

PLANNING COMMITTEE



Application Address	The Fountain, 1 High Street, Christchurch, Dorset, BH23 1AE
Proposal	Proposed construction of a 2/3 storey building comprising a ground floor commercial unit (A1, A2 or A3) with six apartments, and a coach house style building with two apartments over, together with parking and landscaping.
Application Number	8/19/0990/FUL
Applicant	Mr & Mrs A & J Brown
Agent	Mr Matt Stevens
Date Application Valid	18 June 2019
Decision Due Date	13 August 2019
Extension of Time Date (if applicable)	7 October 2019
Ward	Christchurch Town
Report status	Public
Meeting date	21 November 2019
Recommendation	Grant in accordance with the recommendation below.
Reason for Referral to Planning Committee	At the request of Cllr Hall in the wider public interest
Case Officer	Sophie Mawdsley

Description of Development

1. The application seeks permission for the construction of a 2/3 storey building comprising a ground floor commercial unit (A1, A2 or A3) with six apartments,

and a coach house style building with two apartments over, together with parking and landscaping.

2. Within the main building there are four 1-bed units and two 2-bed units proposed and within the coach house there are two 1-bed apartments proposed. The commercial unit would have a floor space of 56sqm.
3. The proposal also includes a carport along the southern boundary of the site. In total there are 8 residential units proposed with 11 car parking spaces which equates to one space per residential unit and 3 spaces for visitors or staff of the commercial unit.

Key Issues

4. Principle of development
5. Layout, form, scale and design
6. Impact on Heritage Assets
7. Impact on residential amenity
8. Parking and access arrangements
9. Biodiversity and Heathland

Planning Policies

10. Christchurch and East Dorset Core Strategy 2014

KS1: Presumption in favour of sustainable development

KS2: Settlement Hierarchy

KS4: Housing Provision

KS11: Transport and Development

KS12: Parking Provision

CH1: Christchurch Town Centre Vision

HE1: Protecting and Conserving our Historic Environment

HE2: Design of New Development

HE3: Landscape Quality

LN1: Size and type of new dwellings

LN2: Design, Layout and Density of New Housing Development

ME1: Safeguarding Biodiversity and Geodiversity

ME2: Protection of Dorset Heathlands

ME3: Sustainable Development Standards for New Development

H12: Infill development

11. Supplementary Planning Documents:

Central Christchurch Conservation Area (CCCA) Appraisal

12. The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF. The relevant sections are;

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Relevant Planning Applications and Appeals

13. 8/15/0676 – Erection of a new detached building to provide a flexible commercial space at ground floor with 8 residential flats above. Refused.

Dismissed at Appeal 12 October 2016 – ‘The design, bulk and mass of the proposed residential and commercial building would result in an overly dominant development which would sit uncomfortably with its neighbours and would not preserve or enhance the character or appearance of the CCCA’.

14. 8/14/1251 - Erection of 2½ storey building comprising 4x2 bed and 5x1 bed maisonettes (9 in total) and 227m² of commercial floor space (A1 Retail, A2 Financial and Professional, B1 Offices & D2 Assembly & Leisure) with associated parking and access from Sopers Lane. Refused.

Representations

15. 28 representations objecting to the proposal, 1 supporting and 2 comments.

16. Objections made on the following grounds;

- Highway safety issues with additional traffic entering Fountain roundabout.
- Loss of car parking affect vitality and viability of town centre as reduced parking for shoppers and businesses.
- Air pollution
- Loss of significant Archaeological remains and deposits. Require full archaeological dig on the site and need to adhere to comments/advice from Historic England.

- Dominant building and too close to the highway
- Harm the character and appearance of the Central Christchurch Conservation Area contrary to policies HE1 and BE4.
- Contrary to Appeal decision where Inspector referred to Conservation Area as being open and spacious.
- Inadequate consideration of the potential for archaeology under the site. Require a geophysical survey with ground penetrating radar over the whole site and targeted excavations.
- Loss of parking for businesses, employees and visitors contrary to policy CH1.
- Design does not meet local distinctiveness criteria in policy HE2
- No need for more shopping units in the town centre
- Cumulative impact of loss of parking in the town centre from other developments (Magistrates/Police site)
- Influx of more people impacts on local doctors surgeries and schools
- Plans do not overcome previous reasons for refusal and dismissal by Planning Inspector
- Car port inelegant building which will overshadow neighbouring building
- Loss of light to rear of 1-3 High Street buildings

1 Letter of support stating there used to be a building on the car park, the development will provide much needed housing and provide for trees planting and bat provision.

