at the detailed landscape stage to achieve an optimum arrangement of better cover whilst maintaining a street presence for the development.

## Detailed Design Considerations

62 Paragraph 135b of the NPPF suggests that decisions should ensure that new developments "are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;" Progress has been made on detailed design matters raised by the Urban Design Officer. The building will appear bulky from some viewpoints, particularly the rear elevation near Lawford Road, which includes a blank flank wall and plant enclosure. While this is not ideal, the layout reflects operational requirements and the existing site pattern. Public art and landscaping are proposed to mitigate these impacts and screen the plant area.

See the image below.





63 Also the current view on Wimborne Road will be improved as the current side elevation of the service zone for Pizza Hut is poor in streetscape terms. Whilst the corner of the site at the junction of Castle Lane and Wimborne Road will be open to the car park there is a significant landscaped area which will soften the view of the car park and provide a feature in the street scene. As set out in the tree report many of the established trees that were planted when the retail park was developed over 20 years ago will be lost. As can be seen above the Arboricultural Officer was initially concerned about tree loss and it is disappointing that many of the trees now becoming well established will be removed. As detailed on the final landscape drawing, there are 6 trees being retained on the application site (within the red line). There are a further 8 retained trees around the electricity sub-station to the rear of the houses on Lawford Road, but while those are within Lidl's ownership (i.e. land edged blue), they are outside the red line site boundary. Overall, 39 trees within the red line are to be removed, and the applicant is planting 38 new trees, as well as additional hedge planting. The applicant has committed to replace these and although they will take time to become established it is hoped that the site will still have a treescape in the future.

64 Progress had previously been made on detailed design matters which initially concerned the Urban Design Officer. However, the scope for a complete redesign is limited by the proposed use and Lidl's operating requirements. As shown below in one of the CGI views down Castle Lane the building will appear bulky with a large blank flank wall and an enclosed plant area on the corner adjacent to Lawford Road. This part of the rear elevation will not be particularly attractive as it is the back of the site but given the nature of the scheme and as the layout to some extent follows the blueprint for the existing site layout it is accepted that it is difficult to provide a frontage elevation to every road. However, the applicant is proposing some public artwork at a key point at the rear and there is space for a significant area of landscaping which is important to screen the plant zone and soften the impact of the building.



Overall Visual Assessment



65 Overall, the development is considered acceptable in design terms. The main elevations are articulated with glazing and inset panels, and provision for public art adds interest. Subject to conditions securing landscaping and artwork, the proposal accords with Policy CS41 of the Core Strategy regarding design and visual amenity.

#### **Impact on residential amenity including noise**

66 The design and position of the building follows the previous scheme which at the time was considered acceptable by the Council. The design has changed slightly at the rear. The site is already in commercial use and is occupied by retail warehouse buildings and car parking. There are commercial deliveries and activity and general noise associated with that including plant. There is also a restaurant which operates well into the evening. The main issues are: -

- the impact of the new building on the properties in Lawford Road
- the opening up of the site for properties in Wimborne Road
- new plant requirements

67 The new building will have a greater impact in parts on neighbours in Lawford Road than the existing as it covers a wider part of the site and it is set at a higher level. At present the part of the site between the retail buildings is open with a small coppice of trees giving a pleasant open aspect. Whilst all of the properties in Lawford Road will have their outlook changed to some extent the property most affected is 7 Lawford Road. The property only has a small rear garden and the new building will be about 10.4m at the closest point however where the bungalow is stepped and the part of the building that is the higher section the distance is greater. The gap is now greater than the previous application. However, they will be presented with a blank wall which will no longer be stepped down. Originally the building was about 6.3m high. And it is now 6.6m. Also the lower section has increased in height from about 4.3 m to 4.6m. it is also slightly closer to the boundary by about 15cm. The impact of a building for loss of light is commonly assessed in amenity terms by looking at a 45 degree zone of space from nearby residential windows. This is assessed by setting a viewpoint from the middle of a window on a property that might be impacted and then setting a 45 degree line out from that point. If the line does not intersect any part of the new building on the horizontal or vertical plane it suggests that sufficient light will be able to reach the window in question. Also, as another guide in terms of impact on amenity a commonly used guide suggests that where a property has an outlook onto a blank 2 storey flank elevation a distance of 12.5m should be achieved so the 13m distance proposed for the higher part of the building is considered acceptable. The impact is also lessened as most of the shadowing will fall to the north as the property has a west/southwest aspect towards the sun.

68 The building is separated from the properties in Lawford Road by a narrow service road and the proposed building will be set in from the boundary to allow for some landscaping. Whilst the outlook will change for residents to a more enclosed

setting it is considered that in terms of impact the proposal is on balance acceptable and will not affect adversely residential amenity and would not be in conflict with policy CS41 or design guidance to a degree that would justify objecting to the development.

69 The properties fronting Wimborne Road currently have a long building and service yard along their boundaries with the site. 1101 Wimborne Road will be most affected as it adjoins the site. As the new building has a different design and siting it will no longer have an overbearing impact on their current rear northerly outlook. However, the site will be more open and they will be more aware of and be affected by the activity on the site. Three new car spaces will be located close to the boundary although the other car parking areas will have a landscaped buffer. As the site will be more open the residents will be able to see the lit car park during the evening. Only lower levels of light will spill into their garden from the car park. Overall I do not consider the disturbance from the car park will be significant and a boundary fence can be provided to help mitigate any potential nuisance.

70 The Environmental Health Officer has been consulted about the proposal and the main concerns are with late night activity and deliveries and noise from plant equipment. With regard to plant noise the equipment will be designed to ensure that any noise does not exceed background levels to an unacceptable degree. The plant will be designed appropriately to include acoustic screening to ensure that the noise is restricted to the levels agreed by the Environmental Health Officer. Conditions will be added to ensure that the noise mitigation is maintained. The site currently has the following restriction on hours – “The uses hereby permitted shall only be open for business between the hours of 7 a.m. and 11 p.m. and at no other time.” The current application suggests that the store proposes to be closed between the hours of 22.00 pm and 07.00 am and from 17.00 pm on Sundays. A condition will be added to follow these hours. Separately there was concern about deliveries at unsocial hours at nighttime. The Environmental Officer has now specified that deliveries should be restricted and should not take place between 22.00pm and 07.00 am (or 18.00 on Sundays and Bank Holidays).

#### Conclusion on amenity

71 The main considerations remain:

- Impact on properties in Lawford Road
- Opening up of the site for properties in Wimborne Road
- Noise from new plant and deliveries
- Lawford Road:

71a The new building occupies a wider part of the site and sits at a higher level than existing structures, altering outlook for neighbouring properties. The most affected is No. 7 Lawford Road, which has a small rear garden. The closest part of the building will be about 9m away, stepping up to 13m for the higher section. Design revisions have

reduced the height near the boundary to approx. 4.4m, mitigating the impact. Light and outlook have been assessed against the 45-degree rule and common separation standards (12.5m for a blank two-storey flank), and the proposal meets these guidelines. Shadowing will mainly fall to the north, reducing impact on sunlight.

- Wimborne Road:

71b Properties fronting Wimborne Road currently face a long building and service yard. The new layout removes this overbearing feature but opens views to the car park, which will be lit in the evenings. Light spill is expected to be minimal, and a boundary fence can mitigate any nuisance.

- Noise and Hours:

71c Environmental Health has reviewed the scheme. Plant will be acoustically screened to ensure noise remains within agreed limits. Conditions will secure this mitigation. Opening hours will be restricted to 07:00–22:00 (17:00 on Sundays), and deliveries prohibited between 22:00–07:00 (or 18:00 on Sundays/Bank Holidays).

71d Subject to conditions on landscaping, hours, fencing, and plant noise, the proposal is considered acceptable in terms of residential amenity and complies with Policies CS38 and CS41 of the Core Strategy.

### **Impact on the drainage**

72 Both the existing and proposed site layouts have limited opportunity to provide large areas for infiltration of water on the site. Therefore, the existing sewer will be utilised for surface water drainage. However, the applicant has negotiated with Wessex Water and agreed to ensure that flows into the public sewer are restricted with a filtration tank. The drainage officer has also asked for more site investigation to be carried out to establish the optimum arrangements and a condition has been added to allow for this process. Therefore, on the basis of the comments from the drainage engineer and the conditions recommended, the proposal would be compliant with policy CS4 of the Bournemouth Core Strategy document.

### **Biodiversity Issues**

#### **Biodiversity net gain required**

73 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) established a legal requirement for Biodiversity Net Gain (BNG) in England, mandating that all new developments, except for a few exemptions, must deliver at least a 10% net gain in biodiversity. This requirement applies to all major planning applications received from 12 February 2024 and all small sites from 2 April 2024. The NPPF at chapter 15 ‘conserving and enhancing the natural environment’ also 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 at Policy CS35 – biodiversity and

geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

74 Although most of the site is covered with buildings and car parking the proposal is on land that has some biodiversity value including existing landscaped areas of ornamental shrubs, lines of trees and hedgerows that need to be considered. The applicant is proposing biodiversity enhancements include increasing the amount and diversity of flowering plants on site and providing additional habitat for invertebrates, hedgehogs and nesting birds.

75 Under the new legislation the applicant is required to produce a technical assessment. The metric submitted demonstrates a net gain of +16.27% onsite habitat, with a +222.38% of hedgerow units. However, this relies heavily on the provision of semi-mature trees. Therefore, appropriate installation and future maintenance is key.

76 A Habitats Management and Monitoring Plan (HMMP) will be required to show that the operator can develop a satisfactory plan for implementation and the future retention of the biodiversity on the site. This will need to be developed post consent and prior to implementation by planning condition. It is important that the operator can satisfactorily implement, manage and maintain the habitats within their site. If a satisfactory scheme cannot be agreed the applicant may need to provide biodiversity off site to comply with the discharge of their BNG requirements under the legislation. A monitoring fee will be collected in the legal obligation, and this will cover the period of monitoring for 30 years.

77 The proposal is therefore compliant with Schedule 7a of the Town and Country Planning Act and the Environment Act 2021 and also the proposal is in accordance with paragraph 193 of the NPPF and Local Plan Policy CS35.

### **Transport issues.**

78 The Transport Officer has assessed the proposal in detail, and his comments are set out below.

79 *Planning application 7-2023-1927-BT for the construction of a food store with 1926sqm GFA with associated access, parking and landscaping works, was refused in January of this year. The decision notice included the applicant's failure to dedicate land as public highway to facilitate the delivery of a new pedestrian and cycle route along Castle Lane West. All other highway related matters were considered acceptable to the LHA subject to conditions and agreed mitigation measures in the form of various financial contributions.*

### **Proposed Development**

80 *The proposal again seeks the redevelopment of the existing retail park by erecting a food store (Use Class E(a)) with associated access, parking, and landscaping works, involving demolition of existing 4 x units.*

81 *This application would appear to be a resubmission of the previous proposal apart from a reduction in the size of the food store (to 1843sqm GFA) and associated*

*car parking (3 spaces) which has, in turn, allowed the eastern site boundary to be set back from Castle Lane West to provide the a strip of land to be dedicated as public highway. This would, in principle, address the LHA's reason for refusal pertaining to the previous application however, a full assessment is detailed below.*

#### Cycle Parking

82 *The BCP Parking Standards SPD (2021) indicates that the proposed store generates a parking requirement of 28 cycle spaces (1.5 spaces/100m<sup>2</sup>) for visitors and staff. Consequently, the provision of 29 spaces comprising of 24 visitor and 5 staff, including 2 accessible spaces, is acceptable.*

83 *The layout and arrangement of the spaces is acceptable in principle although details pertaining to the design of the internal staff parking facility will need to be secured by condition.*

#### Car Parking

84 *Located in parking zone D, the proposed store generates a car parking requirement of 74 spaces (4 spaces/100m<sup>2</sup>) for visitors and staff. Consequently, the provision of 75 spaces is acceptable in principle.*

85 *The site layout provides a useable turning and parking arrangement whilst the provision of 5 disabled bays is SPD compliant. Charging points for electric vehicles are now covered by Building Regulations and therefore a planning condition in respect of charge points is not sought by the LHA.*

#### Access Arrangements

86 *Vehicular access to the site is achieved via a simple priority crossover junction arrangement from Wimborne Road to the west, providing priority to pedestrians/cyclists as standard. The existing vehicular crossover arrangement would be retained albeit the internal access carriageway will be widened slightly in line with operational requirements i.e., for servicing and deliveries. Swept-path analysis confirms this design provides feasible access and egress for articulated lorries.*

87 *Associated vehicular visibility and driver/pedestrian inter-visibility levels are adequate whilst the proposed landscaping (low-level planting) and boundary treatments provide improved inter-visibility further into the site, along the internal access carriageway.*

88 *Pedestrian access to the site will continue to be provided in the form of footways either side of the vehicular access with two crossing points providing access beyond to the store itself. This arrangement remains consistent with the previously submitted design which was considered acceptable by the LHA.*

89 *Additionally, a new ramped access will be provided from Castle Lane West, representing an improvement upon existing site conditions. The ramp comprises of 1:20 gradient slopes with levels platforms at 6m intervals (in the main), demonstrating*

*compliance with relevant mobility guidance. The width of the ramp at 1.8m enables a pedestrian to pass a wheelchair and provides feasible access with a cycle. An LED luminaire mounted atop a 4m column post at the top and bottom of the ramp is expected to provide sufficient illuminance.*

### Highway Impact Assessment

#### Vehicular Trip Generation

90 *The applicant has submitted a Transport Assessment (TA) including an analysis of the impact of the proposal on the wider transport network. The LHA agrees that, after a review of vehicular routes accounting for local census areas, store customer catchment areas, and existing nearby food store destinations, from which diverted trade is expected, approximately 30% of primary trips to the new food store would be transferred trips. These would comprise of pass by trips and diverted trips that would already be on the highway network. Consequently, vehicular trip generation associated with the proposed store will predominantly result in vehicle routing changes rather than a pro-rata uplift in traffic utilising local highways.*

91 *Trip generation data submitted as part of the previous application forms the baseline data set. Traffic surveys undertaken by an independent traffic survey company (Streetwise) on Thursday 12th May and Saturday 14th May 2022 at the Westover Retail Park site access, recorded vehicles, cyclists and pedestrians accessing the site between 07:00 and 20:00. Since undertaking these surveys there have been no salient changes in terms of unit occupiers, and DfT traffic flow statistics for surrounding roads remains similar across the ensuing 3 years. Consequently, the associated results are considered to remain appropriate for use as part of the revised application.*

92 *As part of the previous planning application, trips rates to inform trip generation associated with the proposed food store were derived from the TRICS database (Version 7.9.1). For robustness updated trips rates have been extracted from the current TRICS database (Version 7.11.4) with associated discount food store sites filtered in the same manner as the previous application assessment.*

93 *It is noted that the preceding trip generation assignment and proportions presented are consistent with what was previously submitted to, reviewed by and agreed with the LHA as part of the previous application. By utilising updated trip rates, the revised proposed development is expected to result in a slight increase in vehicular trips during the weekday peaks, and a slight reduction in vehicular trips during the Saturday peaks compared to the previous development proposals.*

94 *Accounting for the expected net increase of all non-transferred trips arising from the proposed development, the new store is expected to result in an additional 33-52 new vehicular movements across weekday and weekend peak hours thus resulting in an average increase of one vehicular movement entering the highway network (from the site) every 1-2 minutes during these time periods.*

95 For context, the latest recorded manual count traffic survey figures for the Castle Lane West Transport Corridor, in proximity to the site, indicate a mean annual average daily flow (AADF) of 22,792 vehicular movements. DfT count points on Whitelegg Way and Castle Lane West were used to calculate the mean value referred to above. Accounting for transferred trips from vehicles already on the local road network, the resultant increase on the existing daily network flow, represents an expected maximum increase of 3.1% (707 vehicles). It should be noted that not all vehicular traffic will be travelling via the Castle Lane West Transport Corridor. Vehicular trips generated by the site will also be dispersed to the south along Wimborne Road. Consequently, the actual net increase in vehicular trips is expected to be less than 3% thus having a negligible impact on the wider highway network.

### Junction Modelling

96 The traffic assessment presented a junction assessment for the Site Access/Wimborne Road priority junction and the Castle Lane West/Wimborne Road/Muscliffe Lane signal-controlled junction. This included scenarios of 2022 observed, 2030 baseline and 2030 baseline with development scenarios. The report states that TEMPRO has been used to growth baseline traffic flows up to 2030 and it outlines the geographical area selected. The LHA is satisfied with the scope of assessment for the development.

97 The Junctions 9 PICADY module has been utilised to model the existing and proposed site access junction. Table 6.1 demonstrates that based upon existing use of the site, during the weekday baseline scenarios the access junction operates at around 9-12% capacity during the weekday peak periods and 14-18% capacity during Saturday peaks. This is consistent with observed queue lengths at this location, which showed no evidence of significant or extended queuing on either the site access or on Wimborne Road, associated with traffic turning right into the site.

98 Following associated changes to the site access as part of the development proposals, and consideration of the additional traffic associated with the food store, the junction is expected to operate at around 12-19% capacity during the weekday peak periods and 25-26% capacity during Saturday peaks. The modelling indicates there will be no material queueing within the site or for vehicles turning right into the site. Post development, it is considered that the Wimborne Road site access junction is expected to operate well within capacity, with minimal queuing and delay, and hence proposals are not envisaged to have an adverse impact upon the operation of the local highway network in this location.

99 LinSig (Version 3) has been utilised to model the Castle Lane West signal-controlled junction, formed between Wimborne Road, Castle Lane West and Muscliffe Lane. Based on datasheets confirming the correct phasing settings provided by BCP signals, increased trip generation from the proposed development is expected to result in a maximum increase of one passenger car unit (PCU) or less, across peak hours, on all junction arms except for two. The busiest junction arms, namely the A3060

*Wimborne Road (NW) and Castle Lane West (WB internal), are expected to result in an average queue increase of 1-2 and 2-3 PCUs respectively, across peak hours. Extended queues of this length are not considered to be significant nor to have a direct material impact on the operational safety of the traffic junction.*

*100 The National Planning Policy Framework (NPPF) clearly states that mitigation of the traffic impacts of development must be cost effective. Solutions to providing significant enhancements to traffic flows through the Castle Lane West/Wimborne Road traffic junction would not be proportionate to the traffic impact of the proposal.*

*101 Considering the existing levels of traffic and congestion in the area, the expected traffic increase of less than 3% on the highway network and that the customer traffic to this store will generally be spread out over a long period of the day, outside of peak commuter traffic times, the LHA do not consider that the residual cumulative impacts of the vehicular traffic from this proposal will be severe on the existing network. Pursuant to paragraph 116 of the NPPF, a reason for refusal on this basis could not be substantiated.*

#### *Non-Vehicular Trip Generation & Associated Mitigation*

*102 The Council's long-term aim to reduce traffic flows is to encourage modal shift to more sustainable modes of travel such as walking, cycling and the use of public transport, particularly during peak commuter periods.*

*103 The LHA considers that a significant increase in non-car trips will be generated by this proposal. Submitted data indicates an expected net uplift in non-car trips to/from the site of 125% during weekdays and 320% on Saturday's. Pedestrians are expected to account for 81% – 91% of non-car trips to the proposed store, with 7% – 14% of trips being undertaken via cycle and 2% – 6% via public transport.*

*104 In light of this, the LHA expects the applicant to mitigate the impact of the proposed development upon existing sustainable travel infrastructure. A financial contribution towards the provision of a pedestrian crossing facility on Wimborne Road, to the south of the site entrance, is expected. The installation of infrastructure to facilitate pedestrians crossing Wimborne Road in this location would serve a key walking route to the site from the large residential area to the west and south of the proposed development whilst also providing safer passage to the bus stop opposite the site adjacent to the northbound lane of Wimborne Road. Additionally, the new crossing facility will provide safe passage to the bus stop opposite the site adjacent to the northbound lane of Wimborne Road. The improvement of this existing infrastructure is also required thus the delivery of a Real Time Information (RTI) system would benefit future shoppers of the store.*

*105 The aforementioned mitigation measures, agreed with the applicant as part of the previous scheme, included a financial contribution of £50,000 towards the crossing facility and £10,000 for the installation of the RTI system at said bus stop. Whilst former contribution remains acceptable, the latter is deemed insufficient for the provision of RTI*



equipment at this time. The council's accessibility team have confirmed that installation and system costs have increased significantly since the previous costing and as such, a financial contribution of £20,000 is required to upgrade the bus stop.

106 In addition to the above, the applicant has now agreed to dedicate a strip of land as public highway along the entirety of the northern site boundary. This will facilitate future improvement works, supporting the delivery of a high-quality walking and cycling network to encourage uptake of active travel and reduce vehicular traffic congestion along the Castle Lane West Transport Corridor.

107 The extent of land to be dedicated has been informed by the extent requested by the LHA as part of the previous application and is 'loosely' identified on the proposed site plan. A land dedication of varying widths provides circa 5m of depth between the site and the existing kerb line, see below.

108 A specific plan clearly annotating a hatched area of land to be dedicated as public highway will be required for the S106 legal agreement.

109 A Travel Plan has been submitted and subject to further refinement compliance with the modal share targets for staff and visitors, can be conditioned. Thereafter, the travel plan and obligations within shall be complied with to promote sustainable modes of transport, in the interests of promoting active travel, reducing traffic congestion and improving highway safety. It should be noted that the monitoring fee for the travel plan has been reduced to £4,950.

110 No highway objection subject to the applicant entering into an appropriate legal agreement, as set out below, and the imposition of conditions.

Section 106:

#### *Highways Contribution*

A financial contribution of £74,950.00 is required for sustainable travel measures to mitigate the impact of the proposed development on the surrounding highway network. This comprises of:

- (a) Contribution to the 5-year monitoring of the Travel Plan equating to £4,950.00.
- (b) Contribution of £50,000.00 to enable the delivery of a controlled pedestrian crossing on Wimborne Road is acceptable.
- (c) Contribution of £20,000.00 contribution for RTI improvements to bus infrastructure along Wimborne Road.

The highways contribution is to be index linked from the date of the decision notice to the payment of the contribution based on the Retail Price Index, produced by the Office for National Statistics.

## *Highway Works*

*Prior to occupation of the Development, the owner shall enter into a highway works agreement with the Council as Highway Authority using the provisions of Section 278 of the Highways Act 1980 to include:*

- Dedication by the Owner of the private land as annotated in Drawing no. B/LIDLWESTOVERRP.1/05-02 required for the footway as publicly maintained highway.*
- Construction of an agreed temporary surface treatment for the dedicated land, including a section of hard standing at the foot of the ramped access to the site, as shown in Drawing no. B/LIDLWESTOVERRP.1/05-02.*

*The Highway Works shall be properly designed and constructed to a specification to be agreed by the Highway Authority at no cost to the Council. The Highway works shall be completed to the satisfaction of the Highway Authority prior to first occupation.*

111 As set out in the Transport Officer comments above the proposal is considered to be generally acceptable in terms of traffic generation, parking and safety. The existing access point will be utilised. Also, it is relevant to note that the overall floor space is less on the site than the current development, the previous scheme and therefore fewer car parking spaces are required when assessing the development under the Parking SPD. Food and non-food retail uses are categorised similarly under the SPD. Additional cycle storage bays and EV charging points are to be provided. Clearly the applicant is hoping that the new store will be well used and it is likely to be busier than the current development. However, in planning assessment terms regard has to be given to the existing use when assessing the characteristic and likely impact of a new scheme. Also, whilst the site currently may not be overly busy if the current scheme does not proceed, different and new occupiers in the existing buildings could generate more activity on site. Many of the local residents had expressed concern about the traffic implications of the new supermarket but in general traffic generation terms it would be difficult to object to the scheme on these grounds as the planning assessment should be made on the requirements generated by the proposed floorspace in accordance with the SPD.

112 Overall the Transport Officer has secured some benefits and is now satisfied with the onsite EV charging points and cycle parking provision. Also, with this new scheme a financial contribution is to be made towards improved bus facilities and the applicant will provide a better crossing point for pedestrians across Wimborne Road.

## **Sustainability**

113 The proposal meets the Councils requirement for 10% of the energy requirements to be met by renewable means. The applicant has submitted an energy report and the requirement will be enforced via a planning condition.

114 Policy CS2 says that the Council will encourage commercial developments to achieve a good standard of sustainable construction with a BREEAM 'Very Good'

rating. The Building Research Establishment Environmental Assessment Methodology (BREEAM) accreditation is administered by the Building Research Establishment (BRE) which uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. Lidl generally work towards a 'Very Good' rating for all their stores, and that will be the case at Westover. However, Lidl have indicated that as the proposed building is not a standard format store where the design is already known in some detail, but a bespoke design that has had to be adapted to fit the building on the site and therefore they cannot guarantee that 'Very Good' rating will be achieved. However, they have agreed to a condition requiring the submission of a BREEAM Design Stage Assessment to aim to achieve a 'Very Good' rating. The suggested condition is as follows. "Prior to the commencement of development, a BREEAM Design Stage Assessment shall be submitted to the LPA, which should demonstrate that reasonable endeavours have been made to try and secure a final 'Very Good' rating. Within 1 year of the development being occupied a post-construction assessment to confirm the final BREEAM rating shall be submitted to the LPA for their approval". Given that the policy only encourages rather than requires compliance and given the site constraints it is considered a reasonable approach.

### **Planning Balance / Conclusion**

115 A summary of the main points of the proposal is set out below.

- The proposal replaces an existing retail use with another of similar but slightly less floorspace.
- A food supermarket is proposed rather than the current traditional retail warehousing type uses.
- The proposal will inevitably have some impact on other nearby retailing. However, the floorspace of the proposal is below the threshold for requiring a retail impact assessment. Nevertheless, the Council has sought the opinion of retail consultants Litchfields, and they had previously concluded that the impact would not be significant on nearby centres even taking into account another proposed store at Wallisdown (now refused) which was in the pipeline as the cumulative impact is relevant. The Councils policy officers similarly raise no objection.
- The notional turnover of the proposed store is now £3.5m less than it was before, which means that the impact will also be less than what Lichfields previously judged to be acceptable.
- The policy requires that a sequential test is carried out to establish whether there would be any suitable sites that are reasonably available for the proposed development within existing town centres. However, it is accepted that there are no other suitable or available sites.
- A single larger building is proposed rather than 3 smaller buildings. This will change the character of the site. The three existing buildings are less monolithic but the proposed building is still low rise and is broken up in design terms with glass and panelling.

- The positioning has changed the existing layout with the new building being set back into the rear of the site with all the parking in front.
- The proposed topography has altered the site levels which have resulted in an increased height towards the rear of the site meaning the building, retaining walls and car park will be more dominant at the rear and from Castle Lane West.
- In terms of neighbour impact, it will be more imposing at the rear in Lawford Road and more open to the properties in Wimborne Road.
- To mitigate the transport impacts the applicant is making a contribution towards improved real time bus information and is providing a better crossing on Wimborne Road.
- Many of the trees planted on the site in 2000 are to be removed but a new landscaping scheme is proposed including replacement tree planting. Overall the site will retain a landscaped setting.
- A public art scheme is proposed.
- A new pedestrian access is to be formed off Castle Lane to give better access from Muscliffe Lane.

116 The main design issues are that the proposal results in the existing trees and landscaping on the site being removed. This includes the higher retaining structure on Castle Lane West and reduced landscaping. If there was more space on the boundaries the existing trees could be retained and many more additional ones planted.

117 Landscaping and Active Travel Trade-Off - While the revised scheme includes new planting and public art, the overall scope for landscaping has been reduced compared to the previous application. This is primarily due to land now dedicated to a cycle lane, which reflects the Council's commitment to sustainable transport and active travel. Although this limits the depth of green buffers, the cycle lane delivers wider public benefits in terms of connectivity and modal shift, which must be weighed positively in the planning balance.

118 Previous and current objectors to the scheme have suggested that a food store on this site could compromise the traditional shopping outlets in Moordown and retail uses and centres further afield could suffer. It could lead to the closure in time of the Winton Lidl which strongly supports that centre. However, Lidl have said that this is not their plan at present as it is well supported by the student population in the area. Importantly the retail advice the Council has sought suggests that any impact will not be significant to a degree that the current application should be resisted. Those in support of the application indicate that there is clearly a demand for this supermarket and there is a ready and waiting catchment nearby particularly to the north, east and west. The large residential suburbs of Muscliff and Redhill will find this supermarket convenient, and it will be closer to many residents in those areas than current retail options.

119 Some of the local objectors are concerned about traffic as at present the existing uses do not seem to utilise the entire parking area. However, the proposed number of car spaces is less and the overall floor area of buildings is less than existing. If the

supermarket proposal does not proceed and the existing use remains the site could be much busier if alternative uses come forward.

120 Whilst it may seem a waste of resources, that such a relatively new complex, built within the last 25 years should be demolished and redeveloped this needs to be balanced against the benefits of a new regenerated use constructed with good energy credentials. In terms of sustainability the new development will meet the energy requirements of the core strategy policy and drainage will be improved by agreement with Wessex Water.

121 Local residents will have some impact on their amenity from the proposal with a larger more overbearing building and more activity, potentially. However, on balance the impact is considered acceptable and is supported by the Environmental Health Officer. Conditions will be added to ensure any noise nuisance and hours of operation are controlled. Overall, the proposal is considered to be acceptable in residential amenity terms and in accord with policy CS 38 and CS41 of the Corse Strategy.

122 Overall when balancing all of the issues set out above it is considered that the proposal should be supported. It involves new economic investment to provide a proposed use that is popular, looking at the representations submitted. It will result in the regeneration of a tired site meeting the aspirations of policies for economic growth and sustainable development whilst protecting amenity. The design includes landscaping and public art that will ensure that the development will sit comfortably in this location.

123 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the economy, character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation to Grant**

### **Conditional Permission**

**RECOMMENDATION I** - That delegated authority be granted to the Head of Planning Operations to Grant Conditional Permission subject to the satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on highways and to achieve biodiversity net gain by securing the payment of financial contributions and conditions (below)

**RECOMMENDATION II** - That delegated authority be granted to the Head of Planning Operations to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

**Section 106 terms**

Biodiversity net gain and the following highway matters: -

1. A financial contribution of £66,800.00 for sustainable travel measures to mitigate the impact of the proposed development on the surrounding highway network. This comprises of:
2. Contribution to the 7-year monitoring of the Travel Plan equating to £6,800.00.
3. Contribution of £50,000.00 to enable the delivery of a controlled pedestrian crossing on Wimborne Road.
4. Contribution of £10,000.00 contribution for RTI improvements to bus infrastructure along Wimborne Road.

The highways contribution is to be index linked from the date of the decision notice to the payment of the contribution based on the Retail Price Index, produced by the Office for National Statistics

With the following conditions;

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

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

Pedestrian ramp - 09028-XX-ZZ-D-A-91004- rev P04

Proposed site plan - 09028-XX-ZZ-D-A-91001- rev P06

Landscaping Plan JSL4531-RPS-XX-EX-DR-L-9001 revP20

Drainage Plan - SF/LIDLCASTLELANEWEST.23/20 rev P6

Proposed boundary treatments ref. 09028-XX-ZZ-D-A-91002- rev P05.

Section Drawing. 09028-XX-XX-D-A-03001- rev P04

Proposed elevations ref. 09028-XX-XX-D-A-02001- rev P05

Proposed surfaces plan 09028-XX-ZZ-D-A-91003- rev P04

General Arrangements Floor Plan level 00- 09028-XX-00-D-A-01001- rev P05

Proposed street elevations ref. 09028-XX-XX-D-A-02002- rev P05

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

## **2. On site working hours (inc demolition) restricted when implementing permission.**

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

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

## **3 Construction Management Plan**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site:
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;

- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;•

Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;

- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians); • Arrangements for temporary facilities for any bus stops or routes;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- noise reduction measures [including times of piling operations];
- details and siting of equipment, machinery and surplus materials on the site; and the wheel-washing facilities to be provided on-site to clean the wheels of all construction vehicles leaving the site.
- measures to control dust

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS38, CS41 and CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).



#### **4. Materials to be agreed**

Details/samples of the [Roof Cladding; Brickwork panel; Render; Fenestration types; Joinery details] to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **5. Cycle Parking**

Before the first use of the development hereby approved, the cycle parking consisting of Sheffield stands at 1.0m centres, shall be erected as shown on the approved plans and thereafter be retained, maintained and kept available for the occupants and customers of the development at all times.

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

#### **6. Service and Deliveries Management Plan**

Prior to the first use of the development a detailed Service and Deliveries Management Plan shall be submitted for approval in writing by the Local Planning Authority. The approved Service and Deliveries Management Plan shall be implemented upon occupation of the development and the Service and Deliveries Management Plan shall be permanently complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

#### **7. Electric Hook-up Points for Refrigerated Vehicles**

Suitably located electrical point(s) shall be provided adjacent to the on-site loading/unloading area for delivery vehicles. The electric hook up point(s) or socket(s) to be used for electrical connection to Refrigerated Lorries shall include a device to force the plug clear of the socket should the vehicle driver forget to remove the socket before driving the vehicle away from the development. Details of the electrical point(s) shall be provided to the Local Planning Authority for written approval within three months of commencement of the development. The electrical point(s) shall be implemented in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

## **8. Soft Landscaping**

Notwithstanding the landscaping details already submitted prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works and tree planting, including underground linked tree planting pits shall be submitted to and approved in writing by the Local Planning Authority. If any tree shown to be retained requires removal a replacement must be provided with this soft landscape scheme. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e) programme of implementation. The approved soft landscape scheme shall be implemented in full prior to the occupation use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **9. Landscape Maintenance Plan**

A landscape management plan and Habitats Management and Monitoring Plan (HMMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscape/habitat areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The plan shall be carried out as approved.

Reason: In the interests of the establishment and management of the landscaped and habitat areas and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and in compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **10. Arboricultural Method Statement**

No site clearance or development work shall commence until there have been submitted to and approved in writing by the Local Planning Authority an arboricultural method statement and tree protection plan for the trees detailed for retention and detailed drawings showing:

(a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees and other vegetation to be retained on and adjoining the site. Protective fencing should accord with the recommendations of BS 5837:2012. Trees in relation to design, demolition and construction.

Recommendations.

(b) the programme for the erection and maintenance of protective fencing and the installation of any other protective measures; such programme will include details of supervision by an arboriculturist;

(c) details of any proposed alterations in existing ground levels and of the position of any proposed excavation and constructional details of any drainage, hard surfacing, foundations, walls and similar works within the protected area;

(d) details of contractors compounds and areas for storage; and

(e) schedule of proposed tree works.

The details contained in the arboricultural method statement shall be thereafter implemented on site and the protective fencing and other protective measures shall be maintained during the course of construction.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

#### **11. Boundary Treatment (Location shown on plan & type on forms)**

Prior to the occupation of the development hereby approved fence(s)/wall(s) shall be erected in the position(s) shown on the approved plans of the type and dimensions specified. The fence(s)/wall(s) shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and privacy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

#### **12. No Additional Floorspace to be Created Without Planning Permission**

No additional floorspace shall be created within the building in excess of that hereby approved and as detailed on the approved floor plan without the prior express grant of planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority retain control over the retail floorspace within the building hereby approved in the interests of the vitality and viability of existing shopping centres and in accordance with saved Policy 5.26 of the Bournemouth District Wide Local Plan (February 2002)

### **13. Procurement and provision of Art Works**

Notwithstanding the details shown the building and site shall include details of public artwork to be provided:

- i) on the proposed front elevation and the Castle Lane frontage, in the two locations detailed on the proposed elevations drawing 09028-XX-ZZ-D-A-02001- rev P05;
- ii) on the pedestrian ramp off Castle Lane West; and
- iii) on the retaining wall below the northeast end of the building, facing Castle Lane West at a point close to Lawford Road.

The design shall be formulated after the building has been substantially completed to enable a full analysis of the context and setting. The agreed scheme shall be implemented in full within a period of 6 months from the opening of the store unless otherwise agreed in writing with the Council. The approved artwork shall thereafter be retained and maintained.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy 4.24 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012) .

### **14. Surface Water Management Scheme**

Prior to any demolition on site the Council shall be provided with a plan showing how the site will be drained during the works. Thereafter no development above damp-proof course level shall take place until a geo-environmental assessment is made which specifically considers infiltration in the context of contamination and soil permeability. Thereafter, detailed proposals for the management of surface water, including the provision of final and substantiated drainage designs (which should be based on the submitted drainage drawing SF/LIDLCASTLELANEWEST.23/20 rev P06, unless the geo-environmental assessment determines that infiltration is not viable), shall be submitted to and approved in writing by the local planning authority. The surface water scheme must be completed in accordance with the approved details and fully functional, prior to occupation of the development.

Reason: To prevent the increased risk of flooding and to protect available receiving systems.

### **15. Future management of surface water scheme**

Prior to occupation, maintenance and management of the Surface Water scheme required via condition (1) must be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

Informative Note: Please be advised that the 15 l/s discharge rate 'for all storm events up to and including the 1 in 100 yr event plus climate change' is quoted as a maximum that would be acceptable to Wessex Water. However, we would consider the 15 l/s to be a conceptual maximum figure and would highly recommend, in accordance with best practice, that the applicant makes effort to reduce this discharge rate and explores options to further align this with their greenfield rate calculations.

## **16 Noise Mitigation Measures**

Prior to the first use all plant equipment identified in the Noise Impact Assessment (Report Ref: 9642/LN, dated 28 March 2025) shall be installed with acoustic mitigation measures sufficient to achieve the attenuation levels specified in Table 6 of the report. These measures shall include, but not be limited to, the installation of specialist acoustic enclosures or equivalent attenuation solutions providing the following minimum reductions in sound pressure level (dB(A)):

- Dry Cooler: 14 dB(A)
- VRV CU-4 AHU DX Coil Circuit 1-2 (Sales): 16 dB(A)
- VRV CU-5 AHU DX Coil Circuit 3-4 (Sales): 16 dB(A)

In addition, the 2.0 metre high acoustic barrier shall be installed around the boundary of the site, as indicated in the Lidl boundary treatment plans.

The combined mitigation measures shall ensure that the cumulative noise impact from all plant does not exceed the background noise level at the nearest noise-sensitive receptor, in accordance with BS 4142:2014+A1:2019.

Written confirmation from a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority prior to first use, confirming that the installed mitigation achieves the required attenuation levels and complies with the assessment criteria.

The approved mitigation measures, including the acoustic barrier, shall be retained and maintained in full working order for the lifetime of the development

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

## **17 Deliveries**

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), outside of the hours 0700-2200 Monday to Saturday and outside of the hours 0800-1800 on Sundays and Bank Holidays.

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

### **18 Vehicular Access/Parking/Turning**

Before the development is occupied or utilised the access, turning and parking areas must have been constructed and arranged as shown on the hereby approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

### **19 Electric Vehicle Charging Points**

Notwithstanding details shown on the submitted plans, within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking SPD (adopted 6th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved or any use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

### **20 Travel Plan**

Before the development hereby approved is occupied or utilised, a revised Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, will include:

- Agreed targets for sustainable travel arrangements.
- Agreed effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Agreed effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development.

The development must be implemented only in accordance with the approved Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site and in the interests of highway safety and

promoting sustainable modes of transport, in accordance with Policy CS15 of the Bournemouth Local Plan Core Strategy (October 2012).

## **21 Scheme to be agreed for security measures including gates, surveillance and access.**

The development hereby permitted shall not be occupied until details of security measures for the site in accordance with the advice given by the Dorset Architectural Liaison Officer and shall include video recording equipment and security measures/gates at the premises has been submitted to and agreed in writing by the Local Planning Authority. The approved equipment/measures shall be installed prior to the use or occupation commencing and shall be retained, maintained and used thereafter.

Reason: To help monitor and prevent nuisance and in accordance with Policies CS5 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **22 Energy Strategy**

The energy strategy shall be implemented in accordance with the ENERGY USAGE & SUSTAINABILITY STATEMENT submitted with the application. Furthermore prior to the commencement of development a BREEAM Design Stage Assessment shall be submitted to the LPA, which should demonstrate that reasonable endeavours have been made to try and secure a final 'Very Good' rating. Within 1 year of the development being occupied a post-construction assessment to confirm the final BREEAM rating shall be submitted to the LPA for their approval.

Reason: to ensure that the development meets the requirements of policy CS2 of the Core Strategy.

## **23 Store Opening Hours**

The use hereby permitted shall trade only between the hours of 07.00 and 22.00 on Monday to Saturday as well as Bank and Public Holidays, and between the hours of 10.00 and 17.00 on Sunday.

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

## **24 Goods restriction**

There shall be no more than 1,210 square metres net retail floor area provided within the foodstore, of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods, and at no time shall more than 4,000 individual lines of goods be sold from the retail unit hereby permitted.

Reason: To protect the vitality and viability of defined centres and in accordance with the application submission.

## **25 Lighting Scheme for bats.**

Lighting must be compliant with 'Guidance Note 08/18 Bats and Artificial Lighting in the UK' by ILP and as detailed on page 7 of 'Technical Note – Ecology Lidl Castle Lane West, Bournemouth' by RPS.

Reason: compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **26 Bat Boxes**

The proposal shall incorporate bat boxes in accordance with a scheme to be agreed in writing with the Council prior to any superstructure works being carried out on site. Details of bat boxes built into new building to be supplied and once agreed must be implemented in full and maintained for at least 30 years.

Reason: compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **27 Habitat Management and Monitoring Plan**

- a) No part of the built development hereby permitted shall be commenced unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority.
- b) The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and all landscaping and biodiversity related plans and documents required to be approved in the other conditions forming part of this permission.
- c) The HMMP shall in particular include:
  - a) a background section; including:
    - i. a high level summary of all relevant matters identified in the HMMP;
    - ii. details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
    - iii. the metric used for the purposes of the HMMP; and
  - b) a section setting out all planned habitat activities, including:



- i. overarching aims and objectives;
  - ii. design principles informed by all relevant baseline information;
  - iii. full details of the Habitat Provision;
  - iv. a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
  - v. details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
  - vi. details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
- d) a monitoring schedule section including:
- a) a monitoring strategy;
  - b) details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
  - c) details of how Adaptive Management will be incorporated into meeting every Condition Target; and
- e) plans and details reasonably necessary for each section.
- f) No [part of the development shall be occupied or otherwise brought into use] unless the local planning authority has approved in writing the Completion of Initial Habitat Report.
- g) The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.
- h) Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:
- i. a progress summary;
  - ii. details of the person(s) responsible for compiling the information in the monitoring report;

- iii. details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
- iv. progress toward every Condition Target including any identified barrier(s) to such progress;
- v. any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
- vi. a register of activity; and
- vii. any identified need to vary the approved HMMP together with relevant explanation.

#### Definitions within HMMP

“Adaptive Management” means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained [including any procedure(s) that the local planning authority may at any time specify in writing for such a purpose [in the event of any procedure not proving successful]];

“Condition Target” mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

“Completion of Initial Habitats” means the date on which the local planning authority issue an approval of the Completion of Development Report;

“Completion of Initial Habitats Report” means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

“Habitat Provision” means all habitat situated on the application site to which this permission relates to be retained, created and enhanced

“Monitoring Report” means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason: to ensure there is adequate protection for the existing habitats and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

## **Informative Notes:**

### **BNG**

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 permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan

Informative Note - If planning permission is granted a bat European Protected Species (EPS) mitigation licence from Natural England will be required to have been issued prior to any works commencing. An EPS licence is required to ensure the works are lawful. It is the responsibility of the applicant to arrange for application of the EPS licence.

Informative Note - that Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan will be required as there is proposed significant BNG on site, this must be agreed before commencement of any work.

## **Streetworks**

Prior to construction commencing on site, the applicant/site developer is strongly advised to contact the Streetworks Team on 01202 128369 or [streetworks@bcpcouncil.gov.uk](mailto:streetworks@bcpcouncil.gov.uk) to discuss

how the highway network in the vicinity of the site is to be safely and lawfully managed during construction. This team is responsible for managing the highway network and must be consulted operation of the public highway. They will also be able to advise on any Permits, Licences, Temporary Traffic Regulation Orders (TTROs), traffic signal or ITS changes and signing requirements, together with co-ordination of your work in relation to the planned work of other parties on the public highway. Some procedures, require significant lead in times and therefore early engagement is essential. Therefore, to avoid any delay in starting work it is strongly recommended that you make contact at least 3 months before you plan to commence work. Failure to do so may result in delay in starting work. If any permanent changes are required to Traffic Regulation Orders (TROs), please note that these can take a minimum of 9 months to process and this period should be considered when planning your project.

## **Informative Note: Kerb and footway reinstatement**

INFORMATIVE NOTE: As a consequence of vehicle access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge if appropriate) restored. Normally the Highway Authority will undertake this work at the expense of the applicant although on occasion there might be instances where the applicant under supervision can undertake this work. The applicant must contact the Service Director, Technical Services, Town Hall Annexe, St. Stephen's Road, Bournemouth BH2 6EA to initiate the procedure.

**Informative Note: No storage of materials on footway/highway**

INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

**Informative Note: Highway and Surface Water/Loose Material**

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

**Informative Note: Work affecting public highway**

INFORMATIVE NOTE: The applicant is informed that any works arising from the development and having a direct effect upon the public highway, shall be carried out in consultation with the Local Highway Authority and to the specification and satisfaction of that Authority. It is recommended that the applicant contact the Service Director, Technical Services, Town Hall Annexe, St. Stephen's Road, Bournemouth, BH2 6EA, to undertake the required consultation.

**Informative Note: Advert Approval Required**

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

**Informative Note: CIL liable development**

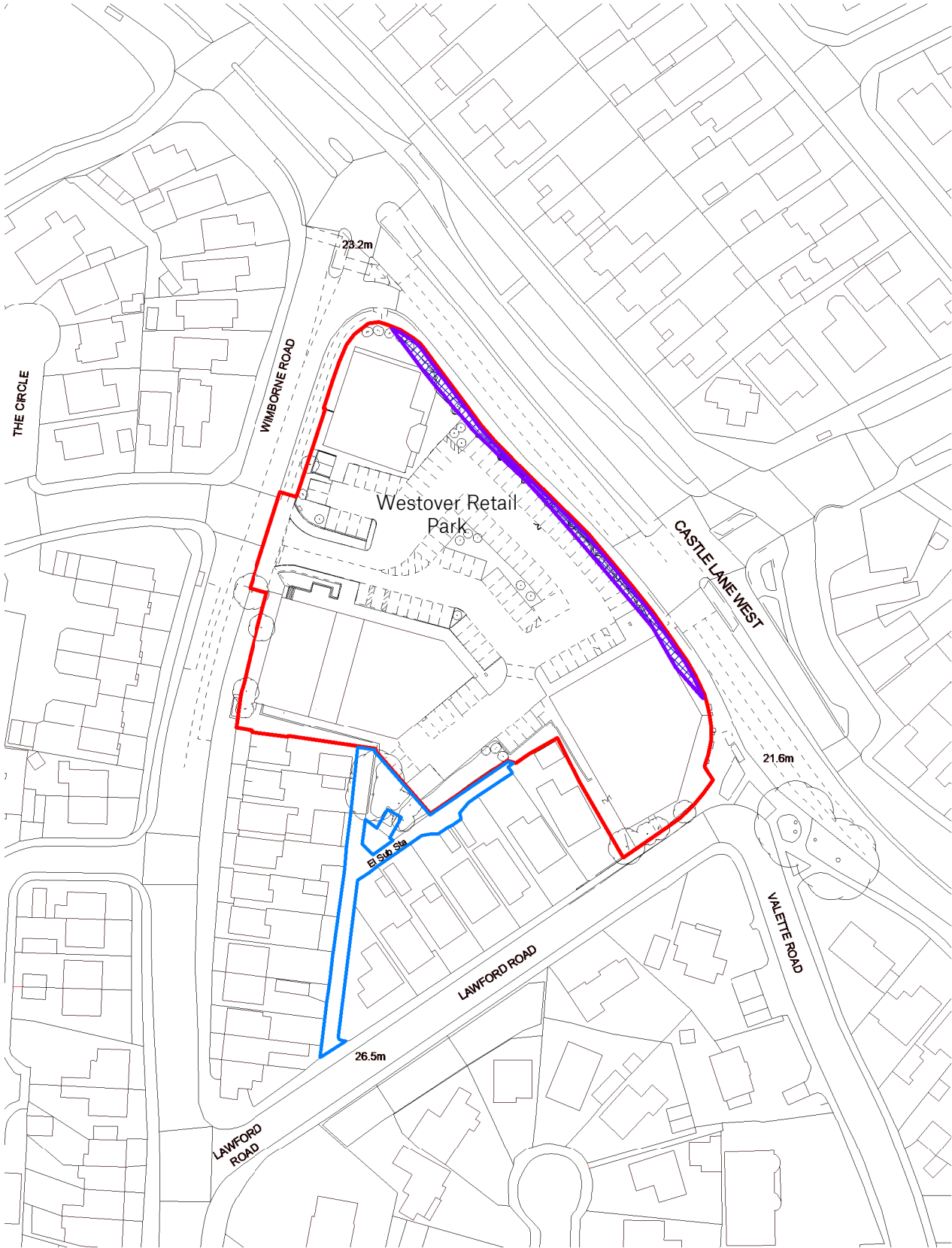
INFORMATIVE NOTE: This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained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

**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.

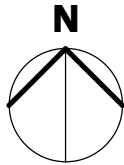
Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.

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## Key

- Red line boundary
- Additional land in client ownership
- Castle Lane improvement land



### Store Specification

## Bespoke

### Drawing Purpose

## PLANNING

This drawing has been prepared for the sole purpose of forming part of a planning application, and should not be used for any other purpose.



# SPACE

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### Project

## Westover Retail Park

### Drawing Title

## Site Location Plan

Project No.	Drawing No.	Status	Rev.	Scale at A3
09028	XX-ZZ-D-A-90001	S3	P03	As indicated

File Reference: 09028-SPACE-XX-ZZ-D-A-90001-S3-P03

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## Site Location Plan

1:1250

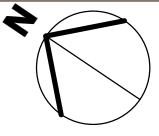


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OVERALL	
<div></div> SITE AREA (Approx.):	6750 m²
<b>BUILDING AREAS - LIDL</b>	
<div></div> Ancillary Area	255 m²
<div></div> Sales Area	1175 m²
<div></div> Warehouse Area	413 m²
GROSS INTERNAL AREA (TOTAL)	
1843 m²	
<b>PARKING - LIDL</b>	
Disabled	5
Parent & Child	6
Rapid Electric Vehicle Charging	2
Standard	62
TOTAL	75
(Passive EVC infrastructure to 20% of overall provision)	
Cargo Bicycles	2
Short Stay Bicycles	22
Staff Bicycles	5
TOTAL: 29	29
For more details on surface treatment please refer to drawing XX-ZZ-D-A-91003	
<div></div> Tarmac (Vehicles)	<div></div> Tarmac (Pedestrians)
<div></div> Block paving, stretcher bond	<div></div> Concrete cast in-situ
<div></div> Soft landscaping	<div></div> Tactile paving
<div></div> Castle Lane Improvement Land	<div></div> Gravel



Store Specification

**BESPOKE**

Drawing Purpose

**PLANNING**

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Project				
<b>Westover Retail Park</b>				
Drawing Title				
<b>Proposed Site Plan</b>				
Project No.	Drawing No.	Status	Rev.	Scale at A1
<b>09028</b>	<b>XX-ZZ-D-A-91001</b>	<b>S3</b>	<b>P06</b>	<b>As indicated</b>
File Reference: <b>09028-SPACE-XX-ZZ-D-A-91001-S3-P06</b>				

Proposed Site Plan  
1:200

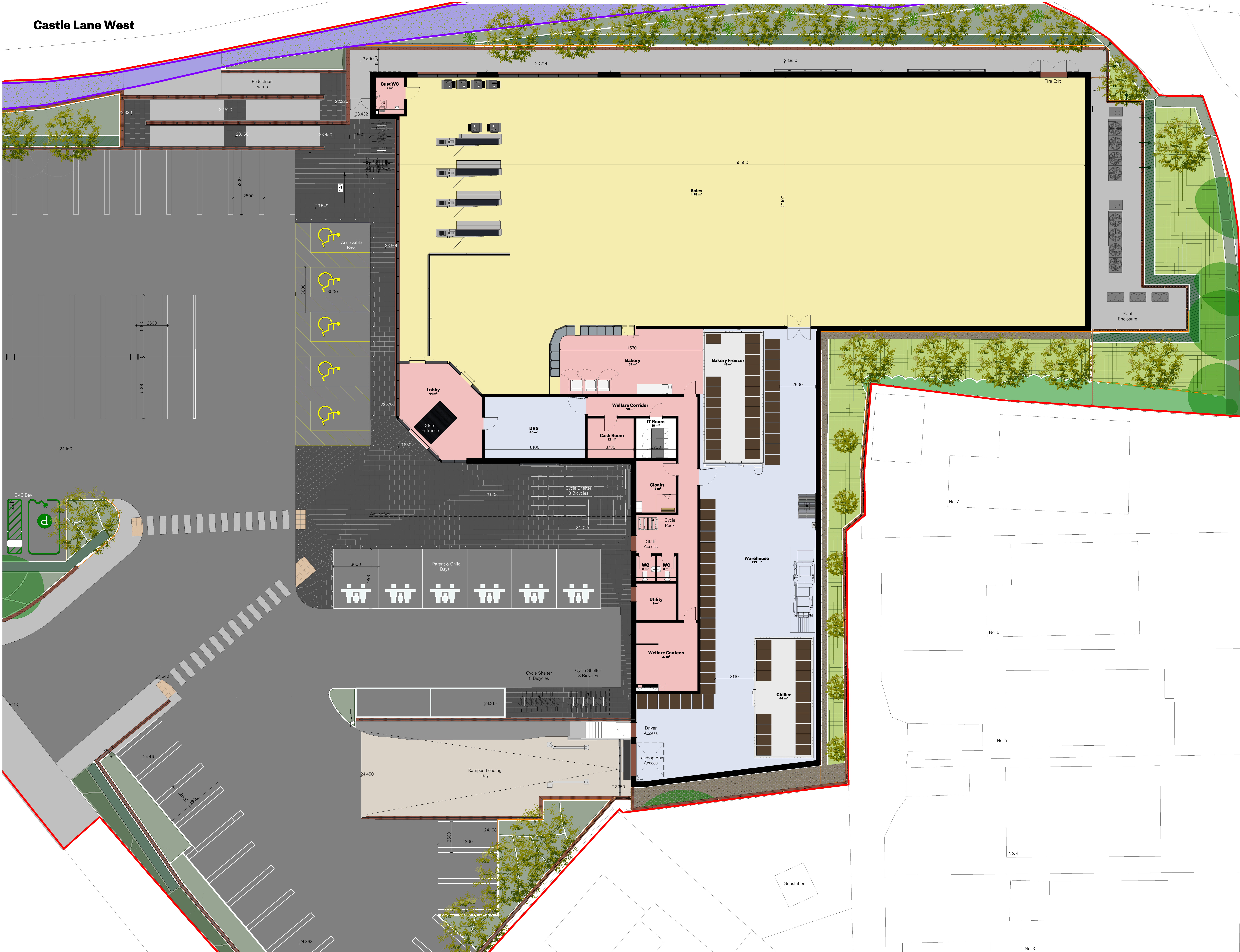




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Castle Lane West



Existing Site Plan  
1:100

Landscape is shown indicatively please refer to drawing 5098-RPS-XX-EX-DR-L-9001 Detailed Soft Landscape Proposal for further details.

Site Key

OVERALL		
SITE AREA (Approx.)		6750 m²
BUILDING AREAS - LOD		
Available Area		255 m²
Sales Area		1775 m²
Warehouse Area		453 m²
GROSS INTERNAL AREA (TOTAL)		1843 m²
PARKING - LOD		
Disabled		5
Parent & Child		6
Rapid Electric Vehicle Charging		2
Standard		62
TOTAL		75
(Passive EVC infrastructure to 20% of overall provision)		
Cargo Bicycles		2
Short Stay Bicycles		22
Staff Bicycles		5
TOTAL		29
For more details on surface treatment please refer to drawing XX-22-D-A-91003		
Tarmac (Vehicles)	Tarmac (Pedestrians)	
Block paving, stretcher bond	Concrete cast in-situ	
Soft landscaping	Tactile paving	
Castle Lane Improvement Land	Gravel	

Share Specification

DESPOKE

Planning

This drawing has been prepared for the sole purpose of forming part of a planning application, and should not be used for any other purpose.