1 Letter of comments referred to ensuring the archaeological potential of the site is fully investigated

Consultations

DC Archaeologist

17. My advice on two previous applications to develop this site was based on the results of Bournemouth Archaeology's archaeological evaluation report which also accompanies the present application. In these cases I advised that the following condition should be attached to any grant of planning consent:

'No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.'

If you were to attach this condition to any grant of consent for the present application, I would hope that it would secure an appropriate level of archaeological recording.

Historic England

18. We note the application site is in proximity to the Scheduled Monument recorded in the National heritage List for England as 'Site of Town Walls in, and E of, Druitt Gardens' (Ref.10002371). An archaeological evaluation of the site has concluded that 'there is high potential for significant archaeological deposits and features to be present within the proposed development area'. These deposits and features may comprise remains for the Anglo-Saxon burgh defences, burghal plots, and evidence for Later Medieval occupation of the site, and where recorded, were noted at a depth of c 450mm below the present ground surface. The SAM includes the recorded remains of the burgh defences, which are of national significance.
19. The application refers to foundations up to 600mm below the present ground surface but no details are given of the form of these foundations, the extent and depth of any hard landscaping, or of any new services that may be required. The application thus has the potential to impact on significant archaeological deposits. Note 63 to paragraph 194 of the NPPF states that 'non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. This policy is reflected in the Dpt of Culture, Media and Sport Statement of 2013 in para 9. "In our view, the application site has a high potential to include archaeological deposits demonstrably of equivalent significance to scheduled monuments."
20. Recommendation – HE has concerns regarding the application on heritage grounds. "We consider that the issue and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 193 to 196 of the NPPF. It may be that these issues can be addressed by condition; requiring a robust archaeological mitigation strategy but that, of course, is a matter for the council to determine.

Natural England

21. No objection subject to mitigation being secured.

Dorset Heaths – "The application site is within the vicinity (within 5 km and beyond 400m) of Town Common SSSI which is notified as a Site of Special Scientific Interest (SSSIs) for the special interest of its heathland habitats and associated plant and animal species. Town Common SSSI is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar.

Natural England's advice to the authority is that the proposal will have a Likely Significant Effect on the European and International wildlife sites arising from the

increase in residential units and hence increase in urban related pressures such as recreational access.

1. It is up to your authority to secure the appropriate level of Heathland Infrastructure Project mitigation contribution reflective of the increase in dwellings through the adopted strategic solutions approach.
 2. It is up to the applicant to provide a Strategic Access Management and Monitoring contribution reflective of the increase in dwellings through the adopted strategic solutions approach.
22. If your authority is unable to secure either of these mitigation measures please re-consult Natural England as our advice is likely to be amended to an Objection. Natural England advise your authority to undertake an Appropriate Assessment of the application under Reg 63”.
23. **Biodiversity Requirements** - "Natural England note the submission of a Certificate of Approval dated 10.06.19 from the DC NET. In this case, providing the submitted Biodiversity Mitigation and Enhancement Plan, and its implementation in full, is secured through a condition as part of the grant of planning permission, Natural England agree with the opinion of the Natural Environment Team of Dorset Council that the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.”

Wessex Water

24. “On further assessment we believe the 300mm public rising main sewer is not in the location detailed on our records. As a cautionary note we recommend that trial holes are undertaken before commencing works on site to confirm that the main is not as indicated on our records. We are satisfied to remove our objection.”