09028 XX-00-D-A-01001 53 POS As indicated

Site Reference: 09028 SPACE XI-00-D-A-01000-03-POS

Project: Westover Retail Park

Drawing Title: General Arrangement Plan - Level 00

Project No. 09028 Drawing No. XX-00-D-A-01001 Status: POS

Scale: As indicated

Revision: 09028 SPACE XI-00-D-A-01000-03-POS

Scale: As indicated

Scale: As indicated

Scale: As indicated

Scale: As indicated

Scale: As indicated

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Lidl, Westover Retail Park  
CGI - Aerial view looking north  
28th May 2025



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Lidl, Westover Retail Park  
CGI - looking south towards store  
28th May 2025

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Lidl, Westover Retail Park  
CGI - Aerial view looking south towards store  
28th May 2025

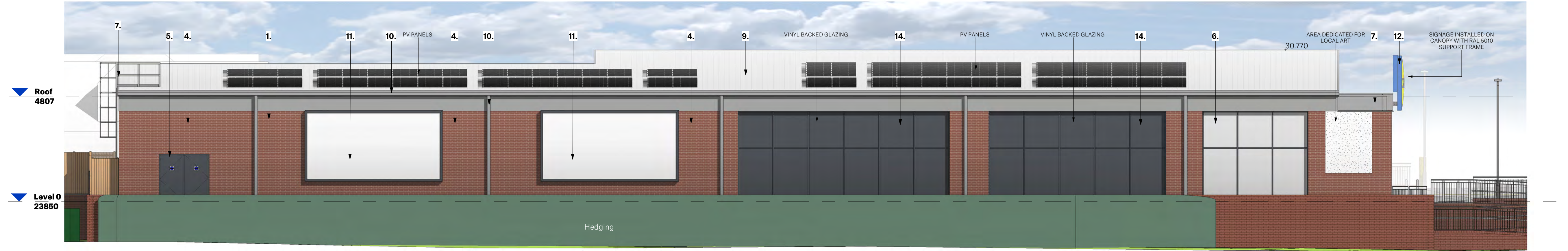


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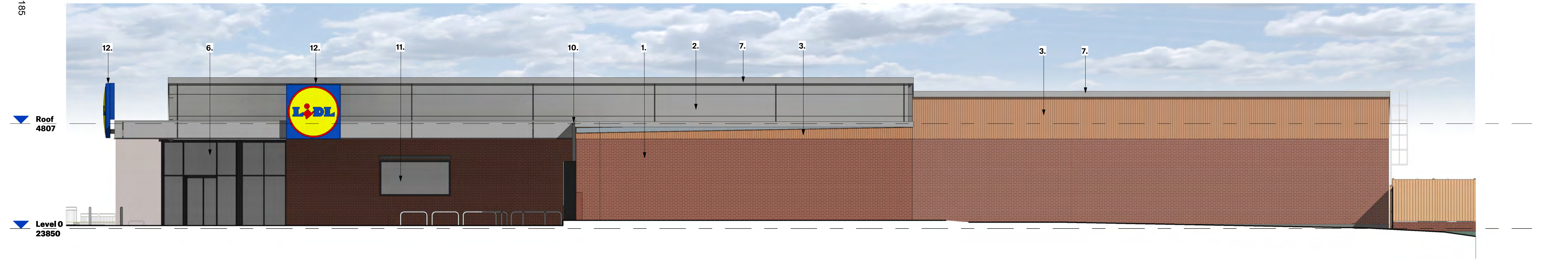




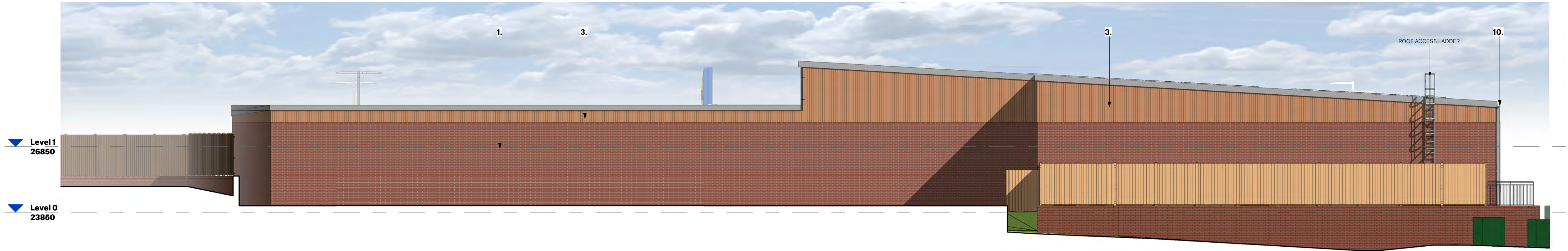
Proposed Front Elevation  
1:100



Castle Lane West Elevation  
1:100




South Elevation  
1:100



Valette Road  
1:100

### Material Key

1. Red Facing Brick - Running/ Stretcher Bond (COLOUR TBC)
  2. Insulated metal wall cladding - RAL 9006 (Silver)
  3. Cementitious timber effect panel
  4. White Render RAL 9010
  5. PPC steel door - RAL 7024 (Dark Grey)
  6. Curtain walling - double glazed units frame RAL 7024 (Dark Grey) with Lidl branded manifestation
  7. Steel flashing & fascia- RAL 9006 (Silver)
  8. PPC Aluminium window, double glazed units with RAL 7024 (30% gloss) frames
  9. Metal Roof panel - RAL 9006 (Grey)
  10. Metal eaves gutter & RWPS to match cladding colour - RAL 9006
  11. Power coated aluminium billboard frames - RAL 7024
  12. Lidl SIGNAGE
  13. Sectional dock door with galvanised steel shelter - RAL 7024
  14. Curtain walling - vinyl backed double glazed units frame RAL 7024 (Dark Grey) with Lidl branded manifestation. (Potential for Lidl advertising)
- Trees, hedging and shrubs are not shown for clarity

Store Specification <b>BESPOKE</b>	
Drawing Purpose <b>PLANNING</b>	
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Project <b>Westover Retail Park</b>				
Drawing Title <b>General Arrangement Elevations - Sheet 1</b>				
Project No. <b>09028</b>	Drawing No. <b>XX-XX-D-A-02001</b>	Status <b>S3</b>	Rev. <b>P05</b>	Scale at A1 <b>1:100</b>
File Reference: <b>09028-SPACE-XX-XX-D-A-02001-S3-P05</b>				
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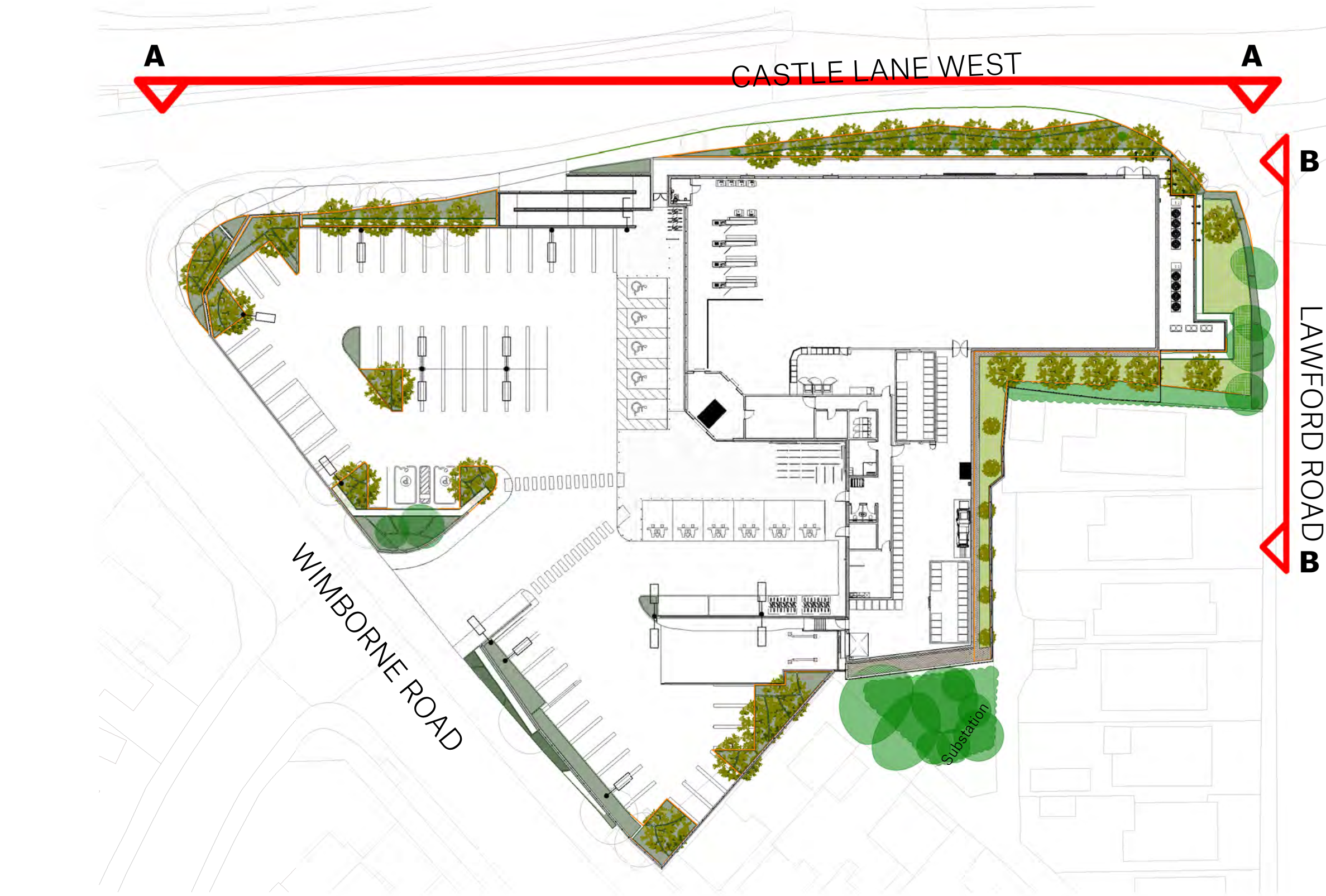
Section A: Proposed Castle Lane West Elevation  
1:100



Section B: Proposed Lawford Road Elevation  
1:100



Section B: Lawford Road Elevation showing Existing Cotswold Unit  
1:100



Street Elevation Key  
1:500

Share Specification

**BESPOKE**

Drawing Purpose

**PLANNING**

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**SPACE**

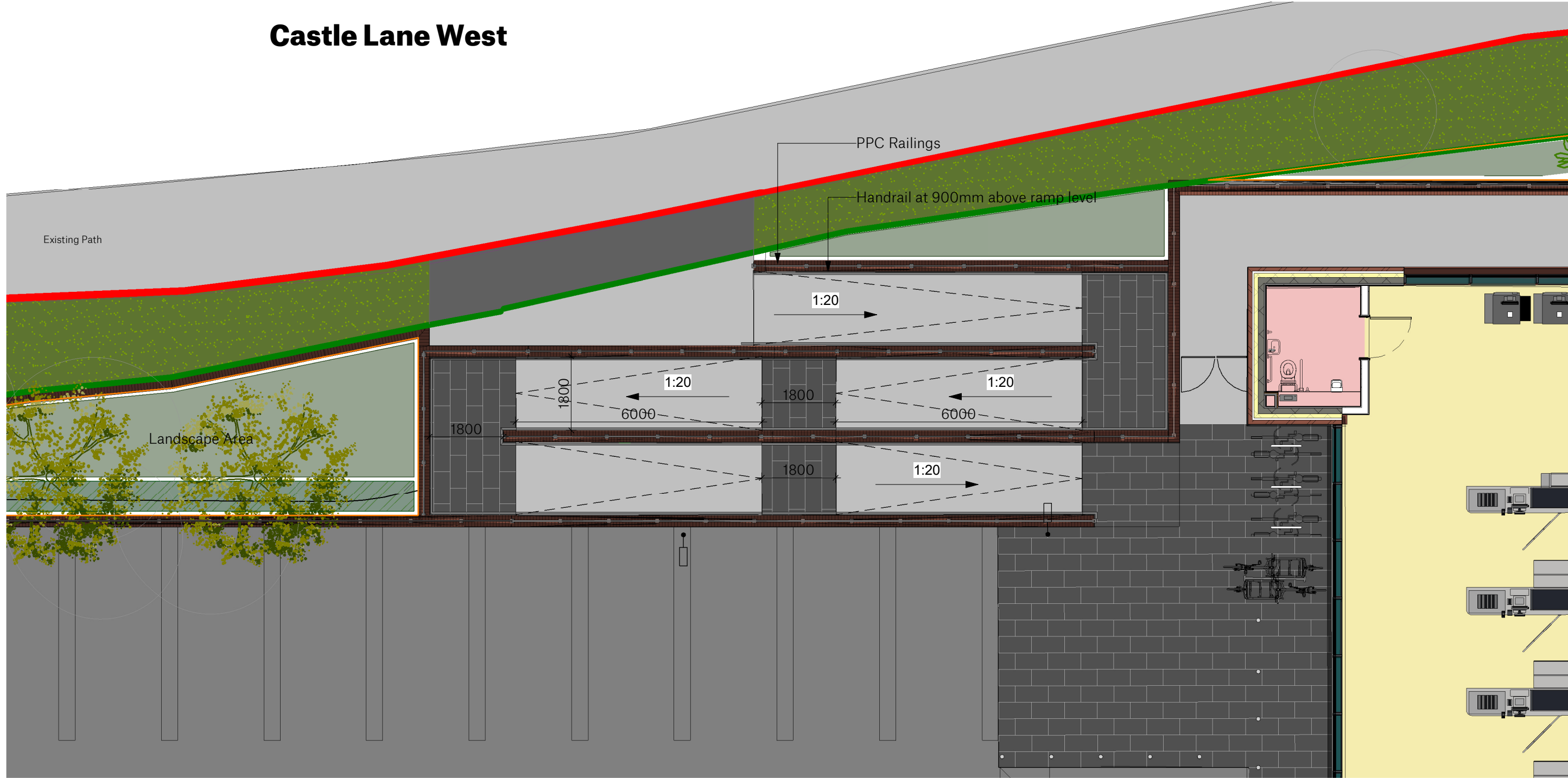
Spaceworks, Seacroft Park Road, Newcastle upon Tyne, NE7 7LX  
T: +44 (0)1644 600 600  
www.spaceworks.co.uk

Project				
Westover Retail Park				
Drawing Title				
General Arrangement Street Elevations				
Project No.	Drawing No.	Sheet	Rev.	Scale at A0
09028	XX-XX-D-A-02002	53	P05	As Indicated
File Reference: 09028-SPACE-XX-XX-D-A-02002-53-P05				



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Proposed External Ramp  
1:100



3D - Ramp



Ramp Elevation  
1:50



Store Specification  
**BESPOKE**  
Drawing Purpose  
**PLANNING**  
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Project <b>Westover Retail Park</b>				
Drawing Title <b>Proposed External Ramp</b>				
Project No. <b>09028</b>	Drawing No. <b>XX-ZZ-D-A-91004</b>	Status <b>S3</b>	Rev. <b>P04</b>	Scale at A1 <b>As indicated</b>
File Reference: <b>09028-SPACE-XX-ZZ-D-A-91004-S3-P04</b>				

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# Planning Committee

Application Address	The Beach House Cafe Mudeford Sandbank Bournemouth BH6 4EN
Proposal	Change of Use from open space to Class E(b) and the siting of 8 picnic benches in connection with the adjacent Beach House Café.
Application Number	P/25/03404/FUL
Applicant	Mr K Slater
Agent	Mrs Clare Spiller Chapman Lily Planning Ltd
Ward and Ward Member(s)	East Southbourne & Tuckton Cllr Bernadette Nanovo Cllr Judy Richardson
Report Status	Public
Meeting Date	22 January 2026
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	Referred by the Director of Planning and Transport because BCP Council is the landowner and in view of the significant public interest with more than 10 letters of objection.
Case Officer	Jenny James
Is the proposal EIA Development?	No

## Description of Proposal

1. Planning permission is sought to change the use of an area of open space on the western waterfront side of The Beach House Café, to use Class E(b) which is café restaurant use, and the siting of 8 picnic benches.

2. The benches would be open for use by all members of the public and are not enclosed or cordoned off in any way. The existing benches have small plaques which state they are available for public use.

### **Description of Site and Surroundings**

3. The application site is located on Mudeford Sandbank, it is adjacent to The Beach House on the western side located on the opposite side of the access path. The area is around 70sqm in an elongated rectangle shape, which is approximately the same width as the café.
4. To the immediate north and south of the site is continued beach and waterfront.
5. There are beach huts to the east on the northern and southern sides, extending the full length of the Spit, to Hengistbury Head to the south and Mudeford Quay to the north.
6. To the west of the site sits the jetty served by the local ferry, accessed across the unsurfaced access path and beach. Public toilets sit to the south of the site, in amongst the beach huts. The bin store sits to the rear of the Beach Shop.
7. The site falls within flood zone 3a.

### **Relevant Planning History:**

8. 7-2004-11229-J: Alterations, extensions, erection of extractor flue and decking area (Existing unauthorised). Approved Oct 2004.
9. 7-2018-11229-L: Alterations and extension to external decking area. Withdrawn Mar 2018.
10. PRE-11229: Proposed New Beach House Café - Response Jan 2020. The Pre-App provided a detailed response to the Applicants ahead of the formal application to re-build the new – taller Café.
11. 7-2020-11229-M: Erection of Café with associated storeroom, etc – Withdrawn due to objections to the design - Dec 2020.
12. 7-2021-11229-N: Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food & refreshments - Existing unauthorised – Approved 22.12.2022
13. 7-2021-11229-O: Erection of Cafe with associated storage including bin store - regulation 3 – Approved 05.10.2021
14. 7-2021-11229-P: Erection of a single storey building for use as a cafe, involving demolition of existing open-air café – Approved 22.12.2022.
15. P/25/01460/ADV - Signage on The Spit at Mudeford – Approved
16. P/25/01461/FUL - Replacement Cafe building (permanent) - Approved
17. P/25/04071/CONDR - Variation of conditions 1 and 2 of Planning Application 7-2021-11229-N (Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food & refreshments - Existing unauthorised) to change period of continued use and conditions of the removal – concurrent application
18. P/25/04982/CONDR - Variation of condition No.6 (Noise (amplified music)) of planning permission 7-2021-11229-P (Original description of development - Erection of a single

storey building for use as a cafe, involving demolition of existing open-air cafe ) to reword the condition to a Noise Management Plan is required prior to first use hereby permitted – concurrent application

### **Constraints**

19. The following constraints have been identified.

- Env. Agency Tidal Flood Zone 3a;
- Designated Green Belt;
- Nature Conservation area

#### National Designation (Nearby)

Highcliffe to Milford Cliffs SSSI, 1,966m NE

Christchurch Harbour, SSSI, 14m W

#### County Designation (Nearby)

Hengistbury Head Local Nature Reserve (LNR), 411m SW

Stanpit March LNR, 1,024m NW

Steamer Point LNR, 1,968m NE

#### Local Designation (Within)

Mudford Spit SNCI Nature Reserve

### **Public Sector Equalities Duty**

20. 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**

21. 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.

22. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other

substances in its area; and (c) re-offending in its area. In this case the site will be subject to normal licencing conditions which would help to control and anti-social behaviour.

23. 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.
24. 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;
25. For the purposes of s28G 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 of special scientific interest is of 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;
26. The Flood and Water Management Act 2010 places a duty on all flood risk management authorities to co-operate with each other. Lead local flood authorities are required, under section 21 of the Flood and Water Management Act, to maintain a register of structures and features which are likely to have a significant effect on flood risk in their area. The Act requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions. The Technical advice issues by the SoS requires in 3.1 (DEFRA, PB13640, 2011) to ensure decision making takes "account of the safety and wellbeing of people and the ecosystems upon which they depend", and "taking action to avoid exposing current and future generations to increasing risk"

## **Consultations**

27. The following parties were consulted on the proposals. Detailed commentaries are given in relevant sections of this report. Summaries are given here;
28. Flood & Coastal Erosion Risk Team: No objections.
29. Highway Officer: No objections.
30. Waste and Recycling: No comment
31. Dorset Wildlife Trust: No comment
32. Environment Agency: No Objection
33. Lead Local Flood Authority: No objection, the picnic benches would be installed at owner's risk and could be damaged in the event of a flood.
34. Natural England: Holding objection removed as the change of use does not encroach on SSSI and the placement of benches on the site does not constitute development.

## **Representations**

35. Site notices were posted in the vicinity of the application site with and expiry date for consultation of 09/10/2025.
36. 675 public comments were received, of which at least 10 are within the 1-mile radius of the site. 41 objected to the proposal and 616 supported the proposal. A letter of objection was also received from a solicitor on behalf of the Mudeford Sandbank Beach Hut Association.

37. While some comments were submitted labelled as 'support', 'comment' or objection, this did not tally with the contents of the comment and so each comment is recorded according to the content rather than the label.
38. A summary of the objections are as follows,
- The footprint of the Beach House Café should stay within the original footprint.
  - The outside Benches detract from the shoreline and should be removed.
  - There is no enhancement of the of the environment within the application.
  - The land is Green Belt, and there is no public benefit or very special circumstance to justify the grant of planning permission
  - As a hut owner it is disappointing to see the beach with such ecological importance becoming just another tourist attraction.
  - The café takes over a large area
  - Litter is a problem
  - There is no need for benches
  - As hut owners we pay huge fees and should have more say over what is proposed for Hengistbury Head.
  - The applicant is breaking so many rules already, that do not enhance the area and are making it more commercial.
  - Proliferation of "takeaway" litter and waste generation are incompatible with the long standing environmental status of the site
  - This should be refused until all the other uses are regularised.
  - Negative cumulative impact on this sensitive site environmentally, amenity and landscape.
  - Expanding the footprint for a commercial enterprise is not in accordance with planning policy, considering this within an SSSI Impact Zone.
39. The Environment Agency share the objectors' concerns.
- The expansion of the takeaway has increased the consumption of alcohol, and related rubbish, noise and anti-social behaviour on the sandspit.
  - Too much pressure is on the outdated toilet facilities.
  - The application should be scrutinised, and BCP Integrity is challenged.
  - This is in breach of the Mudeford Sandbank Management Plan
40. The additional capacity impacts to neighbouring beach hut owners' amenity
41. A summary of the supporting comments are as follows,
- The benches provide a lovely spot for to stop on the sandspit to eat drink.
  - This is a public beach and the benches enhance that as an asset.
  - The benches are needed, it is not wanted to just sit on stones.
  - The benches are useable even when not using the Café.

- It is just a select few who do not want the benches, while there are a lot of members of the public who use them.
  - The benches are needed by the less able bodied, such as elderly, and children to sit and rest after a long walk.
  - The beach hut owners have picnic benches outside their huts, that are not specifically permitted. The picnic benches for the public should be allowed as well.
  - The public are more likely to sit on hut owned steps/picnic benches if these are removed.
42. *Officers Response* – In terms of the scrutiny of this application, and the integrity of the Council, the application has followed the full statutory procedural requirements and has been consulted on to all relevant internal and external parties. All comments received are included in the assessment. The overall application is assessed at officer level, reviewed at management level, and is also to be heard and finally decided by the Planning Committee. Therefore, it is confirmed that the application has been duly scrutinised.
43. The impacts of noise and amenity are assessed in the main body of the report, and consider the current temporary use and future implementation of the P/25/01461/FUL or 7-2022-11229-P.
44. The benches themselves are not a permanent structure and therefore do not fit the description of development as set out under section 55 of the Town and Country Planning Act 1990. Therefore the impact on the Green Belt is nil.
45. The boundary of the SSSI is outside the redline plan of the and the EA have registered no objection to the application.

### **Key Issues**

46. The key issue(s) involved with this proposal are:
- Principle of development
  - Impact on the Green Belt
  - Impact on character and appearance of the area;
  - Impact on amenity;
  - Impact on the coastal engineering and flood risk
  - Biodiversity
  - Highways and Transport
47. These issues will be considered along with other matters relevant to this proposal below.

### **Policy context**

48. 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 Bournemouth Local Plan Core Strategy (2012) and the saved policies of the District Wide Local Plan (2002).

Bournemouth Local Plan Core Strategy (2012)  
CS1: NPPF and Sustainable Development

CS2: Sustainable Homes and Premises  
 CS3: Sustainable Energy and Heat  
 CS4: Surface Water Flooding  
 CS6: Delivering Sustainable Communities  
 CS18: Increasing Opportunities for Cycling and Walking  
 CS29: Protecting Tourism and Cultural Facilities  
 CS34: Sites of Special Scientific Interest  
 CS35: Nature and Geological Conservation Interests  
 CS37: Green Belt  
 CS38: Minimising Pollution  
 CS39: Designated Heritage Assets  
 CS41: Design Quality

#### Bournemouth District Wide Local Plan (2002)

3.20: Contamination  
 3.28: Flooding  
 4.25: Trees and Landscaping

#### Supplementary Planning Documents:

Sustainable Urban Drainage Systems (SUDS) – PGN  
 BCP Parking Standards – SPD

#### Bournemouth Borough Council ‘Seafront Strategy 2007’

The Seafront Strategy is a corporate policy adopted in 2022 and updated in 2024. It does not form part of the Statutory Development Plan but is a key Council objective. It supports investment and tourism enhancement and the following aims

1. Creating a more environmentally sustainable seafront;
2. Achieving reinvestment, economic regeneration and a sustainable product;
3. Delivering truly memorable customer experiences
4. Re-building the Beach House Café’ and
5. *‘Continue to manage the sandbank in a sustainable fashion, maintaining its current character and protecting the sensitive natural environment’*

#### Mudford Sandbank Management Plan April 2014 – March 2024

## **Planning Assessment**

### Principle of development

49. Paragraph 153 of the NPPF states, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
50. Core Strategy Policy CS37 states that the South East Dorset Green Belt will continue to be designated in the Borough. Within the Green Belt, inappropriate development, including uses of land, will not be permitted. Inappropriate development will include any development which does not maintain the openness of the land or which conflicts with the purposes of including land within the Green Belt.

51. Importantly as a starting point, the benches themselves cannot be considered as development or a 'building' as they do not meet the criteria for identifying a building in planning terms. The defining points of a building have been established through case law and are generally understood to be,
  - size (with a building usually something that is constructed on site, rather than being brought on site already made);
  - permanence; and
  - physical attachment to the ground.
52. The benches are already located on the site. They are not permanently fixed to the ground and can be moved so are not permanent. They are heavy and sit on or slightly embedded into the stones which generally means they are secure but can be lifted and removed relatively easily. Therefore, they do not meet any of the requirements of the definition of a building. This means that there is no impact to the openness of the Green Belt.
53. The benches cannot be considered as development of a building, the remaining assessment of impact to the Green Belt is the appropriateness of the change of use of the land to an ancillary café use that also retains a recreational public open space function.
54. Paragraph 154 of the NPPF states, development in the Green Belt is inappropriate unless one of the following exceptions applies: (a, c, d, e, f and g are not relevant)
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
    - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
55. The benches are open for public use at any time; are not cordoned off in any way and do not have any signage or demarcation that indicates they are only for the use of the café. More recently small brass plaques have been attached to the benches stating they are open for use by the public at any time. Therefore, for part of their use, the benches will be classified as facilities for outdoor recreation in this public seafront location, that is used at predominantly a leisure and recreation location. As described above, this is an exception to the general restriction on development or change of use in the Green Belt.
56. In terms of the use associated with the Café, the Beach House Café which is situated approximately 6.7m to the east of the existing position of the picnic benches has established lawful use as a café with ancillary shop and takeaway use with the historic use, temporary consent, and the extant permissions 7-2021-11229-P and P/25/01461/FUL for a new building. In general terms the use is considered to be appropriate in this location.
57. The Beach House Café has been granted an ancillary takeaway use as part of the temporary consent and the two more recent permanent permissions. Therefore, it needs to be considered that there will be people leaving the café site with takeaway food and beverages, and this is already permitted. Once these customers leave the premises of the café they would become general public visitors again and could choose to make use of the benches. The benches provide a place for visitors either using the café facility or generally visiting the sandspit to potentially sit and consume either their own food and drinks, or the takeaway goods.



58. Policy CS31 (Recreation, Play and Sports) states that planning permission will be refused for development that results in the loss of public and private open space. This is a key policy for the protection of public open space. However, it is considered that the proposal would not result in the loss of open space, as the space is still open and accessible by the public at any time, but will also be used by takeaway café users.
59. Picnic benches are often a type of facility owned and operated by Local Authorities, however increasingly, due to changes in local and central government operations and funding this is type of facility could be owned and operated by private operators.
60. For this type of facility to be operated and maintained in a way that is appropriate to this location it is necessary to apply conditions to ensure that they continue to be used in the way that is intended in this planning application.
61. It is imperative to ensure that the picnic tables are only used by both general visitors to the sandspit, and takeaway customers, and that the benches are not included within the sit down service of the functional café operation. This would mean that there could be no table service to the tables where orders are taken at the tables and food ferried out the customers by the café staff. This will assist in ensuring the tables are kept to a public use than any proper commercial café use.
62. It will also however be imperative that the area is kept clean and tidy. This means that a provision of bins next to the tables for convenient disposal of takeaway containers should be available to the public. The café operators would be responsible for the cleaning of the tables and area around the tables if any users, whether public or takeaway user do not properly use the bins. This should be done multiple times per day, and the schedule will need to respond to the level of use ie, high use in summer with more regular cleaning.
63. It can be noted that the temporary permission also being considered at the committee meeting also includes a meaningful cleaning schedule that takes in an 80m radius of the site. This issue was discussed in the assessment at planning committee, under reference P/25/01461/FUL.
64. The portion of the use that will be attributed to café users can be balanced against the benefits of having a provision of seating that the public can enjoy and that increase accessibility to this part of the spit, which is a key function of this area of public open space within the Green Belt.
65. Overall, in relation to the assessment of the impact to the Green Belt, it can be concluded there is no impact to openness, due to the picnic benches not being defined as a permanent building or development. The partial change of use of the land to seating for use by the take-away customers, while still retaining the recreational public open space use can be considered acceptable, with appropriate conditions applied to ensure the picnic tables and area surrounding them are maintained properly, and are always kept open to the general public for recreational use.

#### Impact on character and appearance of the Mudeford Sandbank Management Plan Area

66. The Mudeford Sandbank Management Plan [MSMP] (April 2014 – March 2024) (produced by the former East Dorset and Christchurch joint Council), sets out various objectives pertinent to development on and around the Mudeford Spit/Sandbank. Key objectives include the need to: "...identify priority areas to defend and improve the quality of Mudeford Sandbank... (B) To maintain the peaceful and tranquil character of Mudeford Sandbank; (D) To provide and maintain basic modern amenities in an environmentally sensitive way that do not impinge upon the character of the Sandbank; (F) To balance the needs of various uses...to ensure the site is sustainably managed and enjoyable for all.

67. Core Strategy Policy CS6 requires good design principles for new buildings, regard for how spaces are treated, and enhancement of features that contribute to an area's character and local distinctiveness. Policy CS41 requires good design and for proposals to enhance the quality of the local environs.
68. In relation to concerns about commercial creep and intensification, the benches have been in place for around 5 years. They do have the potential to increase the number of people stopping in the immediate environment of the site but overall would not be a specific draw or attraction to the location that on their own would increase the numbers of customers or general people visiting the Sandbank. This means it would not result in a harmful over intensification of the use and would not be harmful to the character of the sandbank area.
69. While the picnic benches are not considered development or a building, they do still impact the appearance of the local area.
70. The benches are constructed of timber, and the seats and table tops are painted. These materials are entirely appropriate in terms of appearance to this location and fit well amongst the other seaside buildings and painted timber beach huts that surround.
71. Timber however is a material that deteriorates over time and therefore it is necessary to impose a condition that the tables are maintained in terms of appearance and physical condition.
72. Subject to the above-mentioned condition the proposal would generally satisfy the aims of the MSMP in terms of character and appearance and the retention of the cafe in this prime visitor location would also accord with Policy CS29 which aims to protect and retain tourism and cultural facilities.

#### Impact on amenity of neighbouring residential beach huts.

73. The picnic tables are not to be included within the general operation of the café and are to be open to the public, therefore it is not appropriate to include a condition controlling the hours of operation. There will be no table service bringing food or beverages to the picnic tables. This would also mean that any staffing of the cleaning of the picnic tables would not continue outside of the approved opening hours of the Café, but this is not dissimilar to any other public seating.
74. The extant permissions for the main café use have included assessments for the inclusion of amplified music. The picnic table area would not support any amplified music events for the café and therefore this restriction should be included as a condition on this application for absolute clarity.
75. There would be no cooking or other commercial operation from the picnic table area, and so there is no further assessment of this required.
76. Waste and Servicing has been discussed as above, and as such a suitable condition will be included for the addition of bins and a cleaning schedule.
77. Noise has been stated as an issue in the applications for the temporary and permanent applications at the Café site. As such a Noise Management Plan has been required by way of condition on those applications. The noise management plan for the temporary permission if approved must be approved and operational prior to 1<sup>st</sup> April 2026.
78. As this application does not include the café itself, it is not reasonable to include a further Noise Management Plan condition. It will be necessary to include a condition that there will be no entertainment or amplified music provided from within this site to ensure that no new noise issues are created in the future.
79. The Council's Environmental Health team confirmed no objection to this application.

80. Subject to the above-mentioned conditions, the application can be considered acceptable in accordance with planning policies CS38 and CS41 of the Bournemouth Core Strategy.

#### Impact on Conservation and the Mudeford Sandbank Spit SNCI and SSSI

81. The site is located next to a designated Site of Special Scientific Interest (SSSI) and Site of Nature Conservation Interest (SCNI). As discussed in the previous section, the proposal does not include any buildings as defined in planning terms, but the management of the picnic tables would be overseen by the operators of the Beach House Cafe.
82. The Environment Agency has been consulted on this application and concluded that given there is no encroachment over the boundary of the SSSI there was no objection to the proposals.
83. To ensure that refuse and recycling generated around the benches is managed properly by a condition requiring bins to be located by the benches, and a cleaning schedule of the area.
84. Subject to the above mentioned condition the partial change of use of the land for ancillary café use will not have an unacceptable impact upon the wider the Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA designations. Subject to the conditions set out above, the retention of the development for a further two satisfies the aims of local policies CS1, CS6, CS30, CS34, CS35; CS41, the Seafront Strategy 2007, the MSMP and also complies with the NPPF.

#### Biodiversity

85. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
86. 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 CS30 promotes enriching biodiversity.
87. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply.
88. The proposal includes picnic benches, but these are not considered permanent development as the picnic tables do not meet the defining points of a building to be considered development. As there is no development no measurable biodiversity units are lost or altered and there is no change to the site in terms of biodiversity units. As such, no further BNG assessment is required.

#### Highway Safety

89. Core Strategy Policy CS6 seeks to deliver sustainable communities. Policy CS16 sets out parking standards, as amended by the recently approved BCP Parking Standards SPD (Jan 2021). Policy CS17 encourages greener vehicle technologies and Policy CS18 advocates support for development that increases opportunities for cycling and walking.
90. The Councils Highways Authority confirmed a similar arrangement of picnic tables has been in operation for several years and a proposal to make this permanent has no material impact on highway matters.

91. The tables are located circa 6.5m from the western elevation of the Café which enables unfettered vehicular access to the 'staff' parking spaces adjacent to the northern elevation of the building, whilst also providing ample space for pedestrians and cyclists. The current areas used for vehicular turning manoeuvres, including for the servicing of the site, will not be impeded.
92. On this basis, the proposal would be compliant with policies CS18 and CS38.

### **Summary/Planning balance**

93. As set out above it is considered that the proposal is acceptable on the basis that;
- The proposals are acceptable in terms of impact to the Green Belt, there is no impact to openness, and the use of the site for the general public and takeaway customers can be considered a recreational use appropriate to this part of the Green Belt.
  - The proposals will not cause unacceptable impacts in terms of nature conservation or impact to the SCNI or SSSI.
  - The use of the site for takeaway customer seating and public seating on balance will not be harmful as the use is appropriate to this part of the sandbank as outdoor recreation, the use already exists and will be controlled by other conditions to restrict the use and operation; ensure they are always available for the public; ensure the site is properly cleaned and rubbish taken away, and no development or permanent structures can be undertaken on the site.
  - The materials and appearance are acceptable in this seafront location;
  - The impact on amenity is considered to be within acceptable limits the inclusion of waste management and no amplified music or entertainment conditions;
  - The picnic benches will continue to support the visitor and tourism function of the sand spit along with the local beach hut owners;
  - Biodiversity Net Gain issues are acceptable.

### **Recommendation**

94. Grant with the following conditions:

#### **Conditions**

##### **1.Time limit**

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.Development to be carried out in accordance with the approved plans**

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

PL01, PL02, PL03.

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

### **3. Picnic benches to be maintained**

The timber picnic tables must be maintained in terms of appearance, kept structurally sound and repaired or replaced when required, by the operator of the adjacent cafe.

Reason: To safeguard the visual amenities of the locality and to ensure the seating is suitable for use by customers and the general public, in accordance with policies CS5, CS31 and CS41.

### **4. Litter Prevention and Control Plan (LPCP)**

A Litter Prevention and Control Plan (LPCP) shall be submitted to the Local Planning Authority within two months of the date of this permission and be implemented by 1<sup>st</sup> June 2026. The LPCP is for the management of litter waste that arises from the café and takeaway use at the site. It shall include details of at least two additional covered bins to be located within the redline of the site, along with details of a schedule of litter picking and table cleaning to be undertaken by staff around the picnic bench site and return it to the commercial waste storage area on site. Litter picking and cleaning of table should be undertaken at least twice per day and more frequently, if there is a busy period due to more people visiting the café and when bins are full and need emptying. The approved Litter Prevention and Control Plan shall be adhered to at all times whilst the premises are operational.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (section 34) to have suitable commercial waste agreement in place; to ensure the safe servicing and collection of waste so as not to impact negatively on local highway capacity or safety and in the interests of visual amenity, with regard for Policy CS41 of the Bournemouth Core Strategy (2012).

### **5. No amplified music**

At no time shall any entertainment or amplified music be provided from the site.

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

### **6. Use of the benches/site to be limited to takeaway use and public access retained**

There will be no table service of the picnic tables at any time where food is ordered from or ferried out to the picnic tables by staff of the adjacent Cafe/Restaurant.

The picnic tables must be available for general public use at any time and no business signage can be erected; or and development, demarcation, enclosure or cordoning of the land in anyway, without permission in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A and E, Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order(s) revoking and re-enacting that order with or without modification, at no time shall any addition, extension, hard surfacing, change to external material hereby permitted such as to result in any further development of the site.

Reason: In order to ensure the picnic tables are reserved for open public use at all times and they do not become part of the working commercial operation of the Cafe or the site is developed further in anyway, thereby preserving the open space function of the site.

### **Informatives**

1. **INFORMATIVE NOTE:** In accordance with paragraph 39 of the 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 application was acceptable with minor additional information which was communicated to the applicant/agent.

2. **INFORMATIVE NOTE:** 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 exempt from BNG because of the statutory exemptions or transitional arrangements listed are considered to apply as the application does not include any built development.

3. **INFORMATIVE NOTE:** The grant of planning permission does not remove the separate legal requirements for the cafe to ensure the correct premises licenses and lease agreements are secured for the continued use of the site.

### **Background Documents:**

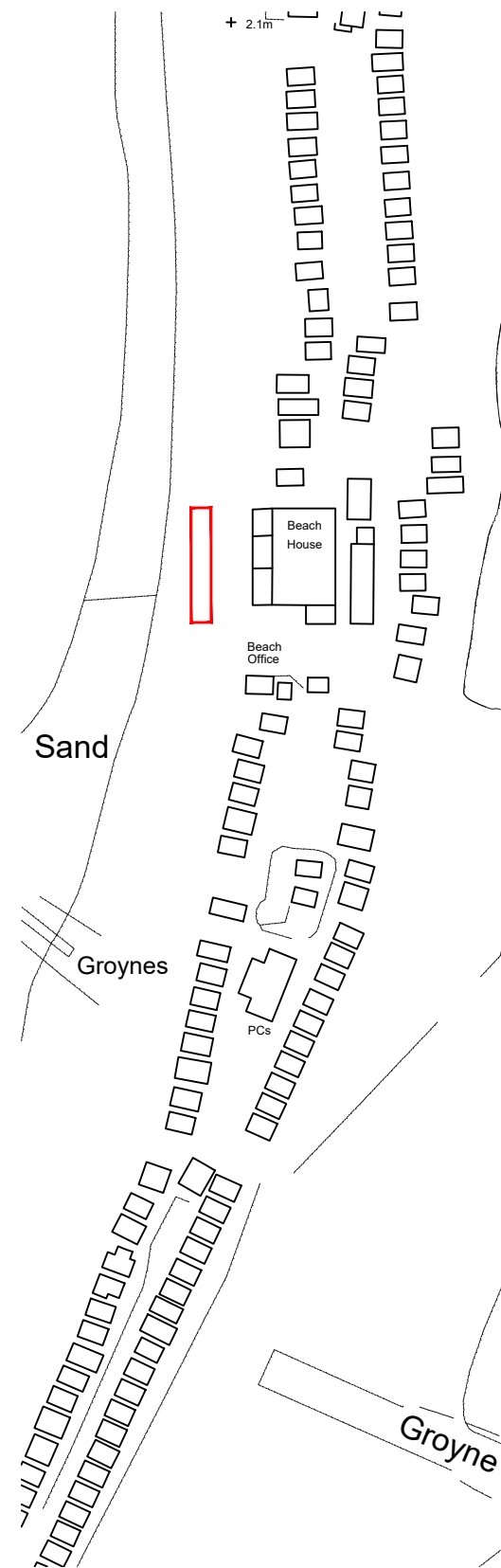
P/25/03404/FUL

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

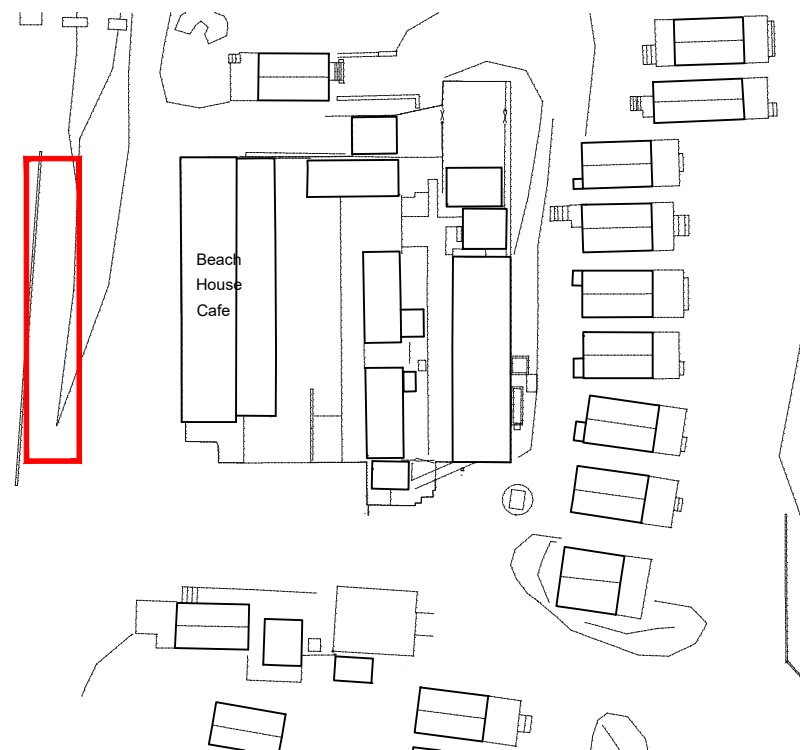
Notes.

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

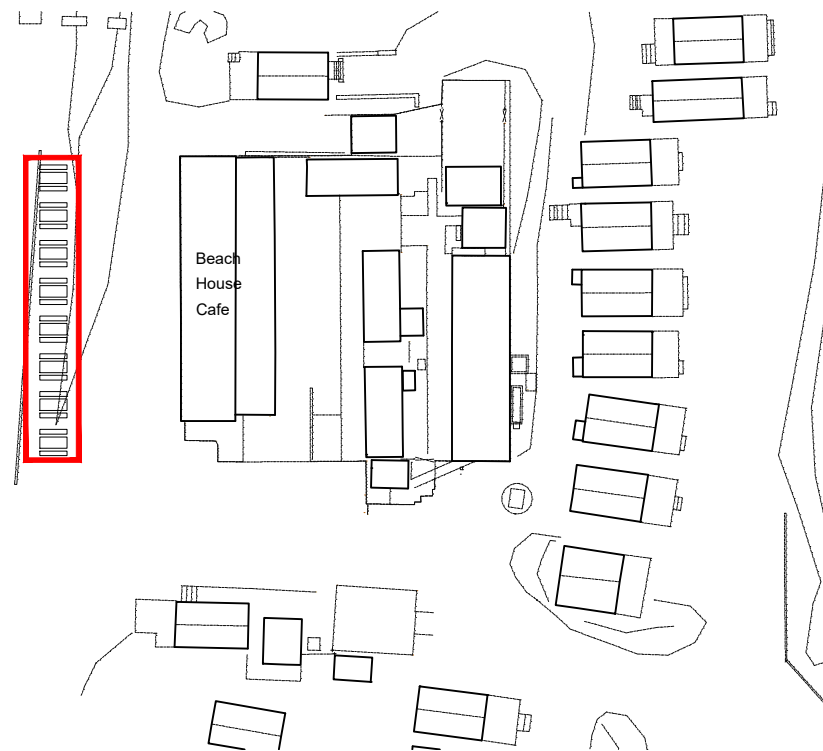
Reference to published works is not included



Location Plan  
1/1250



Existing Block Plan  
1/500



Proposed Block Plan  
1/500

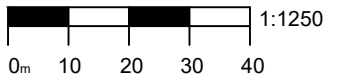
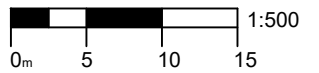
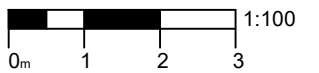
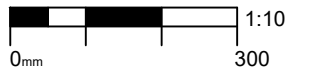
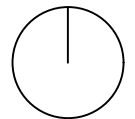
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RED DASH = EXISTING BUILDING



REV	COMMENT	DATE
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Project:	Beach House Cafe - External Seating
----------	-------------------------------------

Beach House Cafe  
The Spit  
Mudford  
BH6 4EN

Client:	K Slater
Drawing Title:	Existing and Proposed Block & Location Plans

Job No:	150218
Drawn:	AR
Date:	19.08.2025
Scale:	As Indicated @ A3

Drawing No:	PL01
Rev:	

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architects

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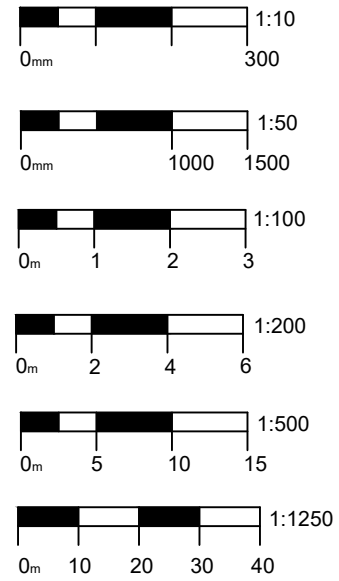
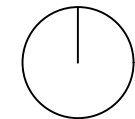
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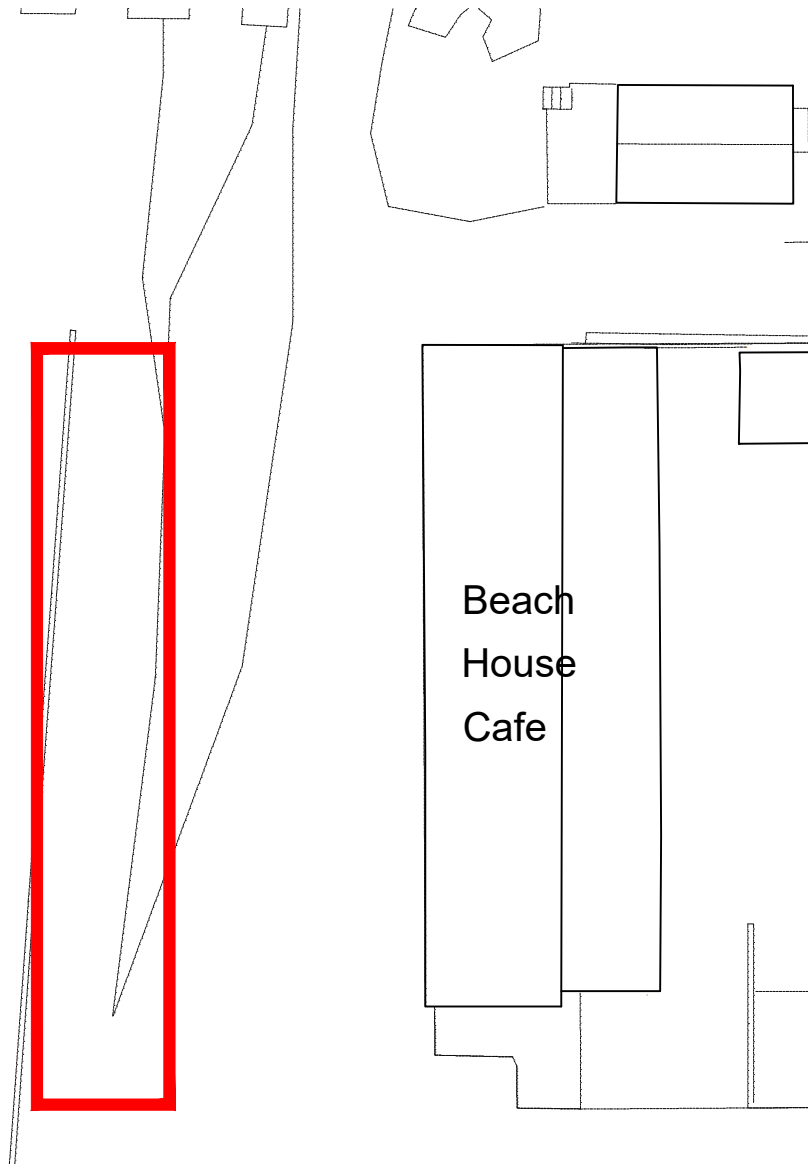
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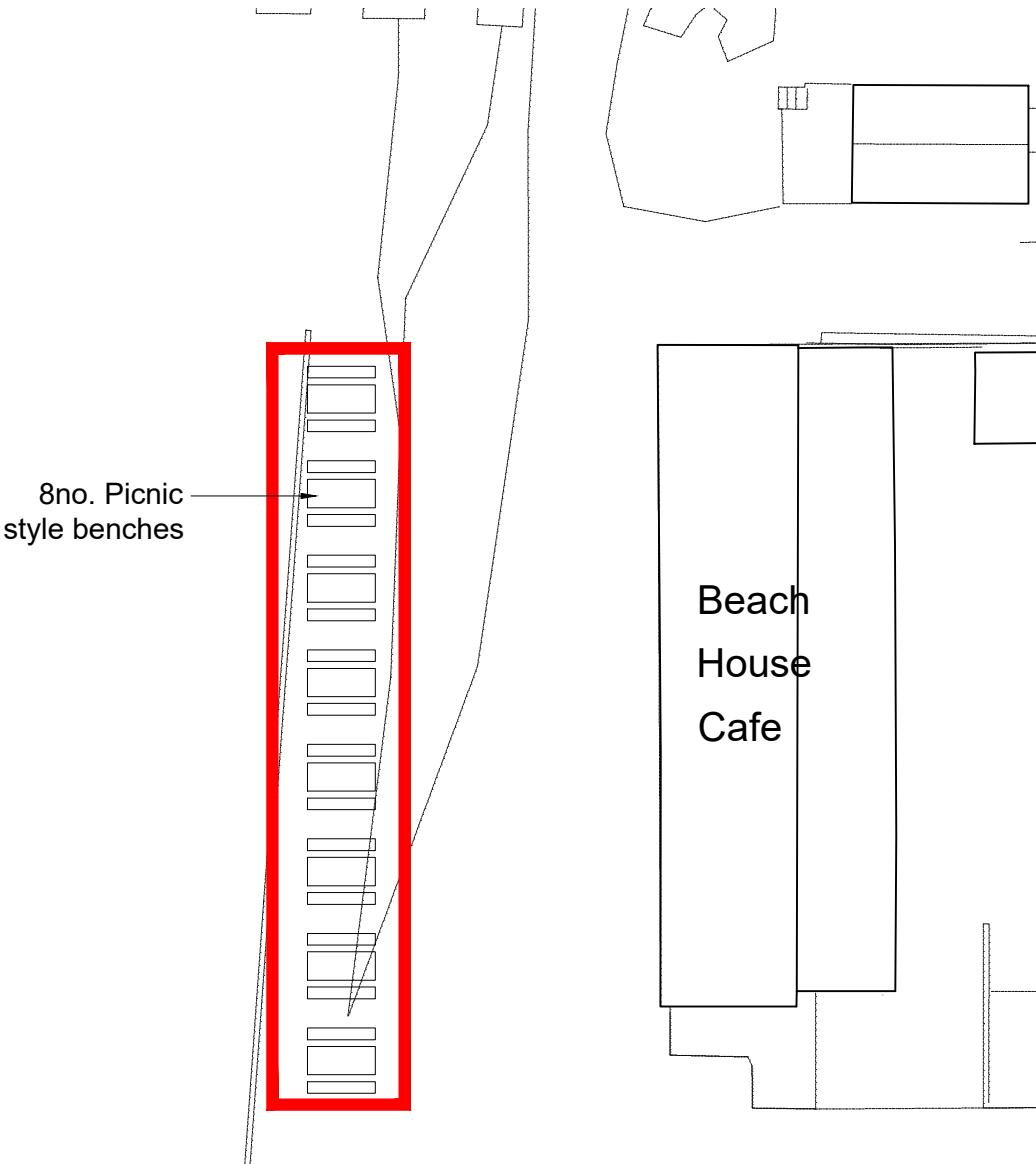
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Beach House Cafe The Spit Mudeford BH6 4EN		
Client: K Slater		
Drawing Title: Existing and Proposed Site Plan		
Job No: 150218		
Drawn: AR		
Date: 19.08.2025		
Scale: As Indicated @ A3		
Drawing No: PL02		
Rev:		

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Existing Site Plan  
1/200



Proposed Site Plan  
1/200

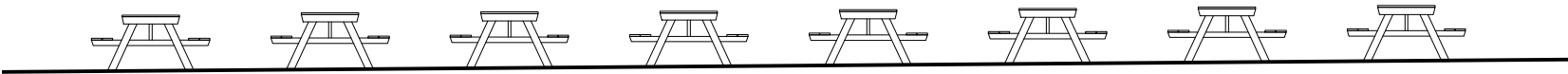
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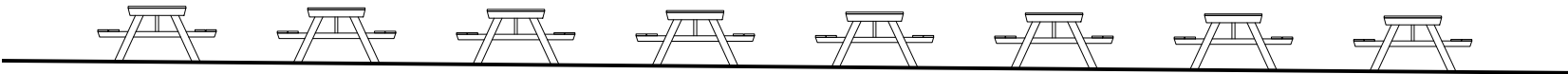
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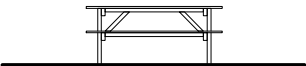
All dimensions to be checked on site and any discrepancies reported to the Architect immediately. Please see structural engineers specification prior to any construction works



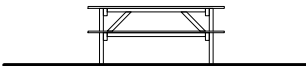
Indicative Proposed West Elevation  
1/100



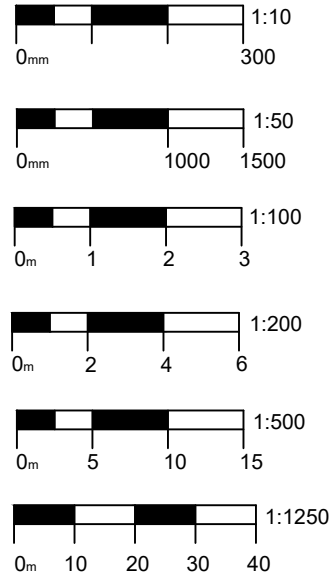
Indicative Proposed East Elevation  
1/100



Indicative Proposed North Elevation  
1/100



Indicative Proposed South Elevation  
1/100



REV	COMMENT	DATE
Project: Beach House Cafe - External Seating		
Beach House Cafe The Spit Mudeford BH6 4EN		
Client: K Slater		
Drawing Title: Indicative Proposed Elevations		
Job No: 150218		
Drawn: AR		
Date: 08.09.2025		
Scale: As Indicated @ A3		
Drawing No: PL03		
Rev:		

DMW  
architects

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# Planning Committee

Application Address	The Beach House Cafe Mudeford Sandbank Bournemouth BH6 4EN
Proposal	Variation of conditions 1 and 2 of Planning Application 7-2021-11229-N To change period of continued use and conditions of the removal  Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food & refreshments - Existing unauthorised.
Application Number	P/25/04071/CONDR
Applicant	Mr K Slater
Agent	Mrs Clare Spiller Chapman Lily Planning Ltd
Ward and Ward Member(s)	East Southbourne & Tuckton Cllr Bernadette Nanovo Cllr Judy Richardson
Report Status	Public
Meeting Date	22 January 2026
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	Referred by the Director of Planning and Transport because BCP Council is the landowner and in view of the significant public interest with more than 10 letters of objection.
Case Officer	Jenny James
Is the proposal EIA Development?	No

## Description of Proposal

1. Planning permission is sought to alter condition 1 and 2 of temporary planning permission P/25/01461/FUL.
2. Condition 1 imposed a time limit of 3 years for the temporary consent, and this application seeks to extend the temporary consent for a further 2 years. This would result in a total duration of the permission to 5 years with an expiry date of 22<sup>nd</sup> December 2027.
3. Condition 2 requires a detailed Scheme of Removal for the four shipping containers, it is similar to a Demolition, Construction and Environment Management Plan and seeks to ensure the safe removal of the shipping containers. The application seeks to alter the timing trigger for the submission of the details and to also include the option to reuse the shipping containers in a future development.
4. The other conditions will continue to apply.

### **Description of Site and Surroundings**

5. The application site is located on Mudeford Sandbank. The Beach House faces onto Christchurch Harbour on the western side. On the eastern side, beach huts sit immediately to the rear on the seaward side. There are further beach huts on the northern and southern sides, with the huts extending the full length of the Spit, to Hengistbury Head to the south and Mudeford Quay to the north.
6. To the west of the site sits the jetty served by the local ferry, accessed across the unsurfaced track and beach. Public toilets sit to the south of the site, in amongst the beach huts. The bin store sits to the rear of the Beach Shop and Office.
7. The site falls within flood zone 3a.
8. Picnic tables with seats sit outside the café to the west, on the opposite side of the access track, which are subject to a separate planning application that is also being considered at this committee.
9. There was an area of unauthorised development to the north side of the café building that includes a timber-built seating area, immediately to the south of the main entrance. This area is the subject of a planning enforcement investigation and is not part of this application. The approval of this application would not authorise the development. The area is within the redline of the café site.
10. The applicant has confirmed that this area has been removed to begin the implementation of the 7-2021-11229-P to ensure this application stays valid and can still be implemented in the future.

### **Relevant Planning History:**

11. 7-2004-11229-J: Alterations, extensions, erection of extractor flue and decking area (Existing unauthorised). Approved Oct 2004.
12. 7-2018-11229-L: Alterations and extension to external decking area. Withdrawn Mar 2018.
13. PRE-11229: Proposed New Beach House Café - Response Jan 2020. The Pre-App provided a detailed response to the Applicants ahead of the formal application to re-build the new – taller Café.
14. 7-2020-11229-M: Erection of Café with associated storeroom, etc – Withdrawn due to objections to the design - Dec 2020.
15. 7-2021-11229-N: Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food & refreshments -



Existing unauthorised – Approved by December 2022 BCP Planning Committee, decision issued 22.12.2022.