BCP Highways

Commented as follows;

25. “The existing use is as a car park (42 spaces) providing staff and customer parking for adjacent commercial uses. This is a privately managed car park and therefore it is within the control of the applicant to close the car park to the public at any time. The applicant has submitted additional parking information advising that recent renewal leases for adjacent commercial uses have not included car parking.
26. 11 car parking spaces are proposed. The proposed 8 flats will have access to 1 car parking space each which meets Council parking guidelines. For the commercial uses this is a town centre location which has good access to alternative public car parks and there are good sustainable transport links. These

would all be appropriate for staff and customer use. In town centre locations customers often carry out linked trips to other town centres commercial uses and therefore specific car parking is not always required adjacent to a new unit. In such sustainable locations staff should be encouraged to use sustainable transport links rather than free car parking being provided which can encourage car use for commuter trips. The proposed car parking levels in this Town Centre sustainable location are therefore considered acceptable and the loss of the existing on-site car parking is not objected to.

27. It is noted that on 2 previous similar schemes on this site which proposed similar significant reductions in the existing on site car parking provision no highway objection refusal reasons formed part of the refusal decision. Again a main consideration in those schemes was the sustainable location of the site.
28. The existing car park does currently provide an access route for servicing the rear of existing commercial units and the new route through the proposed car park will provide a new route for bin storage, access to the rear of these existing shops, loading and unloading area for the new retail unit and access to the undercroft parking. Any blocking of this internal access route with long term parking or external storage could lead to servicing issues and increased likelihood of vehicles having to reverse out of the site onto the busy main road. Therefore, for the avoidance of doubt I would wish to see the dark shaded access route/manoeuvring area within the site conditioned as being kept clear of parking and obstructions at all times - to only be used for pedestrian, bicycle or vehicle manoeuvring or loading/unloading of vehicles.
29. I would have preferred to see widening of the Sopers Lane footway incorporated into the scheme but this appears difficult to achieve due to land level differences. The plans do however show a route behind this wall which will assist with pedestrian movement.
30. The planting shown behind the retaining wall along the Sopers Lane boundary must be of a species that does not encroach over that wall otherwise driver and pedestrian visibility at the car park exit maybe compromised. The wall should also be kept at a low height adjacent to the car park exit. Confirm the planting species/maximum height or remove/relocate the planting.
31. An additional permanent bollard should be located between the end of the retaining wall and the existing concrete bollard to ensure no vehicles access the new retail unit forecourt.
32. Defer for amended plans to address the above comments. The Highway Authority would then be in a position to support the proposal subject to conditions:
 - Parking to be made available prior to occupation of any residential unit
 - The access road manoeuvring area (as indicated on the plans) to be kept free of obstruction at all times."

BCP Environmental Health

33. We have no comments on this application

BCP Conservation Officer

Commented as follows;

34. "The site is located in a slightly sensitive location being on a prominent corner position on approach to the town centre and within the Christchurch Central Conservation area. The site is currently something of a gap site, used for car parking. In the 2016 appeal decision the inspector noted the site contributes little to the character and appearance of the 'gateway' at the northern end of the High Street.
35. This application is an opportunity to enhance the contribution of this site to the character and appearance of the conservation area. The current scheme is considered to represent an improvement on the appeal scheme in terms of the general design and bulk of the frontage building. It does however change the layout/detail of the part adjacent to the side/rearward section of the former Fountain Hotel, and also introduces two additional buildings.
36. This application represents an opportunity to enhance this site; subject to the amendments to the layout/design detail suggested, along with appropriate boundary treatment & landscaping, the proposal is deemed to comply with section 16 of the NPPF, policies HE1 & HE2 of the Christchurch & East Dorset Core Strategy & 'saved' policies H12 & BE4 of the Christchurch Borough Local Plan.
37. Amended Plans were received on 30 September and the following **Conservation comments** have been received;
38. "A number of areas for amendment and clarification were raised in my original feedback. Looking at the revised layout, design detail and boundary treatment, the revisions have addressed concerns and make for a more positive scheme.
39. Some additional planting has been included which is positive, but I still can't see a landscaping plan. I consider it would be a lost opportunity if the area of hard standing (enclosed by concrete bollards) adjacent to the roundabout, wasn't improved with some new surfacing and additional planting. It may be possible to deal with this by condition.
40. The success of this development will in part lie in the quality of the detailed finish and materials. If the case officer (or committee) is minded to approve the application I would recommend conditions to ensure satisfactory agreement of the following:
- Prior approval of the external finishes of the buildings, including bricks, tiles (including ridge tiles & coping stones [car port/coach house]), windows, rooflights, doors (including to bin store & coach house), balcony screens, architectural

components of the main building including rafter feet to eaves, fascias to gables and the fascia/banding above the ground floor windows/doors.