16. 7-2021-11229-O: Erection of Cafe with associated storage including bin store - regulation 3 – Approved 05.10.2021
17. 7-2021-11229-P: Erection of a single storey building for use as a cafe, involving demolition of existing open-air café – Approved 22.12.2022.
18. P/25/01460/ADV - Signage on The Spit at Mudeford – Approved
19. P/25/01461/FUL - Replacement Cafe building (permanent) - Approved (It should be noted that P/25/01461/FUL approved earlier this year included the reuse of the containers).
20. P/25/03404/FUL - Change of Use from open space to Class E(b) and the siting of 8 picnic benches in connection with the adjacent Beach House Café – concurrent application
21. P/25/04982/CONDR - Variation of condition No.6 (Noise (amplified music)) of planning permission 7-2021-11229-P (Original description of development - Erection of a single storey building for use as a cafe, involving demolition of existing open-air cafe ) to reword the condition to a Noise Management Plan is required prior to first use hereby permitted – concurrent application

### **Constraints**

22. The following constraints have been identified.

Env. Agency Tidal Flood Zone 3a;  
Designated Green Belt;  
Nature Conservation area

#### National Designation (Nearby)

Highcliffe to Milford Cliffs SSSI, 1,966m NE  
Christchurch Harbour, SSSI, 14m W

#### County Designation (Nearby)

Hengistbury Head Local Nature Reserve (LNR), 411m SW  
Stanpit March LNR, 1,024m NW  
Steamer Point LNR, 1,968m NE

#### Local Designation (Within)

Mudeford Spit SNCI Nature Reserve

### **Public Sector Equalities Duty**

23. 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**

24. 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.
25. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. In this case the site will be subject to normal licencing conditions which would help to control and anti-social behaviour.
26. 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.
27. 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;
28. For the purposes of s28G 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 of special scientific interest is of 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;
29. The Flood and Water Management Act 2010 places a duty on all flood risk management authorities to co-operate with each other. Lead local flood authorities are required, under section 21 of the Flood and Water Management Act, to maintain a register of structures and features which are likely to have a significant effect on flood risk in their area. The Act requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions. The Technical advice issued by the SoS requires in 3.1 (DEFRA, PB13640, 2011) to ensure decision making takes "account of the safety and wellbeing of people and the ecosystems upon which they depend", and "taking action to avoid exposing current and future generations to increasing risk.

### **Consultations**

30. The following parties were consulted on the proposals. Detailed commentaries are given in relevant sections of this report. Summaries are given here;
31. Flood & Coastal Erosion Risk Team: No objections subject to conditions
32. Highway Officer: No objections subject to conditions.
33. Lead Local Flood Authority: No objection
34. Waste and Recycling: No comment

35. Dorset Wildlife Trust: No comment
36. Natural England: No comment
37. Environmental Health: No Objection

## **Representations**

38. Site notices were posted in the vicinity of the application site with an expiry date for consultation of 14/11/2025.
39. 38 Objection comments have been received, of which at least 10 are within the 1-mile radius of the site and the majority of the comments are from beach hut owners. A letter of objection was also received from a solicitor on behalf of the Mudeford Sandbank Beach Hut Association.
40. While some comments were submitted labelled as 'support' or 'comment', all submissions contained objections.
41. A summary of the objections are as follows,
- The situation has been going on for 7 years and the time limit extension should be restricted to 1 year as a maximum.
  - There are no toilets at the current operation, and too much pressure is put on nearby public toilets, causing anti-social behaviour nearby to the toilet blocks, or people urinating in alleyways between the huts.
  - Temporary toilets should be provided with the temporary offer.
  - The current operation is a shanty town, objections to the whole temporary operation.
  - Current operation breaching licensing conditions
42. Impacts to neighbouring beach hut owners' amenity
- The new conditions on the recent approved application (P/25/01461/FUL) should be required now.
  - Antisocial behaviour resulting from the current operation needs to be addressed.
  - The application is not valid as it is submitted under section 73 of the Town and Country Act it should be applied for under section 73A.
43. *Officers' response* – This application is for changes to the conditions of the temporary permission, it does not re-open the assessment of the whole permission, that would be outside the scope of this application and the powers set out in section 73 of the Town and Country Planning Act (1990).
44. Section 73 is the correct part of The Act to apply in this circumstance, as the original permission was implemented in full and no pre commencement or occupation conditions were breached. The conditions that are the subject of this application do not change the validity of the implemented permission. Furthermore, the application does not seek to alter the description of the proposal or to implicitly change anything that is in the proposal description.
45. While officers can see merits in the supply of additional toilets at the site, it is not part of the original approval and so cannot be required under this type of application. It should be noted that the recently approved scheme provides 2 customer toilets, and 1 staff toilet.
46. Licensing is assessed under separate legislation, and this was recently considered at a licensing review. The revised License is considered under this application.

## **Key Issues**

47. The key issue(s) involved with this proposal are:
- Principle of development
  - Impact on the Green Belt
  - Impact on character and appearance of the area;
  - Impact on amenity;
  - Impact on the coastal engineering and flood risk
  - Biodiversity
  - Highways and Transport
48. These issues will be considered along with other matters relevant to this proposal below.

## **Policy context**

49. 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 Bournemouth Core Strategy (2012) and the saved policies of the District Wide Local Plan (2002).

### Bournemouth Local Plan Core Strategy (2012)

CS1: NPPF and Sustainable Development  
CS2: Sustainable Homes and Premises  
CS3: Sustainable Energy and Heat  
CS4: Surface Water Flooding  
CS6: Delivering Sustainable Communities  
CS18: Increasing Opportunities for Cycling and Walking  
CS29: Protecting Tourism and Cultural Facilities  
CS34: Sites of Special Scientific Interest  
CS35: Nature and Geological Conservation Interests  
CS37: Green Belt  
CS38: Minimising Pollution  
CS39: Designated Heritage Assets  
CS41: Design Quality

### Bournemouth District Wide Local Plan (2002)

3.20: Contamination  
3.28: Flooding  
4.25: Trees and Landscaping

### Supplementary Planning Documents:

Sustainable Urban Drainage Systems (SUDS) – PGN  
BCP Parking Standards – SPD

### Bournemouth Borough Council 'Seafront Strategy 2007'

The Seafront Strategy is a corporate policy adopted in 2022 and updated in 2024. It does not form part of the Statutory Development Plan but is a key Council objective. It supports investment and tourism enhancement and the following aims

1. Creating a more environmentally sustainable seafront;
2. Achieving reinvestment, economic regeneration and a sustainable product;
3. Delivering truly memorable customer experiences
4. Re-building the Beach House Café' and
5. *'Continue to manage the sandbank in a sustainable fashion, maintaining its current character and protecting the sensitive natural environment'*

#### Muddeford Sandbank Management Plan April 2014 – March 2024

### **Planning Assessment**

#### Principle of development

50. The principle has already been established with the previous temporary consent, which was granted by BCP Planning Committee in December 2022. In general terms the use is considered to be appropriate in this location. The main issue is whether the temporary period should be extended, and this will be assessed in the sections below.
51. The applicant requests an extension of time for two years to allow time for the conditions of the recent approval to be discharged and then for operations to construct the approved planning permission. There is a good likelihood of the either extant permission (with the enclosed roof), or the recent approval (with the open roof and reusing the containers) being implemented. Conditions are in the process of being discharged for the extant 2022 permission.
52. In considering timing of the operation to remove the current temporary offer and erect the permanent development it is important to consider the specific conditions of this site. The applicant has confirmed that it is the intention to begin works after the 2026 summer season finishes and the works are estimated to take around 6 months.
53. The low season October to March would be the best time to demolish existing structures and erect the replacement building, and it would not be suitable to have these operations taking place over the summer period for the reasons that there is a need for a shop/café/takeaway facility during the peak summer months.
54. Nearly all of the objection comments requested that the permission was limited to only one further year so as not to delay the implementation of the permanent cafe. This would mean that the new temporary permission would expire in circa late December 2026 or early January 2027.
55. The implementation of the new permission has to take into account the time taken to discharge conditions, a functioning supply chain, workforce availability, tides, weather, and high and low tourist seasons as well as some contingency time. Given the most recent approval was granted 29/10/2025, and still requires conditions to be discharged, a two-year timeframe is considered sensible.

#### Impact on the Green Belt

56. The site falls within the designated Green Belt. The previous assessment concluded that given the size layout and design of the development it would not have a greater impact on the openness of the Green Belt than the previous development. This conforms with paragraph 154(g) of the NPPF. This part of the NPPF has not changed in the intervening



years and therefore the assessment remains the same. The nature of the permission continues to be temporary, and the wording of the condition would be updated to reflect this.

#### Impact on Conservation and the Mudeford Sandbank Spit SNCI and SSSI

57. The site is located adjacent to a designated Site of Special Scientific Interest (SSSI) and Site of Nature Conservation Interest (SCNI). It comprises 'built form' on the sandbank, occupying the site used and operated as a café/restaurant historically. No encroachment was approved into the harbour or across the beach outside the extant operational footprint area. This has not changed within this proposal and therefore remains acceptable in this regard.
58. A method of removal for the containers is required in condition 2 of the temporary permission, and it is proposed to alter the timing and wording of the condition to allow the reuse of the containers on the site which would align with the recent approval P/25/01461/FUL which retains the containers. There is also still potential for the extant permission 7-2021-11229-P (with the solid roof) without the reuse of the containers, to be built out.
59. Therefore, it is reasonable to alter the condition to allow either of these permissions to be built out while complying with the conditions of the temporary permission, whilst maintaining controls on any impacts to ecology and the environment. The wording of the condition should be altered appropriately and attached to this permission.
60. It should be noted that both the above-mentioned permanent permissions require comprehensive Demolition, Construction and Environmental Management Plans, that include environmental controls.
61. Subject to the above-mentioned condition the retention of the temporary offer for a further 2 year period will not have an unacceptable impact upon the wider the Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA designations. Subject to the conditions set out above, the retention of the development for a further two years satisfies the aims of local policies CS1, CS6, CS30, CS34, CS35; CS41, the Seafront Strategy 2007, the MSMP and also complies with the NPPF.

#### Impact on character and appearance of the Mudeford Sandbank Management Plan Area

62. The Mudeford Sandbank Management Plan [MSMP] (April 2014 – March 2024) (produced by the former East Dorset and Christchurch joint Council), sets out various objectives pertinent to development on and around the Mudeford Spit/Sandbank. Key objectives include the need to: "...identify priority areas to defend and improve the quality of Mudeford Sandbank... (B) To maintain the peaceful and tranquil character of Mudeford Sandbank; (D) To provide and maintain basic modern amenities in an environmentally sensitive way that do not impinge upon the character of the Sandbank; (F) To balance the needs of various uses...to ensure the site is sustainably managed and enjoyable for all.
63. Core Strategy Policy CS6 requires good design principles for new buildings, regard for how spaces are treated, and enhancement of features that contribute to an area's character and local distinctiveness. Policy CS41 requires good design and for proposals to enhance the quality of the local environs.
64. The materials and appearance of the proposal are unchanged from the existing temporary permission. The permanent approved options exist for the site and are highly likely to be built out within the next 1-2 years and the continued existence of the temporary structures

would enable the continued operation of the café while these are finalised and prepared for delivery on site.

65. There are no changes proposed to the development and the proposal will remain temporary. Therefore, the proposal would continue to generally satisfy the aims of the MSMP in terms of character and appearance and the retention of the cafe in this prime visitor location would also accord with Policy CS29 which aims to protect and retain tourism and cultural facilities.

Impact on amenity of neighbouring residential beach huts.

66. A café has operated in this location for more than 60 years and is subject to premises license conditions. This would continue to be the case, notably following the recent Licensing review with updated conditions.
67. The planning assessment covered the aspects of opening hours, noise from amplified music, odour, waste, privacy and the provision of a local shop.
68. The Council's Environmental Health officers have provided the following comment:
- "After reviewing the application, the two-year extension of temporary permission is intended to allow time for construction of the newly approved permanent building.*
- The Premises Licence for the Beach House was recently reviewed by the Licensing Sub-Committee on 12 November 2025. The committee decided to amend the licence conditions, including (not exhaustive):*
- *Reducing alcohol sale and supply hours*
  - *Closing of premises by 23.30hrs to customers*
  - *Implementing a noise management plan*
  - *Implementing dispersal policy*
  - *Restricting delivery and removal of waste hours*
  - *Two additional litter bins to be installed*
- Given these changes, we are satisfied that adequate controls are in place to manage noise from the premises and therefore have no grounds to object to the proposal."*
69. **Opening Hours** - There are no opening hours imposed on the temporary planning permission and given the objections and the receipt of complaints in recent months it is considered reasonable to impose a compliance condition to restrict public opening hours align with the recent licensing review decision which altered the licensing conditions to include a closing time of 23:30 with last sales of alcohol to 23:00. An appropriate condition will be added.
70. **Amplified Music** - The operation has included live music events usually twice per week through the summer and once per week through the winter. Previous decisions have concluded this type and amount of live music is not inappropriate but that it should be controlled by Noise Management Plan (NMP) due to neighbouring beach hut proximity. The current temporary permission does not include an NMP therefore for this temporary use to be considered acceptable in terms of noise impacts the neighbouring beach huts for to a potential further 2 years it needs to be demonstrated that noise is properly managed. As such a suitably worded condition that aligns with previous permissions will be included. This will align with previous planning recommendations and the recent license review.
71. **Odour** – Previously a condition was applied to control odour as far as is possible given the operation from semi-open kitchens within the containers. It would be reasonable to continue the use of this condition to ensure the operation remains acceptable in terms of odour and

local amenity in relation only to the temporary permission. It should be noted not comments and complaints have not related to odour. The permanent replacement will require extraction and ventilation with odour control.

72. **Waste and Servicing** – While the containers remain, bins and servicing would remain housed to the rear of the site between the outbuildings and rear (east) of the shipping containers, with the outbuilding and gas store remaining part of the storage facilities. Parking for staff would remain to the north of the compound. Activity associated with the existing rear service path between outbuilding/stores and the café compound cannot be controlled by a condition limiting activity as this would place unreasonable and restrictive limitations on the café, contrary to NPPF para 56.
73. Overall, it is considered that the extension of the temporary use for a further two years would not have a negative impact on the amenity of beach hut occupants and would be in accordance with Policies CS38 and CS41 of the Core Strategy, subject to the imposition of the conditions as stated above.

#### Biodiversity

74. With regard to Statutory Biodiversity Net Gain, the assessment does not apply to:
- retrospective planning permissions made under section 73A; and
  - section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.
75. As such, no further assessment is required in terms of BNG.
76. The previous application included a condition regarding external lighting, requiring that any additional lighting would require permission in writing prior to installation. This was in response to concerns around the disturbance of foraging bats. This condition will be included again on this permission. It is understood that there is no intention from the applicant to install any external lighting.

#### Highway Safety

77. Core Strategy Policy CS6 seeks to deliver sustainable communities. Policy CS16 sets out parking standards, as amended by the recently approved BCP Parking Standards SPD (Jan 2021). Policy CS17 encourages greener vehicle technologies and Policy CS18 advocates support for development that increases opportunities for cycling and walking.
78. Highways Officers provided the following comments:
- “Condition 1 Planning permission ref. 7-2021-11229-N was granted on the 22nd December 2022. Condition 1 restricts consent to a temporary period of 3 years until December 2025 hence this proposal seeks to extend said permission for a further 2 years until December 2027. The continued operation of the development as existing has no material impact upon highway matters.*
- Additionally, it is requested that Condition 1 be amended to reflect that the shipping containers may not be moved off site as they are incorporated into the proposed scheme for a new permanent building. Again, this has no material impact upon highway considerations per se, and the impact of a permanent building designed with or without storage containers, will be assessed as part of a separate planning application. Condition 2 An alteration to the trigger date for information pertaining to this condition, from within 12 months to prior to 6 months of the date of decision, has no material impact upon highway matters. Similarly, an amendment to wording to include the potential reuse of the storage*

*containers does not result in a material impact upon highway matters. Any reuse of containers within the design of a permanent building will be assessed as part of a separate planning application.”*

79. As mentioned above, method of removal for the containers is required in condition 2 of the temporary permission, and it is proposed to alter the timing and wording of the condition to allow the reuse of the containers on the site which would align with the recent approval P/25/01461/FUL which retains the containers. There is also still potential for the extant permission 7-2021-11229-P (with the solid roof) without the reuse of the containers, to be built out.
80. Therefore, it is reasonable to alter the condition to allow either of these permissions to be built out while complying with the conditions of the temporary permission.
81. It should be noted that both the above-mentioned permissions require comprehensive Demolition, Construction and Environmental Management Plans, that will also control any impacts in terms of highway safety once the temporary offer ceases to exist.
82. It has been noted that the cycle storage had not been constructed in accordance with the approved drawings. This is partly due to the existence of unauthorised development in the area the cycle parking was meant to be installed.
83. This must be rectified going forward to ensure the cycle storage is installed and available for visitors to use for the remainder of the temporary permission period. Therefore, the wording of the relevant condition will be updated to require details of the construction and location of the cycle storage to be submitted within two months of the date of this decision and to be installed and operational no later than 1<sup>st</sup> June 2026.
84. The area of unauthorised development was removed in December 2025, and this is where the Applicant has started foundation work to commence the extant permission 7-2021-11229-P.
85. The Council's Highway Officer was previously satisfied with the proposals and has no objection to the additional period sought or the reuse of the containers. On this basis, the proposal would be compliant with policies CS18, CS38 and CS41.

## **Summary**

86. As set out above it is considered that the proposal is acceptable on the basis that;
  - The proposals remain acceptable in terms of impact to the Green Belt.
  - The proposals will not cause unacceptable impacts in terms of nature conservation or impact to the SCNI or SSSI.
  - The design is acceptable on the basis that the proposal is still for a temporary but extended period;
  - The impact on amenity is considered to be within acceptable limits with a Noise Management Plan and Waste Management Plan and hours of operation in place and;
  - The impact to highways is acceptable subject to an updated condition requiring details of revised cycle storage.
  - The temporary offer will continue to support the local hut owners and the tourism function of the sand spit;
  - Biodiversity Net Gain issues acceptable.

## **Recommendation**

87. Grant with the following conditions:

### **Conditions**

#### **1. Temporary 5-year Permission & Approved Plan Nos.**

The 4no. modified shipping containers hereby permitted (hereafter referred to as 'the 4no. Containers') on site and shown within the site outlined in red and marked as A, B C and D and on plan no. 201004/001 shall only be used in connection with the existing use of the site for the sale and consumption of food & refreshments (hereafter 'the permitted use') for a period of 5 years expiring 31st December 2027. After 31st December 2027, the permitted use of all 4no. containers shall cease.

Reason: For the avoidance of doubt, in the interests of proper planning and to facilitate the unimpeded implementation of the approved planning applications for a permanent structure subject to the satisfactory discharge of their respective conditions

#### **2. Demolition and Removal or Reuse Plan (DRRP)**

By 31st October 2026, a Demolition and Removal or Reuse Plan ("DRRP") of the modified shipping containers (hereafter 'the 4no. containers') existing on site and depicted as A, B C and D on plan no. 201004/001; together with any means of fixation or utility connection also being removed; and details for the making good of the area beneath (hereafter 'the approved scheme'), shall have been submitted for the written approval of the local planning authority.

The DRRP submitted shall include where relevant depending on removal or reuse:

- a) 24-hour emergency contact number;
- b) Location for vehicular parking for site operatives and visitors
- c) Details of measures to be taken to ensure satisfactory access and movement for beach hut users and the general public during demolition and removal;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Measures to protect vulnerable road users (cyclists and pedestrians)
- f) Any necessary temporary traffic management measures;
- g) Arrangements for turning vehicles;
- h) Arrangements to receive abnormal loads or unusually large vehicles or have them attend site;
- i) Methods of communicating the approved (demolition and removal or reuse) scheme to staff, visitors and occupants of the beach huts;
- j) Control measures to prevent chemical/fuel and other liquid contaminant run-off from the removal process into nearby waters;
- k) A Method Statement detailing precautionary measures and working methods to ensure that any potential negative impacts on the designated Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA during the removal/reuse/demolition phase are avoided (see note);
- l) Arrangements for disposal of other waste during the demolition/removal;
- m) Contingency measures for High Tide flood events; machinery failure etc;
- n) An anticipated timetable setting out key dates for removal or reuse, with plant/vehicular movements having regard to the time-limits set by condition 1 of this permission.



Note 1: The Method Statement in respect of wildlife and habitat protection (on the designated Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA) shall include details of vehicular access, working footprint, storage of materials and hazardous substances, control of liquid run-off and lighting control measures to avoid temporary impacts on wildlife and the during the demolition/removal phase.

No demolition removal or reuse of the shipping containers shall take place, nor shall any heavy plant, crane or vehicles associated with any removal attend the site until such a time that the DRRP has been approved in writing by the LPA.

All components of the approved DRRP shall be implemented and adhered to in full throughout the demolition and removal period.

Reason: These details are required in advance of demolition and commencement in order to safeguard the daytime amenity of users of adjoining and nearby beach huts and in the interest of pedestrian and highway safety, and with regard for biodiversity in accordance with Policies CS14, CS30, CS38 and CS41 of the Bournemouth Core Strategy (2012).'

### **3. External Lighting**

Notwithstanding any details contained in any documents submitted in connection with the development hereby permitted, prior to the erection of any additional external lighting attached to any part of the exteriors of the 4no. containers hereby approved, there shall be submitted to and approved in writing by the local planning authority details of all proposed external lighting.

The details shall in particular include provisions:

(a) on the installation location and operation of any such lighting; and

(b) to secure that:

- (i) all new external lighting, including security lighting, is connected to a timer so that it is extinguished overnight between 23.15h and 07:00h daily;
- (ii) any security lighting provided to site or compound entrances shall be operated by PIR sensor until 00.00 that same night after which time the sensor shall remain off until the following evening; and
- (iii) any lighting installed to the exterior of the containers:
  - (A) points downwards at an angle of no more than 30 degrees perpendicular from a point no higher than 2m above the ground level adjacent to the installation;
  - (B) does not face any window or decked area within or attached to any beach hut; and
  - (C) shall not be directed to shine light on the harbour or water.

Prior to its first use in dark hours, the external lighting shall be fully provided in accordance with the approved details and shall at all times thereafter be operated in accordance with the approved details and at all times thereafter maintained in full working order.

Reason: In the interest of providing biodiversity net gains, conserve and improve landscape and townscape, biodiversity and habitats and to consider adjacent amenity and in accordance with Policies CS30 and CS41 of the Bournemouth Core Strategy (2012).

### **4. Cycle Parking Provision**

Within two months of the date of this decision, revised details of cycle storage design and location are to be submitted to the Council for approval in writing. The cycle stores must be installed no later than 1<sup>st</sup> June 2026. The cycle parking shall be constructed utilising coated or stainless-steel cycle stands (or a similar theft-proof corrosion-proof material) to limit the

effect of sea air corrosion. Thereafter, these provisions shall be retained and made available for these purposes while the café is open and for the lifetime of this temporary permission. Upon expiry of this consent in accordance with the requirements of condition nos. 1 and/or 2, the cycle parking shall also be removed from the site and the ground made good.

Reason: To ensure the provision of cycle parking facilities and to encourage the use of sustainable transport modes in accordance with Policies CS14, CS16, CS17 of the Bournemouth Core Strategy (2012) and the BCP Parking Standards SPD (2021).

#### **5. FRA Measures to be implemented:**

The operation of the site and containers shall be carried out in accordance with paragraphs 5.1 and 5.2 of the submitted flood risk assessment (dated November 2022, Version 1) and the mitigation measures it details in paragraphs 5.3, requiring the operator to subscribe to the early warning weather notification service. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In order to protect the environmental amenities of the immediate locality and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

#### **6. Odour (Hot food cooking)**

Hot-food cooking shall only take place within the shipping containers identified as B and C on approved plan no. 201004/001 between the following times:

- 08.00-22.15 hours - Daily, June-September, & December
- 08.00-21.30 hours - Daily, All other months

No hot food cookery shall take place at any time within containers identified as A or D on approved plan no. 201004/001.

Reason: In order to safeguard the amenities of nearby beach hut users and to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012) and Mudeford Sandbank Management Plan 2014-2024.

#### **7. Servicing & Waste Management Plan**

The areas used for waste and recycling storage and general servicing, to the rear (east) and side (north) of the site, and shown on plan no. 201004/101 shall be retained in situ and made permanently available for these purposes for the lifetime of the temporary permission and accessible to staff at all times while the containers are in use.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place; to ensure the safe servicing and collection of waste so as not to impact negatively on local highway capacity or safety and in the interests of visual amenity, with regard for Policy CS41 of the Bournemouth Core Strategy (2012).

#### **8. Noise Management Plan**

Within two months of the date of this decision, a Noise Management Plan (NMP) specifically addressing entertainment and people generated noise shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall be reviewed and updated to periodically, particularly in response to complaints or changes in operations.

This plan should also include the following (not an exhaustive list);

- Frequency of events with live amplified music for entertainment purposes per week (Suggested 2 per week April to September and 1 per week October to March)
- The time of the events (We would recommend amplified music is restricted between 10.00 and 21.00hrs)
- Duration of music entertainment (no longer than 3hrs with a 15-30 min break)
- Details of the sound system and noise limiter (detail noise levels set) installed, including locality and direction of speakers
- Staff training and dispersal policy
- Documented complaints procedure
- Notification of events – ensure the events are either advertised publicly or provided to the beach hut occupants through newsletters/notice board
- Provide beach hut users with a contact number of a person responsible during the events should they need to raise any concerns
- Detail how noise from customers will be controlled, especially rowdy behaviour
- Details of monitoring carried out during events with amplified live music to ensure it is not too loud, records kept of monitoring carried out throughout events and corrective action taken if necessary

The approved Noise Management Plan shall be implemented in full prior to 1<sup>st</sup> March 2026 so that it is in place before the next summer season and shall be adhered to at all times thereafter.

Reason: These details are required in advance of commencement in order that noise levels can be controlled to safeguard the amenities of nearby beach hut users, to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

## **9. Litter Prevention and Control Plan (LPCP)**

The LPCP is for the management of litter waste that arises from the café and takeaway use at the site. It shall include details of at least two additional covered bins to be located at the entrance to the café, along with details of a schedule of litter picking to be undertaken by staff around the site and extending out to at least 80m from the site to collect takeaway litter and return it to the commercial waste storage area on site. Litter picking should be undertaken at least twice per day and more frequently, if there is a busy period due to more people visiting the café and when bins are full and need emptying. The approved Litter Prevention and Control Plan shall be adhered to at all times whilst the premises are operational.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place; to ensure the safe servicing and collection of waste so as not to impact negatively on local highway capacity or safety and in the interests of visual amenity, with regard for Policy CS41 of the Bournemouth Core Strategy (2012)

## **10. Opening Hours**

No part of the development hereby permitted shall be open to the public on any day of the week outside the hours of 08:00 to 23:30.

Reason: To safeguard the amenities of occupants of the adjacent beach huts and in the absence of viable public transport or lit walking options, to limit the noise and safety impacts

of associated with the late night departure of staff and patrons of the commercial use from the Sandbank, and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

### **Informatives**

1. **INFORMATIVE NOTE:** In accordance with paragraph 39 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

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

In this instance:

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

2. **INFORMATIVE NOTE:** 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 permission does not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed is relevant.

3. **Emergency Planning Advice from the Environment Agency**

**INFORMATIVE NOTE:** The site is within the extreme still water tidal floodplain of Christchurch Harbour and Christchurch Bay, and would also be subject to wave impact from Christchurch Bay. The present day 1 in 200 year predicted still water flood level for this area is 2.01mAOD, and with the impact of climate change over a 75-100 year lifetime, this level would increase to 2.71mAOD - 3.02mAOD respectively (using the most recent Higher Central climate change allowances set out within gov.uk).

You are advised to consider your responsibility with regards safe access/egress and emergency evacuation. If the design flood event were to occur, safe access and egress would be prevented, and significant flooding would occur within the café and surrounding area. The FRA sets out possible flood depths within the café area.

Bearing in mind this is an existing café business, the containers would not necessarily increase the existing risk at the site. It is however for you to decide whether, in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means i.e. a flood warning and evacuation plan as there appears to be no safe high-level refuge. Specifically, consideration should be given to whether or not a flood response plan would enable users of the development to avoid the flood hazards identified. It should be noted that Section 4.3 of the FRA submitted in respect of 7-2022-11229-P (and this application) contains discussion in this regard.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

#### **4. Emergency Planning Advice from the LPA**

INFORMATIVE NOTE: In addition to the operator or cafe manager subscribing to the Environment Agency early warning alert system in accordance with condition 5 it is also suggested that consideration be given to displaying live weather warnings heat/wind/flood risk on a display screen within a busy public area of the café whenever staff or customers are present on site. Risk Assessments should probably be undertaken in the event of lone working by staff outside normal opening hours with regards to flood risk but this related to HSE legislation, not administered by the Council.

#### **Background Documents:**

P/25/04071/CONDR

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.

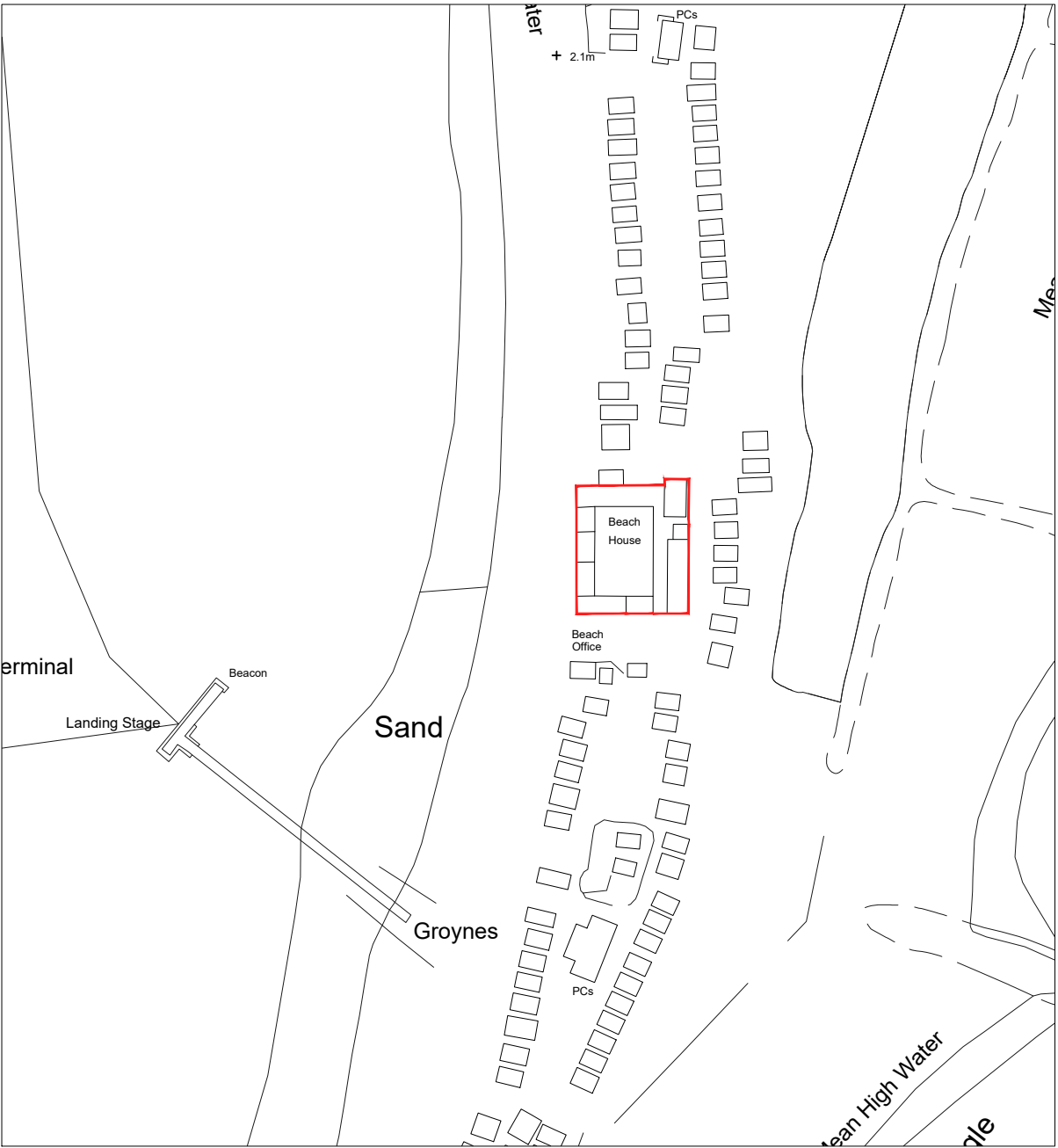
Notes.

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

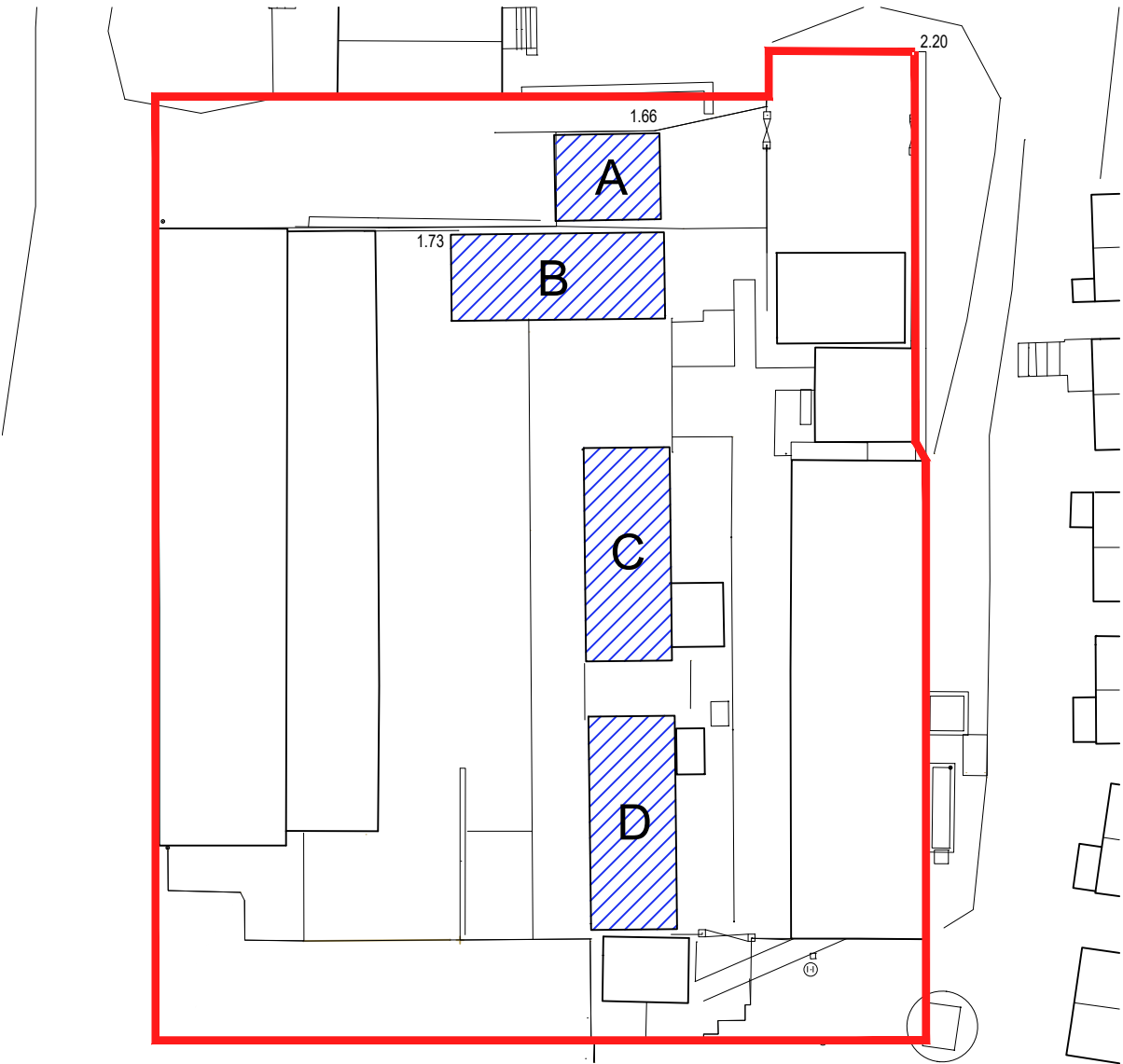
Reference to published works is not included



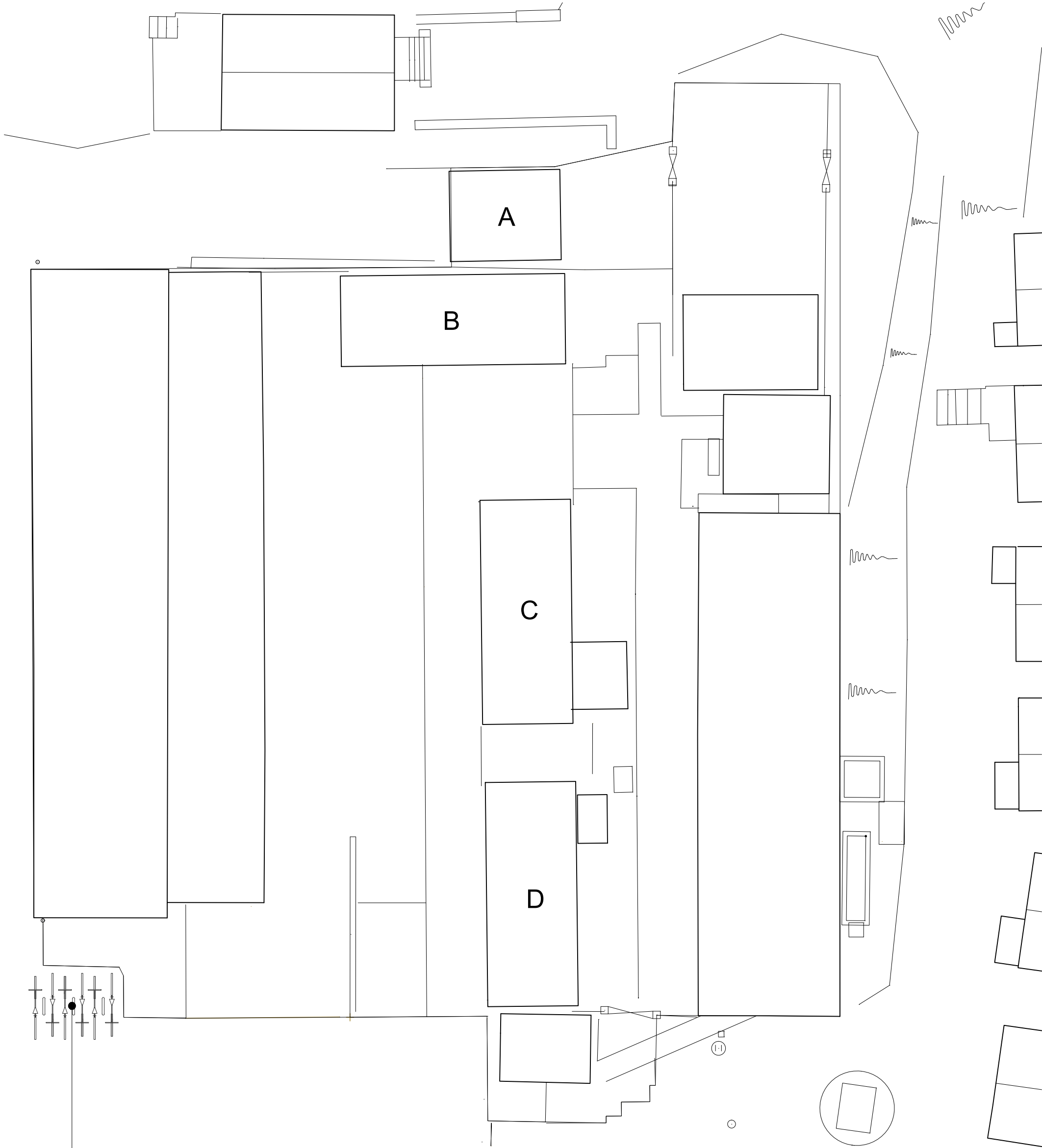
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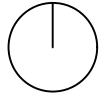
Site Location Plan  
1/1250



Site Block Plan  
1/500



Site Plan  
1/100



## P L A N N I N G

This drawing is copyright and the property of DMWA Ltd Chartered Architects.  
It may not be copied reproduced or altered in any way without their written authority.

This drawing is for planning purposes only.

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

THESE DRAWINGS ARE PRELIMINARY ONLY AND THE INTENDED DETAILS ARE NOT COMPLETE!  
THESE ARE NOT FOR CONSTRUCTION PURPOSES

### Shipping Container Size Details

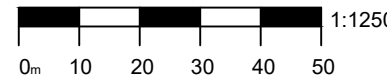
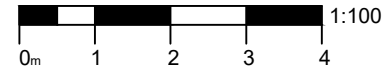
All dimensions given L x W x H

Container A -  
2990mm x 2440mm x 2590mm

Container B -  
6050mm x 2440mm x 2590mm

Container C -  
6050mm x 2440mm x 2590mm

Container D -  
6050mm x 2440mm x 2590mm



REV	COMMENT	DATE
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Project:	Temporary siting of storage containers
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Beach House Cafe  
Mudford  
BH6 4EN

Client:	K Slater
Drawing Title:	Proposed Site & Location Plan
Job No:	201004
Drawn:	AR
Date:	17.11.2022
Scale:	As Indicated @ A2

Drawing No:	001
Rev:	-

# DMW

architects

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# Planning Committee

Application Address	65A Richmond Wood Road, Bournemouth, BH8 9DQ
Proposal	Change of use from dwellinghouse (Class C3) to Sui generis eight person HMO
Application Number	P/25/03589/FUL
Applicant	J McCarthy
Agent	Mr O Farr
Ward and Ward Member(s)	Queens Park  Cllr Sharon Carr-Brown Cllr Alasdair Keddie
Report Status	Public
Meeting Date	22 January 2026
Summary of Recommendation	<b>Grant in accordance with the details set out below for the reasons as set out in the report.</b>
Reason for Referral to Planning Committee	Cllr Call In: Sharon Carr-Brown This conversion involves bulky and unsympathetic extensions to maximise HMO capacity. This is fundamentally not in keeping with the character of the area, over-intensifies the site and HMO capacity and sets the wrong precedent for the road. We lose a much-sought after 3/4-bedroomed family house in the process. The way this application has been done also has wider ramifications for BCP planning control.
Case Officer	George Sanders
Is the proposal EIA development	No

## Description of Proposal

1. Planning permission is sought for the change of use from a dwellinghouse (C3) to Sui generis eight person HMO. The built development itself, including the dormers, would be completed under the existing Permitted Development (PD) rights, whilst the dwellinghouse remains under C3 use. Post construction, the planning permission would be enacted to trigger the conversion of the dwelling into a Sui generis eight person HMO.

## Description of Site and Surroundings

2. Richmond Wood Road is a residential street within the Queens Park area of Bournemouth. Dwellinghouses are typically detached or semi-detached, with traditional roofscapes and building finishes. 65A features a brick and render material finish, hipped roof and two storey bay feature to the front elevation.

### **Relevant Planning History**

<b>Date</b>	<b>Description of Development</b>	<b>Decision</b>
27/08/2025	Single storey rear extension which would extend beyond the rear wall of the original semi-detached dwelling house by 6.00 metres, for which the maximum height would be 3.00 metres and for which the height at the eaves would be 3.00 metres.	Prior Approval Not Required
19/06/2025	Prior notification procedure - Single storey flat roof rear extension extending beyond the rear wall of the original dwelling by 6m, for which the maximum height would be 3m and for which the height of the eaves would be 3m	Prior Approval Required-Refused

### **Constraints**

3. Relevant site constraints:
- Within Tip Sites Buffer Zone
  - Within Parking Standards SPD (2021) Zone D.

### **Public Sector Equalities Duty**

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

### **Consultations**

22/09/2025 | Strategic Waste Officer | No Objection:

*“The plans are suitable from a Waste Collection Authority perspective.”*

12/11/2025 | Highways Officer | No Objection, subject to condition:

*“Despite the lack of car parking, on balance this proposal for a change of use to an eight-bed HMO is seen as acceptable by the LHA and no objections are raised on highway grounds, subject to the imposition of a condition”.*

### **Representations**

5. Site notices were displayed on the 9<sup>th</sup> October 2025 and a site visit was conducted on the 6<sup>th</sup> November 2025. 50 representations were received from the public, all in objection. The key issues raised are summarised in the table below.

Issue	Summary
Parking & Highway Safety	The proposal would add more vehicles to an already busy street for parking, with no off-street parking provision provided.
Noise & Disturbance	There would be an increase in noise from additional residential activity. This includes from increased departures and arrivals to the dwelling and the limited communal space pushing socialising to outdoor spaces.
Residential Character	The HMO would undermine the family orientated nature of Richmond Wood Road. The proposal would set a precedent for future conversions.
Waste & Refuse	Limited space for bins will risk overflowing and on street waste issues.
Loss of Amenity	Concerns have been raised from overshadowing from extensions. This can also include a loss of privacy from overlooking.
Licensing & Management	There is an absence of a management plan for noise, waste and maintenance.
Overcrowding	The lack of communal space and number of bedrooms can be seen as over-intensification.
Concentration of HMOs	Residents have raised that the street has several HMOs and adding another one would harm local character.

### **Key Issues**

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

- The impacts on the character and appearance of the area
- The impacts on neighbouring residential amenity
- The impacts on future occupants
- The impacts on parking provision and highways
- The impacts on waste
- The impacts on BNG
- The impacts on Dorset Heathlands
- The impacts on New Forest

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

### **Policy context**



## 8. Local documents:

- 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 Bournemouth Core Strategy (2012) and other additional planning documents.

### Bournemouth Core Strategy (2012)

- CS24: Houses of Multiple Occupation
- CS30: Promoting Green Infrastructure
- CS41: Design Quality

### Bournemouth District Wide Local Plan (2002)

- 6.17: HMOs

### Supplementary Planning Guidance

- Parking Standards SPD (2021)
- Residential Extensions: A Design Guide for Householders (2008)
- Technical Housing Standards- Nationally Described Space Standard (2015)

## 9. 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 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**

## Character & Appearance of the Area

10 The dormer would be considered Permitted Development and would need to be built prior to the change of use from a C3 dwellinghouse to a Sui Generis HMO. This can be conditioned to ensure that the works are completed prior to the change of use being instigated. This was the method used for APP/24/00529/F and APP/25/00182/F, within which the assessments concluded:

*“the works to the roof would need to be carried out prior to conversion to the larger HMO to be permitted development. This was secured by condition. It was concluded that the application was purely for conversion to a large-scale HMO and that the conversion to a HMO is in principle acceptable in this area.”*

11. For the wrap around dormer to be considered permitted development, they need to comply with the conditions and limitations of Schedule 2, Part 1, Class B of the General Permitted Development Order (as amended):

- permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, 2MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **COMPLIES.**
- any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; **COMPLIES.**
- any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; **COMPLIES.**
- the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres; **COMPLIES.**
- it would consist of or include:
  - i. the construction or provision of a verandah, balcony or raised platform; **COMPLIES**, or
  - ii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe; **COMPLIES**
- the dwellinghouse is on article 2(3) land; **COMPLIES**

12. The change of use from a C3 dwellinghouse to a Sui Generis HMO would cause an intensification of the existing use of the dwelling. Dwellings in the surrounding area are typically semi-detached or detached with typically 3-4 bedrooms, like the existing floor plan of 65A Richmond Wood Road (which has 3 bedrooms). Therefore, it is not unreasonable to assume an occupancy for the typical dwelling in the area to be between 3 and 6 people. Assuming a maximum occupancy, the additional 2 people for which the application proposes as part of a Sui Generis HMO would not be considered an unreasonable intensification for the area or type of property. It would not cause harm to the character of the area.

13. The position that the rear extension and roof works can be built without requiring planning permission is deemed to be considered a material planning consideration in this case, as with the previously approved APP/24/00529/F and APP/25/00182/F.
14. Whilst the works required for the HMO are required prior to its conversion, they are nevertheless permitted development as the property currently stands. It is therefore considered that a condition requiring those works to be carried out prior to conversion is reasonable in this instance.

15. Therefore, the proposed development would not have an adverse impact on the character and appearance of the area. Outside of the outlined permitted development works, the proposed changes will not be of detriment to the character of the area. The proposed intensification of the dwelling would be considered reasonable for the size dwelling and surrounding properties and not harmful. The development is therefore compliant with Policy CS41 of the Core Strategy (2012).

#### Neighbouring Residential Amenity

16. The dwellinghouse is a semi-detached property adjoined to 65B to the east. To the west and detached is number 63. The works to the property are not being considered as part of this application due to their completion under permitted development. Therefore, the impacts of the dormers on neighbouring amenity cannot be considered. However, if they were considered, there would not be a detrimental impact on neighbouring amenity.
17. New windows to the rear elevation of the dormer would offer some views of the garden space of 65A and B but this would not be to the detriment of 65B's amenity. The front facing window on the side dormer would only offer views towards the front of the dwellinghouses and again is acceptable.
18. One new window is proposed on the side elevation facing number 63 to accommodate a new bedroom. This is acceptable as it would overlook an area of curtilage used as a side access to the garden. A substantial boundary treatment along the boundary and lack of windows on the facing elevation of number 63 mean there is no overlooking from this new window.
19. The existing dwellinghouse is a three-bedroom property. Regarding the increase in occupancy to the site, it is deemed acceptable. It is already a residential property within an area where larger dwellings in the road have a higher occupancy rate. There may be additional comings and goings but within the context of the road and surrounding dwellings this would not be harmful to surrounding residential amenity.
20. The proposal is compliant with policy regarding the concentration of HMOs within an area. There is no more than 10% of dwellings in the area adjacent to the application property that are within a Use Class C4 or Sui Generis HMO use. 66 properties are within the Policy CS24 catchment area, with 3 of these constituting HMOs. This means only 4.54% of dwellings within the outlined assessment area (as per Policy CS24) are these HMO use classes.
21. Therefore, the impacts on neighbouring amenity are deemed minimal and the proposal is acceptable with Policies CS24 and CS41 of the Core Strategy (2012).

#### Future Occupants

22. Policy 6.17 of the District Wide Local Plan (2002) has certain criteria regarding the change of use from a C3 to HMO use. This includes the provision of sufficient outdoor garden and amenity space for the use of future occupants. Post construction of the rear extension (of which prior approval has been granted) and bike store to the rear, there would still be sufficient garden space for the activities outlined within Policy 6.17. Furthermore, the proposal includes the provision for every bedroom to have an en-suite bathroom (including toilet and shower) and an additional downstairs WC.
23. The rooms within the property are compliant with the Nationally Described Space Standards (2015). Each bedroom has at least one reasonably sized window and is at least the area required as per the guidance. This is also true of the communal areas such as the joint living and kitchen spaces which is 22.35 metres squared.

24. Therefore, the provision of amenities retained or provided for future occupants of the HMO mean the proposal is compliant with Policy CS41 of the Core Strategy (2012), Policy 6.17 of the District Wide Local Plan (2002) and the Nationally Described Space Standards (2015).

#### Parking Provision & Highways

25. As part of the application process, the Highways Officer was consulted. The application provides no additional parking and includes the provision of a cycle store in the rear garden. The dwellinghouse is within Parking Zone D. Sui Generis HMOs are required to have 1 parking space regardless of Parking Zone, according to the Parking Standards SPD (2021).
26. The Highways Officer found that despite a lack of parking spaces proposed, the change of use is deemed acceptable, and no objection is raised subject to the inclusion of a condition for the cycle facilities to be constructed prior to occupation. As the Highways Officer is the advisory authority on highways and parking, this conclusion is agreed upon, and the proposal will not cause harm to parking provision or highways. This is despite the one parking space not being provided as per the Parking Standards SPD (2021).
27. Therefore, the impacts on the highway and parking provision are deemed acceptable and the scheme is compliant with Policy CS41 of the Core Strategy (2012) and Policy 6.17 of the District Wide Local Plan (2002).

#### Waste

28. As part of the application process, the Strategic Waste Officer was consulted. They raised no objection and stated that the submitted plans were suitable. An occupant of the dwelling will need to ensure the bins are presented for collection at the kerbside and returned to the property boundary following emptying.
29. There are therefore no impacts on waste collection as result of the proposal and it is compliant with Policy CS41 of the Core Strategy (2012).

#### BNG

30. 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 CS30 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
31. 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 is a de minimis exemption.

#### Heathland Mitigation

32. 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 Habitat Regulations 1994. 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.

33. 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. In this case, contribution is required for the two additional rooms over a C4 HMO. A contribution of £720 along with £75 admin fee would need to be secured.

### New Forest SAMMS

34. The site lies within 13.8km of New Forest SAC, New Forest SPA and New Forest Ramsar, which are protected under European legislation for their wildlife importance.
35. It has been demonstrated in the recent report by Footprint Ecology to the New Forest Steering Group (New Forest Strategic Access Management & Monitoring (SAMM) Strategy October 2024) and in agreement with Natural England that additional recreational pressure from additional dwelling(s) have the potential to harm the integrity of these designated sites.
36. The proposed development must secure the appropriate level of mitigation to safeguard the New Forest designated sites from recreational related impacts. This will be secured through a Section 106 Agreement. A contribution of £600 along with £60 admin fee would need to be secured, HMOs exceeding six bedrooms must pay a fee of £300 per additional bedroom. As the proposal is for eight bedrooms the site has been charged fees for two additional dwellings to mitigate harm as a result of the larger dwelling.
37. Once paid, the appropriate assessment can conclude that the plan or project will not adversely affect the integrity of the habitats site and would accord with the requirements set out in Section 63 of the Conservation of Habitats and Species Regulations 2017.

### Planning Balance / Conclusion

38. Overall, it is considered that the proposed change of use would be acceptable. The scheme accords with the most important aspects of the Development Plan and there is no identified harm to the issues discussed that could be considered demonstrable to a level which would be considered a reasonable reason for refusal. Therefore, it is recommended that planning permission is granted.

### Recommendation to Grant

Conditional GRANT

**RECOMMENDATION I** - That delegated authority be granted to the Head of Planning Operations to Grant Conditional Permission subject to the satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed residential development on Dorset Heathlands and the New Forest SAMMS by securing the payment of a financial contribution and conditions (below)

**RECOMMENDATION II** - That delegated authority be granted to the Head of Planning Operations to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

### 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:

Block Plan (Received 15/09/2025)  
Location Plan (Received 29/10/2025)  
PG.1064.25.01 Existing Plans and Elevations  
PG.1064.25.02 Proposed Floor Plans & Elevations  
0-0-01 Cycle Store - Sheffield Stand

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

3. Prior to the occupation of the property known as 65A Richmond Wood Road as a HMO for 8 persons, the external alterations including the rear extension and alterations to the roof form, to be constructed under permitted development allowances, shall be completed in their entirety.

Reason: In order to ensure that the property meets the required space standards and therefore provides a good standard of living in accordance with Policy CS41 of the Core Strategy (2012) and Policy 6.17 of the District Wide Local Plan (2002).

4. Before the development is occupied or utilised the cycle parking facilities shown on the hereby approved plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

5. A Management Plan shall be submitted to the Local Planning Authority for approval in writing no later than 4 weeks from the date of this permission. This should include the contact details for the landlord or any managing agency for the property that can be contacted regarding anti-social behaviour issues 24 hours per day.

Once approved, the approved use shall be implemented in strict accordance with the Management Plan at all times.

Reason: To ensure the facility is well managed.

6. No more than eight persons, excluding staff, shall occupy the premises at 65A Richmond Wood Road at any one time.

Reason: To ensure the intensity of use remains appropriate to the character of the area, to maintain a suitable staff/resident ratio and to minimise potential impacts on residential amenity including noise and disturbance.



## **Informatives**

1. 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 provided it is considered that the approval of a biodiversity gain plan would not be required before development can be begun and the statutory biodiversity gain planning condition would not apply. This is because the development is considered to meet the conditions of the ‘de minimis’ exemption, as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The conditions are that the development does not impact on a priority habitat as specified under Section 41 of the Natural Environment and Rural Communities Act 2006; that the development impacts on less than 25sqm of onsite habitat that has a biodiversity value greater than zero; and that the development impacts on less than 5m of onsite linear habitat.

## **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.

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.

# Appropriate Assessment

**Applicable to development in Bournemouth Local Plan area**

**Application Ref:** P/25/03589/FUL

**Address:** 65A Richmond Wood Road Bournemouth BH8 9DQ

**Site Proposal:** Change of use from dwellinghouse (Class C3) to Sui generis eight person HMO



In accordance with the Conservation of Habitats and Species Regulations 2017 ("The Habitats Regulations") and findings of *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), Bournemouth, Christchurch and Poole Council (BCP Council) as the competent authority has concluded that, in the absence of mitigation the above application will have a likely significant effect on the European wildlife sites identified below (including Ramsar sites where relevant), arising from identified impact pathways.

In accordance with the Habitats Regulations, this document provides an appropriate assessment, which includes checking and confirming that avoidance and mitigation measures can be secured to prevent adverse effects on the integrity of the European sites identified below. This project level appropriate assessment has been undertaken to check that the proposal provides the necessary measures to prevent adverse effects on site integrity in accordance with the following strategic mitigation schemes:

- Dorset Heathlands Planning Framework Supplementary Planning Document (SPD);
- Dorset Heathlands Interim Air Quality Strategy;
- New Forest National Park Revised Habitat Mitigation Scheme SPD (July 2020)
- Footprint Ecology - New Forest Strategic Access Management and Monitoring Strategy (2023)
- Footprint Ecology – Discussion and analysis relating to the New Forest SAC/SPA/Ramsar and a zone of influence for recreation. (2021)
- Footprint Ecology – Recreational use of the New Forest SAC/SPA/Ramsar: Impact of recreation and potential mitigation approaches. (2020).
- New Forest Planning Position Statement (2025)

These strategic mitigation schemes set out avoidance/mitigation measures that are supported by an extensive and tested evidence base which has been scrutinised at various levels from planning appeals, public consultation processes and Habitats Regulations Assessments prepared for local plans or projects.

The proposal is assessed against the likely significant effects as follows:

Designated site	Applicable plan area	Likely Significant Effect?	Adverse effects caused by:
<ul style="list-style-type: none"> <li>• Dorset Heathlands SPA</li> <li>• Dorset Heathlands Ramsar</li> <li>• Dorset Heaths SAC</li> <li>• Dorset Heaths (Purbeck &amp; Wareham) &amp; Studland Dunes SAC</li> </ul>	<b>BCP</b> (Bournemouth, Christchurch & Poole) <sup>1</sup>	<b>Yes</b>	The proximity of urban development and its related effects including recreational pressures, arson, enrichment, etc. which arise from this development, requires measures to avoid and mitigate the effects. The impact of residential development on these sites and the suitability and robustness of avoidance and mitigation measures have already been considered as set out in the Dorset Heathlands Planning Framework 2020 - 2025 SPD, and the Dorset Heathlands Interim Air Quality Strategy - Phase 2 Interim Measures for 2020-2025, along with the underpinning evidence base and plan level HRA work.
<ul style="list-style-type: none"> <li>• New Forest SAC</li> <li>• New Forest SPA and Ramsar</li> </ul>	<b>BPC</b>	<b>Yes</b>	The proximity of urban development and its related effects including recreational pressures, which arise from this development, requires measures to avoid and mitigate the effects. The impact of residential development on these sites and the suitability and robustness of

<sup>1</sup> Area covered by latest local plan – B: Bournemouth Core Strategy (2012), C: Christchurch and East Dorset Local Plan (2014), P: Poole Local Plan (2018)

			avoidance and mitigation measures has already been considered as set out in the New Forest National Park Revised Habitat Mitigation Scheme SPD (July 2020). Footprint Ecology - New Forest Strategic Access Management and Monitoring Strategy (2023), New Forest Strategic Access Management and Monitoring Strategy (2023); and the draft New Forest Access Management & Monitoring (SAMM) Strategy and the underpinning evidence base and plan level HRA work.
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Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European wildlife sites, this document represents the Appropriate Assessment undertaken by BCP Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of European wildlife sites is a matter of government policy set out in the National Planning Policy Framework.

## Part 1: Compliance with strategic approaches

The starting point for this appropriate assessment is to check that the proposed development can be mitigated by compliance with the three strategic mitigation schemes set out above.

**TABLE 1: Can the following strategic schemes mitigate the adverse effects of this planning application?**

The proposed development provides the following contributions towards the strategic mitigation schemes listed above:

**Impact:** An additional 2 flats.

Mitigation Strategy	Applicable plan area	Scheme	Specific Project	Cost per home	This application is mitigated by	
Dorset Heathlands Planning Framework	BCP	SAMM	SAMMs measures undertaken by the Council and the Urban Heaths Partnership	£527 per house/ £360 per flat	✓	A payment of £795 towards strategic access management, education and monitoring
		SANG/HIP	Two Riversmeet SANG and other HIPs projects	Based on specific mitigation project	✓	Mitigation projects paid for from the wider CIL pot.
Dorset Heathland Air Quality Strategy	BCP	Direct/ Indirect measures	Management of heathland, changing use of land, encouragement of modal shift / zero emission vehicles	Based on specific mitigation project	✓	Mitigation projects paid for from the wider CIL pot.
The New Forest Strategic Access and Management Plan (October 2023); the draft New Forest Access Management & Monitoring	BCP	SAMM	Access management within the designated sites; Alternative recreational greenspace sites and routes outside the designated sites; Education, awareness and promotion; Monitoring and research; In perpetuity mitigation and funding	£300 per dwelling	✓	A payment of £660 towards strategic access management, education and monitoring.

Mitigation Strategy	Applicable plan area	Scheme	Specific Project	Cost per home	This application is mitigated by	
(SMM) Strategy (October 2024)						

Does the development plan, applicant's evidence or the Council's advisors indicate that additional bespoke mitigation measures are necessary? **No**

If yes, complete Part 2. If no, go to Part 3.

## Part 2: Bespoke Mitigation Requirements

Table 2 sets out particular issues and mitigation measures that are additional to those covered in Table 1 and are not therefore covered by strategic mitigation schemes. These issues were highlighted by the development plan, applicant's evidence or the Council's advisors.

*TABLE 2: What bespoke measures mitigate the adverse effects of this planning application?*

Issue	Proposed Mitigation measures

Have the proposed mitigation measures in Table 2 above been agreed with Natural England as providing effective mitigation and will be secured by legal agreement to enable a conclusion of no effect? **N/A**

## Part 3: Conclusion

Based on the assessment undertaken in Table 1 and if relevant Table 2, the Council is able to assess the application against the designated sites as follows:

Designated site affected	Document setting out adverse effect and mitigation strategy	Compliance with mitigation requirements		Confirmation that applicant has avoided / mitigated adverse effects on integrity for all features secured through the payment of CIL/S111/S106 or by any other suitable means and where necessary legal measures, enabling adherence to the relevant mitigation strategy
		Table 1	Table 2	
Dorset Heathlands SPA, Dorset Heathlands Ramsar, Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC	Dorset Heathlands Planning Framework	✓	n/a	Yes Mitigation secured via UU
New Forest SAC, New Forest SPA and New Forest Ramsar site	The draft New Forest Access Management & Monitoring (SMM) Strategy	✓	n/a	Yes Mitigation secured via UU

## Conclusion

The Council as Competent Authority can therefore conclude that following appropriate assessment and with the necessary mitigation measures secured, there will be no adverse effect on the integrity of the designated sites identified above.

## Signatures

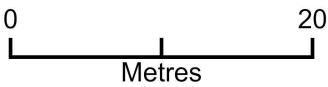
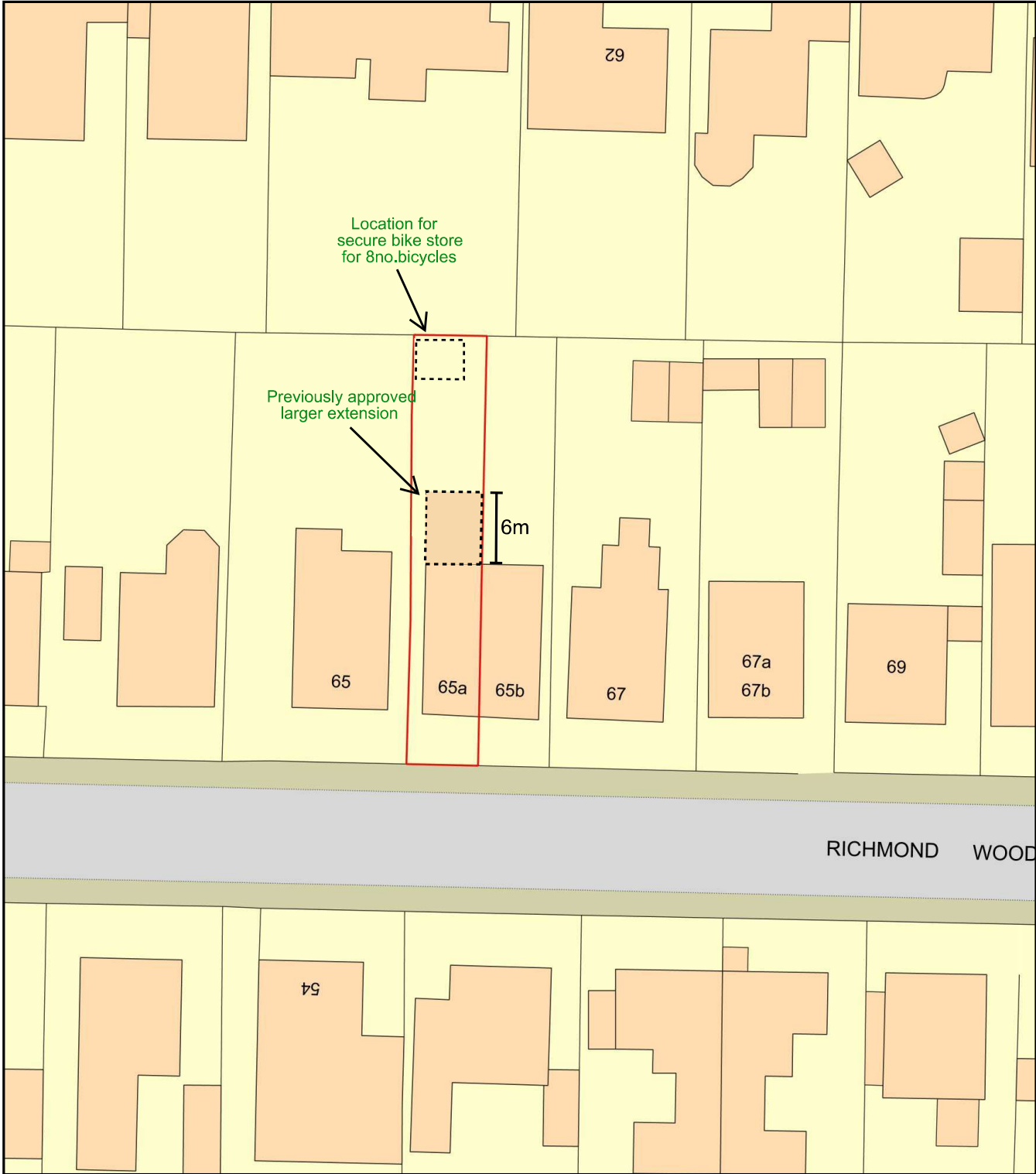
Case officer signature GEORGE SANDERS

Date 29/12/2025

Sign off signature.....

Date.....

65A Richmond Wood Road



Plan Produced for: Applecore PDM

Date Produced: 07 May 2025

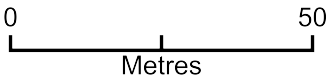
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65A Richmond Wood Road



Plan Produced for: Applecore PDM

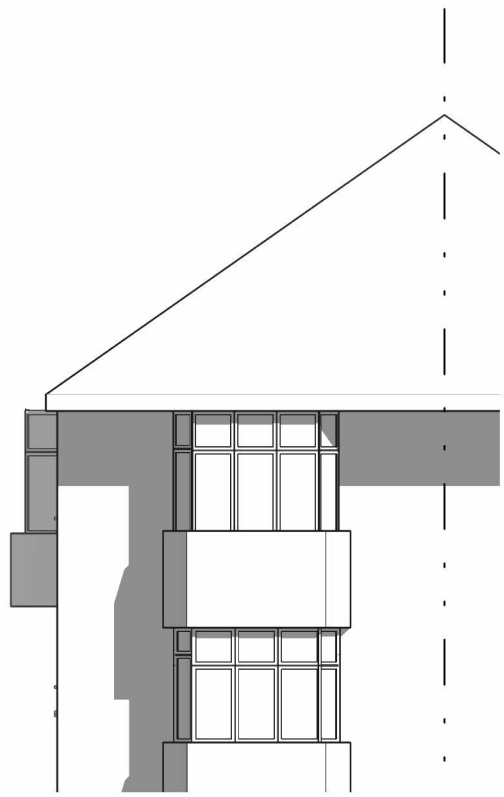
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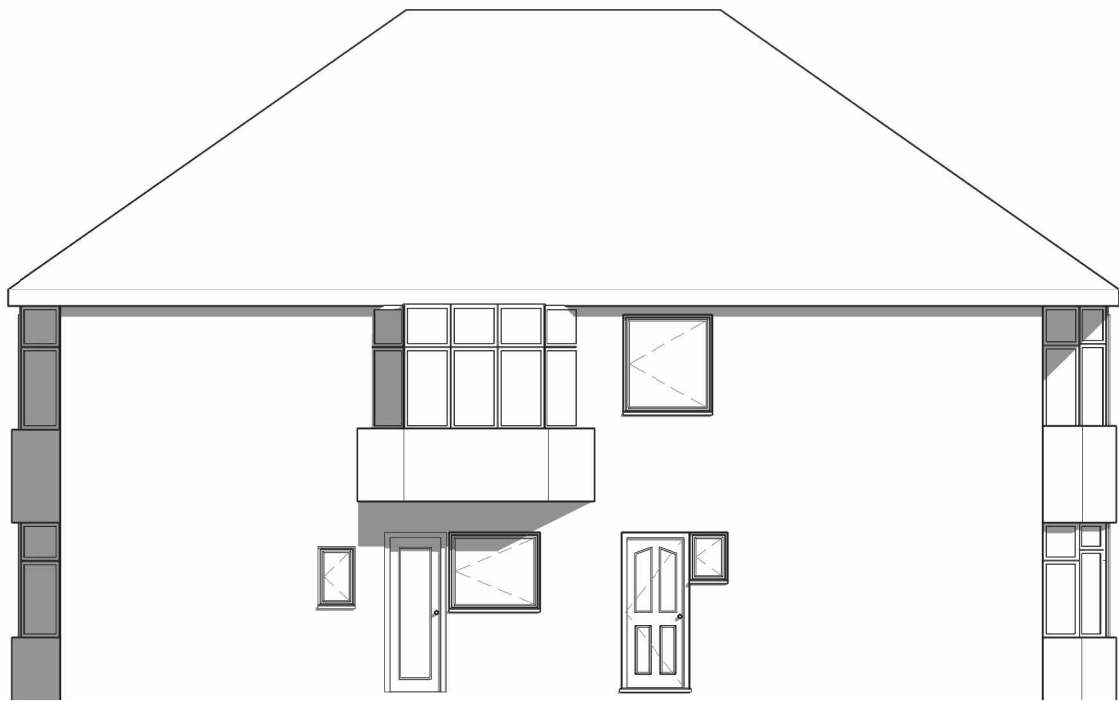
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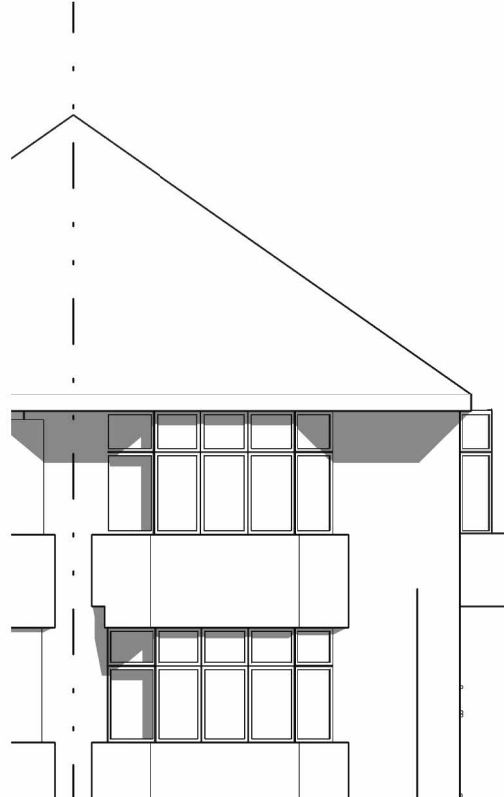
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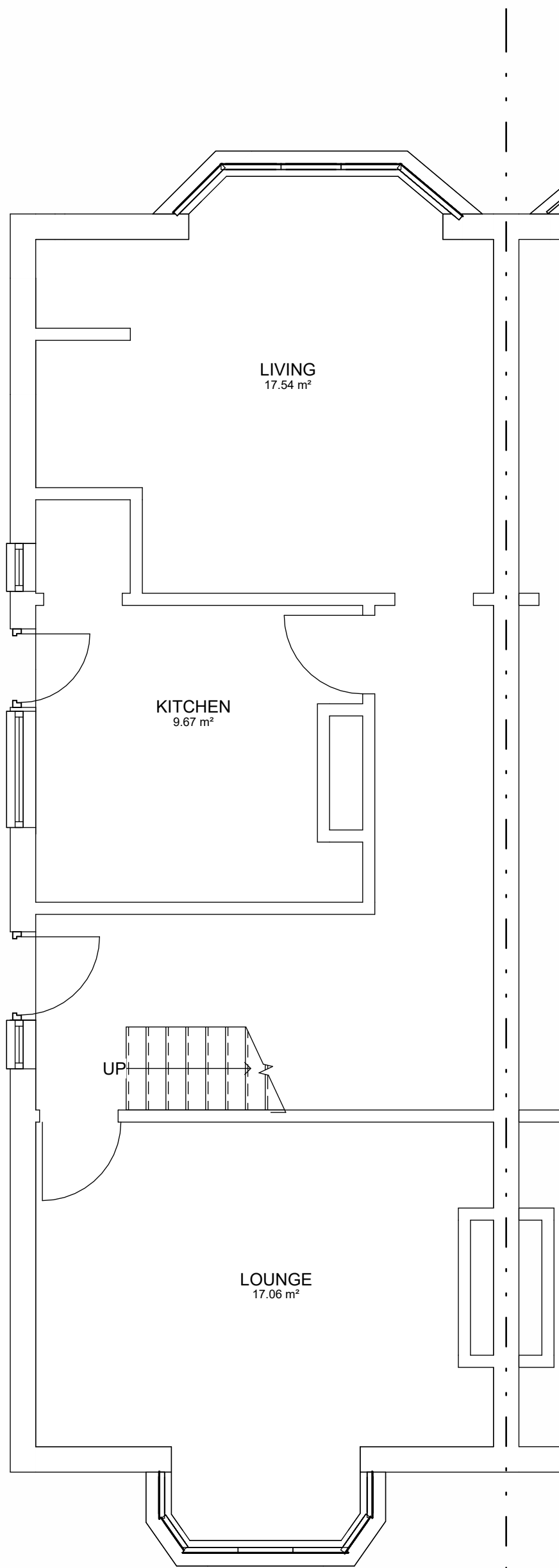
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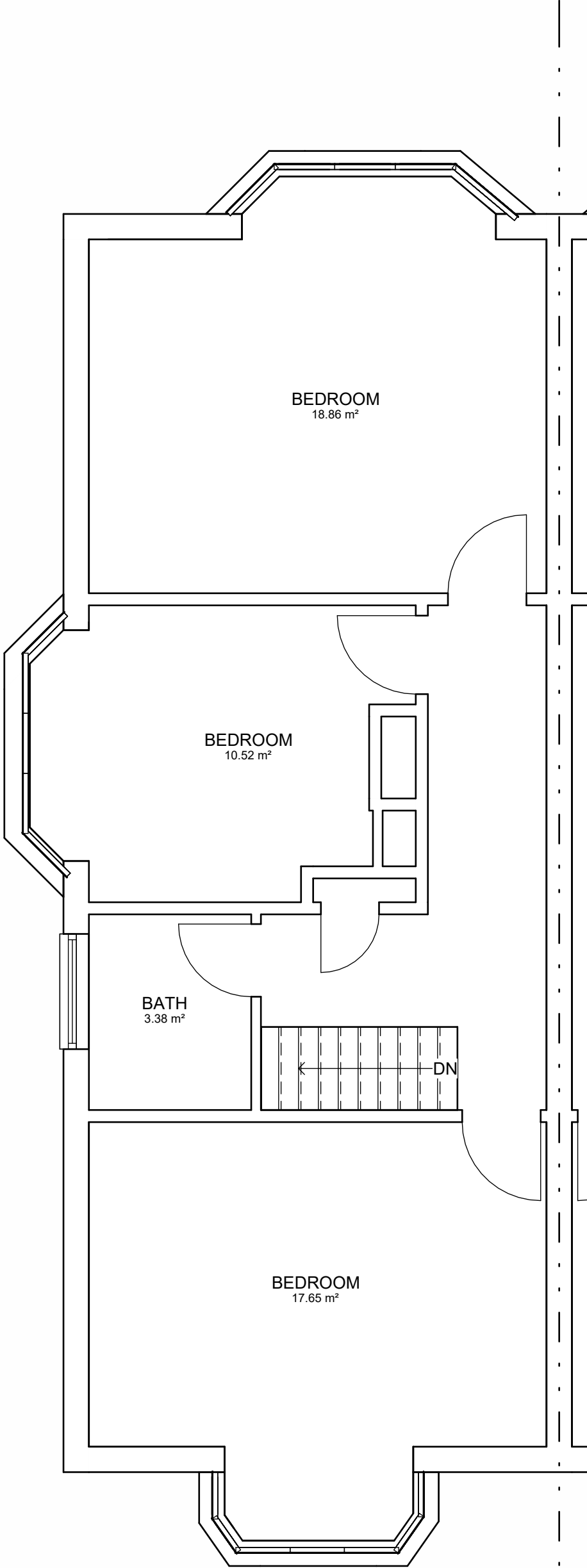
Existing Side  
1 : 100



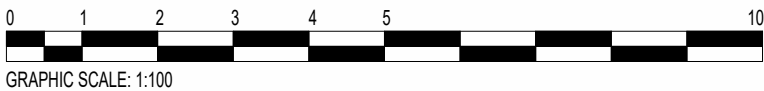
Existing Rear  
1 : 100



0 - Existing Ground Floor  
1 : 50



1 - Existing First Floor  
1 : 50



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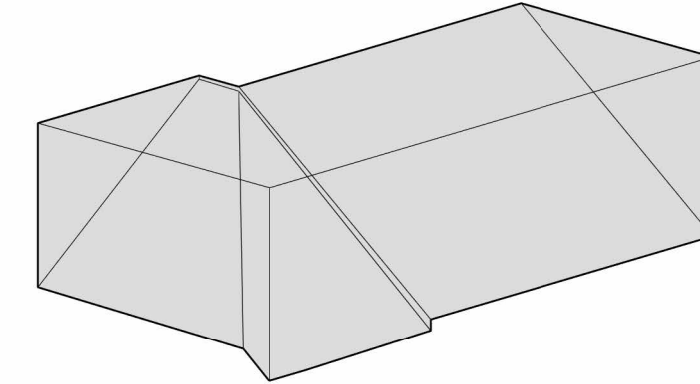
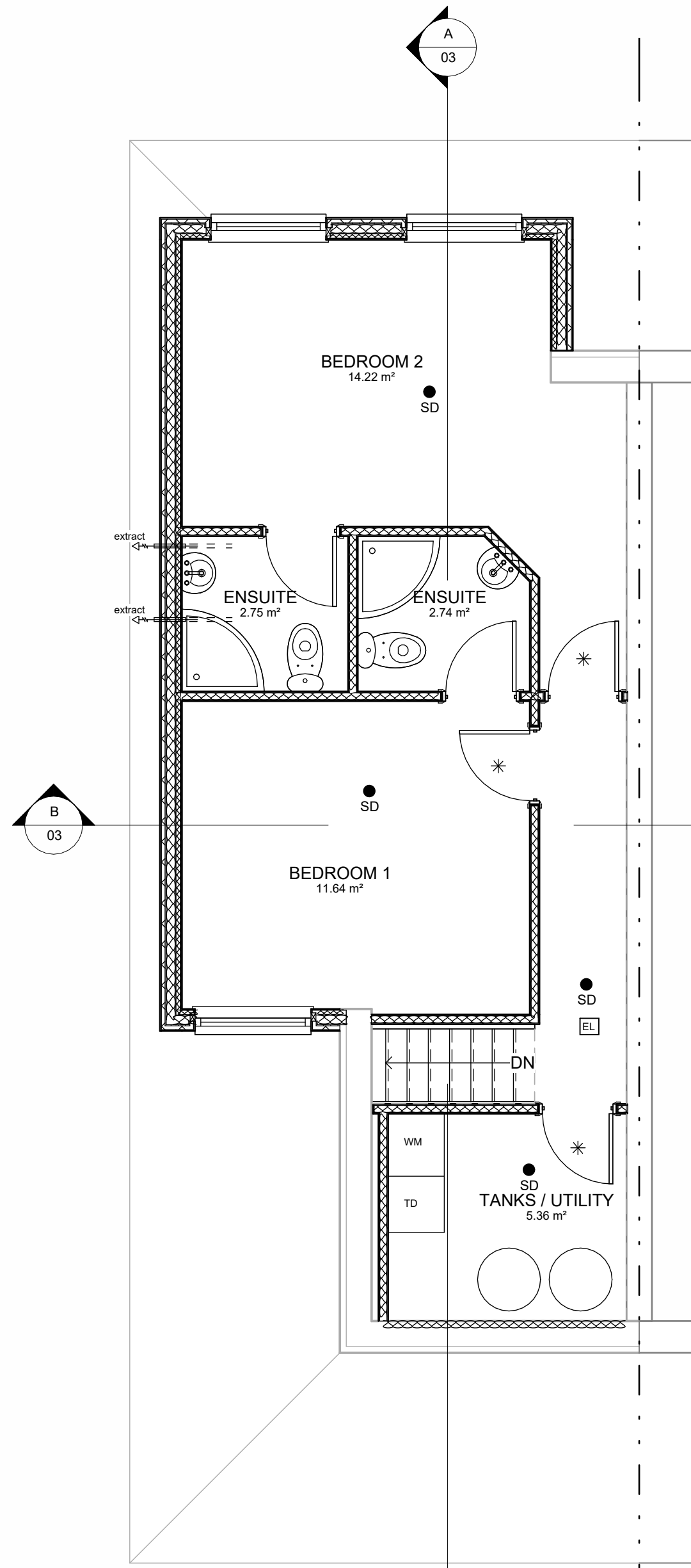
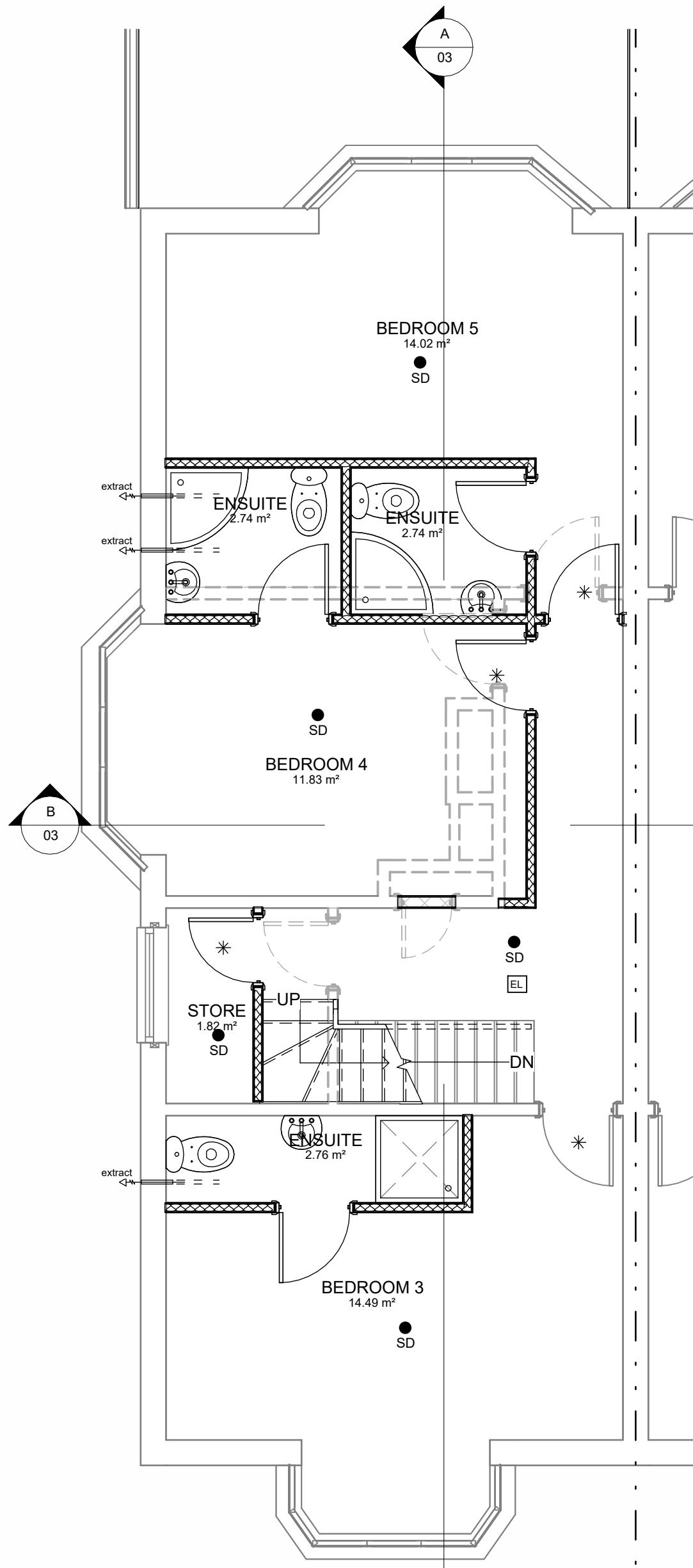
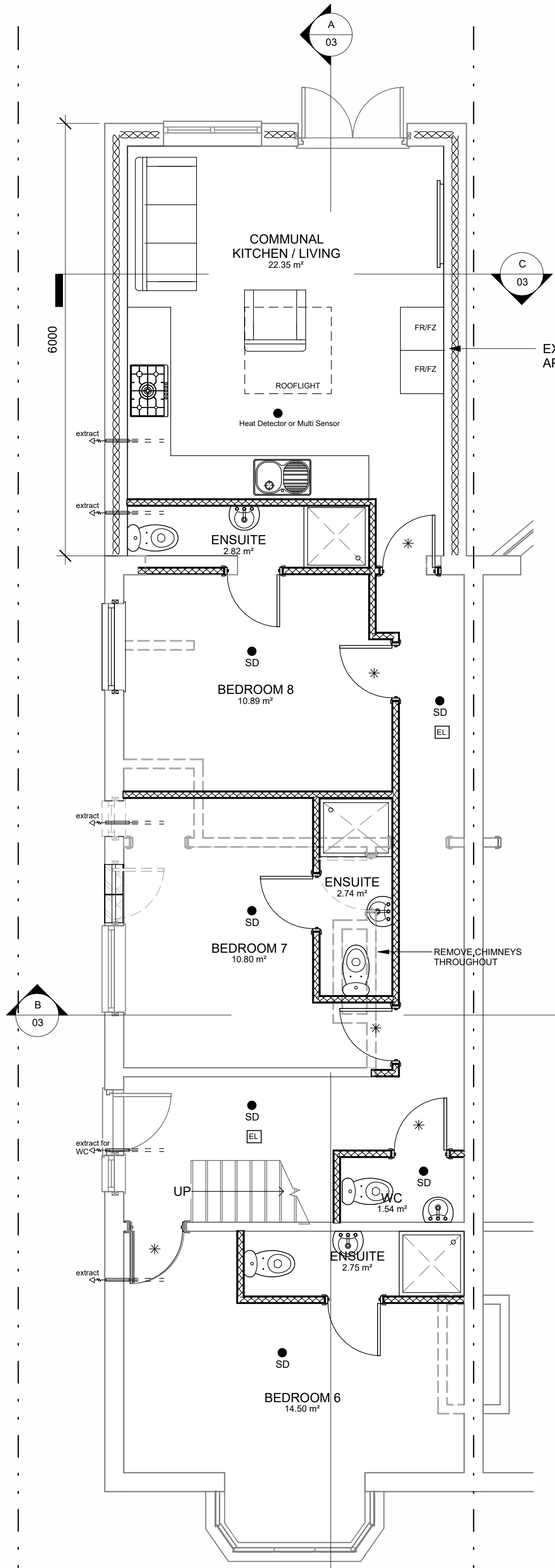
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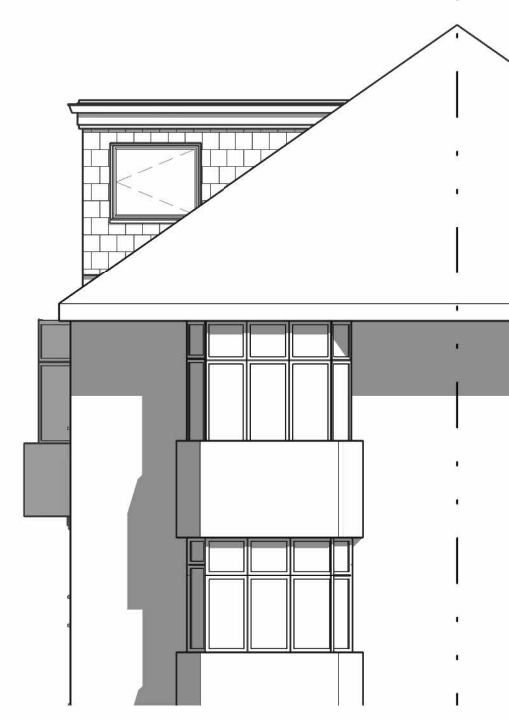
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Rev.	Date	Description
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Client <b>On behalf of Brentor Property</b>		
Job Title  <b>65A Richmond Wood Road</b>		
Drawing Title  <b>Existing Plans and Elevations</b>		
Scale	As indicated	Sheet <b>A1</b>
Date	JUNE 25	Drawn by MD
Drg. No. <b>PG.1064 · 25 · 01</b>		Rev.

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Dormer 3D



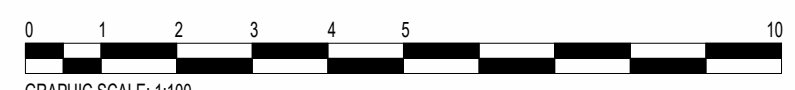
Proposed Front  
1 : 100



Proposed Side  
1 : 100



Proposed Rear  
1 : 100



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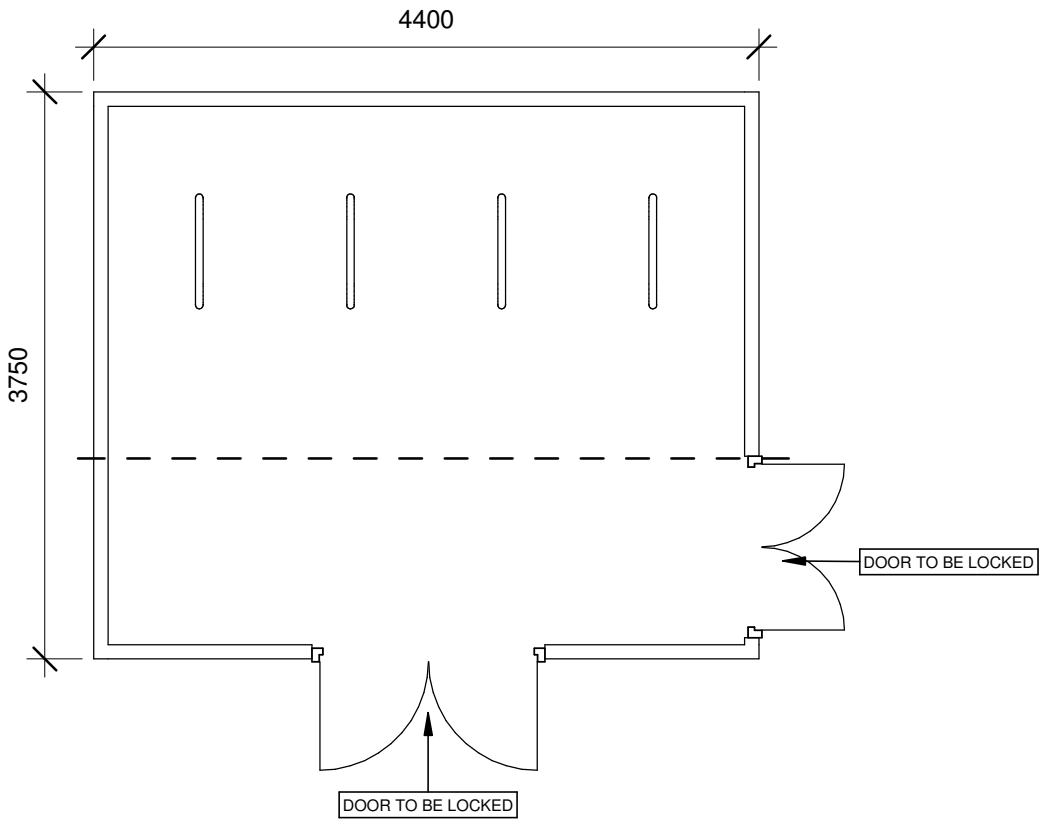
Rev.	Date	Description
 <b>APPLECORE</b> PLAN · DESIGN · MANAGE Fareham 21 Middle Road Park Gate SO31 7GH Tel: (01329) 888 322		
Client <b>On behalf of Brentor Property</b>		
Job Title <b>65A Richmond Wood Road</b>		
Drawing Title <b>Proposed Plans and Elevations</b>		
Scale	As indicated	Sheet <b>A1</b>
Date	MAY 25	Drawn by MD
Drg. No.	PG.1064 · 25 · 02	

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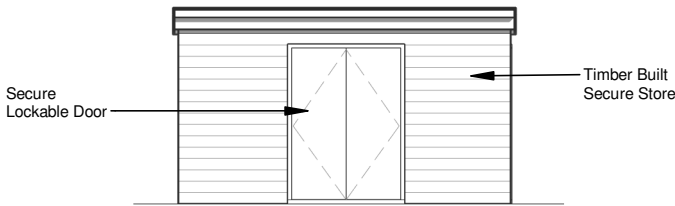


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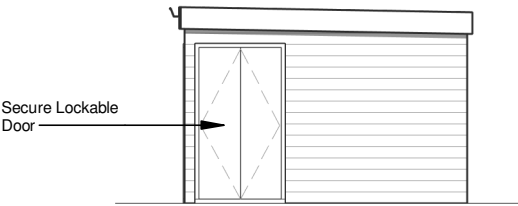
TWO SPACES TO BE PROVIDED PER  
SHEFFIELD STAND - EACH STAND TO BE  
PROVIDED WITH INDIVIDUAL LOCK



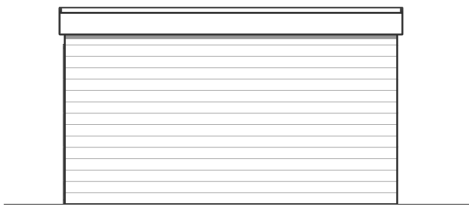
**Cycle Store Layout**  
1 : 50



**Existing Front Elevation**  
1 : 100



**Existing Side Elevation**  
1 : 100



**Existing Rear Elevation**  
1 : 100



**Existing Side Elevation**  
1 : 100

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**Fareham**  
21 Middle Road  
Park Gate  
SO31 7GH  
Tel: (01329) 888 322

Rev.	Date	Description
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Client
Job Title

Drawing Title

Cycle Store - Sheffield  
Cycle Stand

Scale As indicated		Sheet A3
Date	Drawn by	
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**WESTERN PLANNING COMMITTEE, 15  
JANUARY 2026 / EASTERN PLANNING  
COMMITTEE, 22 JANUARY 2026**



Report subject	<b>Appeals Report</b>
Meeting dates	15 January 2026 / 22 January 2026
Status	Public Report
Executive summary	This report updates Members of the Planning Committee on the Local Planning Authority's Appeal performance over the stated period
<b>Recommendations</b>	<p><b>It is RECOMMENDED that:</b></p> <p><b>The planning committee notes the contents of this report.</b></p>
Reason for recommendations	The content of this report is for information only.

Portfolio Holder(s):	Councillor Millie Earl, Leader of the Council and Chair of Cabinet.
Corporate Director	Glynn Barton, Chief Operations Officer
Report Authors	Katie Herrington and Simon Gould, Development Management Managers
Wards	Not applicable
Classification	For Information

## Background

1. The purpose of this report is to feedback to members on planning appeal decisions determined by the Planning Inspectorate for the last 2 years. This includes a reflection and highlight of any key decisions or learnings arising from such decisions.
2. The fundamental purpose of this report is to provide transparency in the appeal performance of the planning service and to improve the quality of decision making where necessary.

## Appeals Performance

3. National Government monitors the 'quality' of decision making in planning through appeal performance. It is measured by the percentage of planning decisions overturned at appeal, with a lower percentage indicative of better-quality decision making as less appeals are allowed.
4. Government targets are currently a maximum of 10% of the authorities total number of decisions on applications being made during the assessment period being overturned at appeal. This is set over an assessment period of 2 years, comprising October 2022 to September 2024<sup>1</sup>. This includes non-majors and majors'.
5. As demonstrated by Figure 1 for major applications and Figure 2 for non-major applications, the Local Planning Authority (LPA) is performing within target for the Quality of Planning decisions. Note that the dataset has now been updated to September.

<sup>1</sup> [Improving planning performance: criteria for designation \(updated 2024\) - GOV.UK](#)

<b>Proxy assessment period October 2022 –September 2024<sup>2</sup></b>	<b>Total number of major application decisions<sup>3</sup></b>	<b>Major decisions overturned at appeal</b>	<b>Quality of decisions (% overturned at appeal)</b>	<b>England Average (% overturned at appeal)</b>
Total District Matters <sup>4</sup> (PS2)	202	5	2.5	2.9
Total County Matters <sup>5</sup> (SPS2)	0	0	0	0.4

Figure 1 Quality of major application decisions - taken from National Statistics Table P152 ([Live tables on planning application statistics - GOV.UK](#) )

<b>Assessment period October 2022-September 2024</b>	<b>Total number of non-major application decisions</b>	<b>Total number of decisions overturned at appeal</b>	<b>Quality of decisions (% overturned at appeal).</b>	<b>England Average (% overturn at appeal)</b>
Total District Matters (PS2)	4,792	91	1.9	1.1

Figure 2 Quality of non-major application decisions - taken from National Statistics Table P154 - [Live tables on planning application statistics - GOV.UK](#)

6. Figure 3 provides a breakdown of appeal performance measured against appeals dismissed or allowed. It demonstrates that on average 35% of appeals are allowed.

<b>Year: 2025 (Jan to July)</b>	<b>Dismissed</b>	<b>Allowed</b>	<b>Total</b>	<b>% overturned</b>	<b>NFA/ Withdrawn</b>
<b>January</b>	19	9	28	32%	0
<b>February</b>	13	7	20	35%	0
<b>March</b>	18	7	25	28%	0
<b>April</b>	8	10	18	55%	0
<b>May</b>	7	5	12	42%	0
<b>June</b>	7	5	12	42%	0
<b>July</b>	10	1	11	9%	0
<b>August</b>	7	0	8	0%	1
<b>September</b>	6	1	0	15%	0
<b>October</b>	15	2	17	11%	0
<b>November</b>	8	5	13	38%	1
<b>December</b>	5	6	11	54%	0
<b>total</b>	<b>123</b>	<b>58</b>	<b>181</b>	<b>32%</b>	<b>0</b>

<sup>2</sup> This period is proxy as it falls outside of the 'assessment period' as per the 'criteria for designation', the data in the table is updated on a quarterly basis, with the period to June 24 being published in June 25

<sup>3</sup> This dataset excludes Appeals relating to planning conditions.

<sup>4</sup> District Matters' comprise most applications, explicitly excluding 'County Matters'.

<sup>5</sup> County Matters' applications refer to planning applications related to minerals, waste and associated development.



7. Whilst the LPA is performing within target for the national measure for the 'quality of decision making', it is still necessary to review and reflect on appeal decisions in order to provide high quality decisions, and to avoid the potential for successful cost claims. In August no appeals were allowed, with one appeal being declared as 'invalid' by the Inspector. This was because of the absence of the required BNG information.

### General reflection on allowed appeals

8. Whilst the LPA is performing within target for the national measure for the 'quality of decision making', it is still necessary to review and reflect on appeal decisions in order to provide high quality decisions, and to avoid the potential for successful cost claims. Figure 4 below sets out a short summary of why the appeals in the month of June were allowed.

#### Allowed appeals

<b>address</b>	29 Western Road, Poole
<b>Proposal</b>	Plot severance and the conversion and extension of the dwelling outbuilding/ garage to create a detached dwelling with associated access and parking.
<b>Committee overturn</b>	No
<b>Main issues</b>	Character and appearance of the area, including impact on Conservation Area; setting and significance on non-designated heritage assets; highway safety; European sites
<b>Why allowed</b>	Proposal sited on generous parcel of land, width would not be dissimilar to other plots along Western Road. Footprint and overall scale of the proposed built form, would be of an appropriate size in relation to the site, and separation distances are generous. The absence of a 'quirky orientation', and its contemporary design would complement the varied architecture in the street scene. Tree removal considered modest, and not harmful. No evidence to demonstrate impact on highway safety would be adverse.

<b>address</b>	44 Windsor Road, Christchurch
<b>Proposal</b>	Convert loft to habitable space including a side dormer
<b>Committee overturn</b>	No

<b>Main issues</b>	i) the character and appearance of the area; and ii) the living conditions of neighbouring occupiers at 42 and 46 Windsor Road, with particular regard to privacy.
<b>Why allowed</b>	In a context of varied roofscapes behind a modest frontage, the character and appearance of the building and its contribution to the street scene would not be significantly altered.

<b>address</b>	29 Dunyeats Road, Broadstone
<b>Proposal</b>	Replacement garage with first floor accommodation over and single storey rear extension
<b>Committee overturn</b>	No
<b>Main issues</b>	Character and appearance of the area and on the setting of heritage assets, namely the adjacent Tudor and Golf Links Road Conservation Area (the Conservation Area).
<b>Why allowed</b>	Would be subservient to the host building, window detailing is consistent with what exists, and materials, finishes and design elements are different, they are typical domestic features and would not appear out of place.

<b>address</b>	3 The Moorings, 2 Willow Way, Christchurch, Dorset
<b>Proposal</b>	Enlargement of existing ground floor balcony
<b>Committee overturn</b>	No
<b>Main issues</b>	Effect of the proposed balcony extension on the living conditions of neighbouring occupiers, with particular regard to overlooking and loss of privacy.
<b>Why allowed</b>	Proposal would not result in a material increase of overlooking to adjacent properties.

<b>address</b>	5 Seafeld Road, Bournemouth
<b>Proposal</b>	Outline for redevelopment of house for block of 5 flats

<b>Committee overturn</b>	No
<b>Main issues</b>	Character and appearance of the area and the Dorset Heathlands.
<b>Why allowed</b>	The flat block would be larger than the houses in the immediate vicinity, but flat blocks nearby meant that the scale would not appear incongruous. Although not a consideration a drawing was able to show a building using traditional design, materials and fenestration would fit with the area. Splitting the parking into two areas meant that it would not dominate the street scene. A unilateral undertaking would provide mitigation for Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites. Appellant's application for costs was refused.

<b>address</b>	6 Cotton Close, Poole
<b>Proposal</b>	Erection of detached annex building, modified entrance/driveway with new gate and parking/turning area.
<b>Committee overturn</b>	No
<b>Main issues</b>	Whether the proposal would constitute an annexe to the main dwelling; The effect of the proposal on the character and appearance of the area; and The effect of the proposal on protected species
<b>Why allowed</b>	The site would remain a single planning unit, works unlikely to result in building inappropriately sited. Impact on protected species resulted during the appeal.

<b>address</b>	57 Lansdowne Road, Bournemouth Christchurch Poole, Bournemouth
<b>Proposal</b>	Four terraced houses.
<b>Committee overturn</b>	No
<b>Main issues</b>	Impact on Non designated Heritage Asset and Conservation Area.
<b>Why allowed</b>	Site in the rear garden of a NDHA villa house in a suburban Conservation Area. A rear extension would be removed from the villa revealing the rear façade, and create sufficient separation distance from the new houses. Some garden land and trees would be lost, but this would not be visible from the public realm due to the building and

	landscaping. That the plot sizes would be smaller than the surrounding area was also shielded from view.
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<b>address</b>	Glenlyn , Bramble Lane, Highcliffe, Christchurch
<b>Proposal</b>	The development proposed is the division of existing Garden and construction of new dwelling
<b>Committee overturn</b>	No
<b>Main issues</b>	The main issues are: • The effect of the proposed development on the character and appearance of the area, focussing upon its effect upon the significance of the relevant designated heritage asset; •Habitats (Dorset Heathlands, River Avon SAC, New Forest SPA, SAC and Ramsar.
<b>Why allowed</b>	Sites sense of enclosure would be maintained, and was not considered to have an open character. Dwelling would be similar in setting and relationship to the street. Habitat issues addressed by S106.

<b>address</b>	195 & 195A Barrack Road, Christchurch
<b>Proposal</b>	Demolition of existing buildings and erection of a block consisting of three offices and twenty-five apartments.
<b>Committee overturn</b>	No
<b>Main issues</b>	The effect of the proposed development on the character and appearance of the area, focussing upon its effect upon the significance of the relevant designated heritage asset;
<b>Why allowed</b>	The site had previously been used as a care home. Despite extending to four storeys the proposal preserved the character and appearance of the area. Conditions and a legal agreement also addressed matters of pedestrian or highway safety and noise disturbance.

<b>address</b>	465 Poole Road, Poole
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<b>Proposal</b>	Proposed roofing advertisement and bed shop advertisement.
<b>Committee overturn</b>	No
<b>Main issues</b>	Harm to amenity
<b>Why allowed</b>	Street scene includes contemporary industrial uses and large scale signage, and advertising adds to the busy commercial street scene.in that context, proposal would not detract from host building or be out of character.

<b>address</b>	122 Matchams Lane, Christchurch
<b>Proposal</b>	Erection of an ancillary outbuilding alongside a pre-existing boundary wall.
<b>Committee overturn</b>	No
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• Whether building is ancillary as proposed</li> <li>• Council's consideration of development ongoing on site</li> <li>• Impact on the green belt</li> <li>• Impact on character and appearance of the area</li> </ul>
<b>Why allowed</b>	<p>The Council should not have considered matters outside of the description of development (the existing uses on the site) – costs awarded against the council for this reason.</p> <p>Development found to conflict with essential characteristic of the Green Belt; would result in harm to the character of the area.</p>

## List of live appeals

Appendix 1 provides a list of current appeals.

## Options Appraisal

9. No options to consider.

## Summary of financial implications

10. There are no financial implications as a direct result of this report.
11. However, it should be reminded that the Council can be subject to 'costs'<sup>6</sup> if the Council were found to be behaving 'unreasonably'. Such 'unreasonable'

<sup>6</sup> [Claim planning appeal costs: Overview - GOV.UK](#)

behaviour includes procedural (relating to the process) and substantive (relating to the issues arising from the merits of the appeal) matters. Examples of unreasonable behaviour include<sup>7</sup>;

- a. 'preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations'
- b. not determining similar cases in a consistent manner
- c. imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligation.
- d. vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis

### **Summary of legal implications**

- 12. None in directly relation to the content of this report.
- 13. However, it should be reminded that the Council can be subject to Judicial Review. A Judicial Review is a mechanism for challenging the process of a decision, rather than the decision itself. An example of this is acting contrary to procedure. However such procedure can come with financial penalties.

### **Summary of human resources implications**

- 14. There are no direct human resource implications resulting from this report. However, it is reminded that the servicing of appeals can be resource heavy, particularly at a hearing or Public Inquiry.

### **Summary of sustainability impact**

- 15. There are no sustainability issues arising from this report.

### **Summary of public health implications**

- 16. There are no public health implications arising from this report. Summary of equality implications

### **Summary of risk assessment**

- 17. Any risks associated with any appeal decisions are discussed in the body of the report. No risks have been identified in this report.

### **Background papers**

Published appeal statistics and appeal decisions

Criteria Document 2024

[https://assets.publishing.service.gov.uk/media/674f2ec08b522bba9d991af9/Criteria\\_Document\\_2024.pdf](https://assets.publishing.service.gov.uk/media/674f2ec08b522bba9d991af9/Criteria_Document_2024.pdf)

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<sup>7</sup> [Appeals - GOV.UK](#)



Live Planning Statistics tables - [Live tables on planning application statistics - GOV.UK](#)

## **Appendices**

Appendix 1 – list of outstanding appeals.

## **Committee Report (between Appeal Start Date)**

<b><u>Appeal Number:</u></b>	<b><u>Location:</u></b>	<b><u>Proposal:</u></b>	<b><u>Appellant Name:</u></b>
<b><u>Appeal Type</u></b> 8/24/0668/FUL	140 Stanpit Christchurch BH23 3NE	Demolish existing buildings and erect a replacement 2-bedroom house with a raised floor level to 2.6m AOD to assist with flood defences (existing height	Mr Sean Fane
REF			
APP/23/01051/F	Dorwin Court, 328 Poole Road & 68 Princess Road, Poole, BH12 1AR	Alteration and upward extension of the buildings to create second and third floors of accommodation on each building to create 10 additional	Maintenance Securities Investments Ltd
REF			
APP/24/01005/P	7A Spencer Road, Poole, BH13 7ET	Major outline application for the demolition of the existing dwelling and erect a replacement building containing 7 apartments with	Mr and Mrs Nunhuck
REF			
APP/24/01374/F	Branksome Chine Cafe, Pinecliff Road, Poole, BH13 6LP	Variation of condition 2 & 5 of planning permission APP/22/00538/F as described in that description to amend the plans under condition 2 to	Rockwater Bournemouth Ltd
REF			
APP/24/01375/F	Sandbanks Beach Cafe/Restaurant & Kiosk, Banks Road, Poole, BH13 7QQ	Variation of condition 2 & 5 of planning permission APP/22/00740/F as described in that description to amend the plans under condition 2 to	Rockwater Bournemouth Ltd
RPC			
APP/25/00101/F	Land Adjacent 270 - 272 Ashley Road, Poole, BH14 9BZ.	Variation of condition 2 of planning permission APP/21/00430/F as described in that description of development to ommit the side	Mr Johnson
RPC			
C/2023/1513	22 Stafford Road Bournemouth BH1 1JH	Description - Former 8 bed HMO converted into 6 flats, permission approved for only 4 flats.	Mr Paul Trubody
ENF			
P/25/00095/FUL	243 Ashley Road Poole BH14 9DU	Conversion of part of the ground floor into a residential studio flat together with alterations in the form of the reinstallation of two obscure	Millear Limited
REF			
P/25/00153/HOU	98 Gladstone Road East Bournemouth BH7 6HQ	Single and two storey rear extensions to the dwellinghouse and construction of a garden room using the existing detached	Mr Martin Wybrow
REF			
P/25/00201/TTPO	15 Shelley Close Christchurch BH23 4HW	T1 Lime - Fell to ground level and replant with Fastigiate Hornbeam.	Mr C Read
RTP			
P/25/00561/FUL	7 Knole Gardens Bournemouth BH1 3QY	Proposed new build dwelling with associated access and parking.	Mr Gareth Horsey
REF			
P/25/00576/FUL	383 Wimborne Road Poole BH15 3ED	New single storey dwelling on land to rear of 383 Wimborne Road	Mitchell Reeves
REF			

## **Committee Report (between Appeal Start Date)**

<b><u>Appeal Number:</u></b>	<b><u>Location:</u></b>	<b><u>Proposal:</u></b>	<b><u>Appellant Name:</u></b>
<b><u>Appeal Type</u></b> P/25/00686/FUL	Garages rear of 12 Osborne Road	Demolition of two garages and erection of a dwellinghouse	Mr Alfie Mehson
REF	Bournemouth BH9 2JL		
P/25/00728/FUL	The Lodge 2A Burton Road	Replacement dwelling with associated parking and access	Mr Stephen Griffiths
REF	Poole BH13 6DU		
P/25/00729/FUL	The Lodge 2A Burton Road	Replacement dwelling with associated parking and access	Mr Stephen Griffiths
REF	Poole BH13 6DU		
P/25/00734/FUL	The Lodge 2A Burton Road	Replacement dwelling with associated access and parking	Mr Stephen Griffiths
REF	Poole BH13 6DU		
P/25/00862/TTPO	Mudehaven Court 64 Mudeford	T2 - Monterey Pine: - Fell to ground level.	Eileen McBlain
RTP	Christchurch BH23 3NN	T5 - Monterey Cypress - Fell to ground level. T6 - Monterey Cypress -	
P/25/01654/ADV	156 Barrack Road	Erection of an internally illuminated gable end D48 advertisement	C/O Agent
CND	Christchurch BH23 2BD		
P/25/01923/CONDR	78 Normanhurst Avenue	Variation of planning application 7-2024-29358	Nicki Talbot
REF	Bournemouth BH8 9NR	Condition 3 Change of plans to increase size of dormers	
P/25/01946/HOU	25 Meadow View Road	Removal of garage and store, side and rear extensions to include formation of lower ground floor level, roof lights and Juliet balcony	Mr Walker
REF	Bournemouth BH11 9RD		
P/25/01995/HOU	34 Sopers Lane	Proposed new access and hardstanding driveway, dropped kerb, proposed boundary fence, retain plant bed and proposed retaining	Hayley Nunn
REF	Poole BH17 7ES		
P/25/02241/FUL	10 Sopers Lane	To sever land and erect 2no. detached chalet bungalows with vehicular access shared with no. 10 Sopers Lane.	Mr J Bell
REF	Poole BH17 7ES		
P/25/02245/HOU	29 Links Road	Retrospective: Erection of a 2m Close Boarded Fence	Mr & Mrs Toomer
REF	Poole BH14 9QS		
P/25/02547/ADV	465 Poole Road	Advertisement consent for sign on side of building for roofing business and bed shop	Complete Roofing Solutions (Dorset) Ltd
RAC	Poole BH12 1DH		

## **Committee Report (between Appeal Start Date)**

<b><u>Appeal Number:</u></b>	<b><u>Location:</u></b>	<b><u>Proposal:</u></b>	<b><u>Appellant Name:</u></b>
<b><u>Appeal Type</u></b>			
P/25/02618/ADV	Land adj. Esso Service Station & Tesco Express	Freestanding advertising structure featuring one	Mr Martin Stephens
RAC	The Grove & Barrack Road	internally illuminated	
	Christchurch	sequential display screen facing	
	BH23 2EX	West to replace four existing	
P/25/03040/HOU	61 Rugby Road	Retrospective application for	Mrs Lucy Lees
	Poole	erection of a fence adjacent to	
REF	BH17 7HL	the roadside (above the height of 1m) and relocation of	
		driveway	
P/25/03124/FUL	1 Alumhurst Road	Erection of new metal frame	Mr Matthew Armitage
	Bournemouth	retractable roof pergola to rear	
REF	BH4 8EL	courtyard garden.	
P/25/03198/HOU	37 Southbrook Close	Introduction of Juliet balcony	Mr Shaun Sutton
	Poole	to rear first floor (replacing	
REF	BH17 8BG	window with doors) and	
		alteration to existing single	
		storey roof to allow for the	
P/25/03356/FUL	4 Sopers Lane	Demolish garage, outbuilding	Mr J Bell
	Poole	and sunroom to rear of	
REF	BH17 7ES	dwelling at no. 4 Sopers Lane,	
		carry out internal alterations to	
		the existing dwelling to reduce	

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