- Prior approval of the brick for the boundary walling (new walling and extension of existing walling), along with an elevation drawing to confirm the detailed appearance.

- A landscaping plan to show the location and type of planting, and the materials/appearance of the surfacing across the site”.

41. Christchurch Town Council

OBJECTION on the grounds of:

1. Disturbance of archaeological remains contrary to Policy HE1 of the Local Plan and the observed findings from the applicant’s own consultants and submission details. That if a condition can overcome the objection that the condition is bespoke to the site given the age of the archaeological report and the sensitive location next to a Scheduled Ancient Monument;
2. Loss of car parking for current business concerns thereby re-locating the parked cars onto the highway network contrary to the supporting text to Policy KS12 of the Core Strategy. When considered against no provision for replacement parking either on the proposed site location, or within the vicinity contrary to saved Policy P5 of the Christchurch Borough Council Local Plan, the application does not provide for a sustainable parking solution; and
3. Inappropriate large building unsympathetic to the street scene and setting of the conservation area contrary to HE1 and HE2 and saved policy BE4.

Constraints

- Conservation Area
- Scheduled Monuments
- Heathland 5km Consultation Area
- Coastal Area (Policy)
- Primary Shopping Area
- Town Centre Boundary
- Wessex Water Sewer Flooding

Site and Surroundings

42. The application site lies in a prominent corner position in the CCCA adjacent to the busy Fountain Island roundabout. The site is appreciated from a number of viewpoints by both pedestrians and people travelling along the roads. It lies on

the edge of the town centre and opposite New Zealand Gardens and the Barrack Road recreational ground.

43. The Conservation Area Appraisal states; *'The Barrack Road entry route to the town forms one of the important gateways to Christchurch. From this direction, the first glimpses of the Priory tower are seen within the context of the heavily mature tree lined gardens'*. The application site is important in terms of linking the town centre and one of the main routes into the town. The car park lies close to the Citizens Advice Bureau building (former Telephone Exchange) in Queen Anne Revival style with cast iron area railings which is considered to make a positive contribution to the character and appearance of the Conservation Area. To the south of the site lies a scheduled monument 'Site of Town Walls in, and E of, Druitt gardens'.
44. The site is currently used as a private car park and as the Inspector noted in the previous appeal decision (para. 13), the site "currently contributes little to the character and appearance of the 'gateway' at the northern end of the High Street". This 'gap' in the street provides views to the rear of the premises in the High Street and the open area for the public car park to the east of the site.
45. The site is within the Town Centre Boundary and Policy CH1 of the Christchurch Town Centre Vision identifies that future growth and development will be based around promoting the town centre as a place to shop, participate in leisure activities, enjoy culture, access key services, and enjoy good food and drink. The site is also within the Primary Shopping Area but just outside the primary shopping frontage.

Planning Assessment

Principle of development

46. The site lies within the urban area and in a sustainable location where policy KS2 permits residential development and a mix of other uses.
47. Since the publication of the Housing Delivery Test in February the Council does not have a five year housing land supply (4.77 years with a 20% buffer) and therefore this scheme would make a contribution to the housing provision in the district. The NPPF, in paragraph 11 states there is a presumption of sustainable development should be allowed without delay. Given the current lack of housing supply, the current Local Plan is technically out of date; however, given the site's position within the Conservation Area the presumption in favour of sustainable development does not apply.
48. This proposal, whilst only making a small contribution to the housing supply, would offer the provision of 8 residential units within a sustainable area. Para 68 of the NPPF states;

'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;

49. In addition, the NPPF contains a chapter on making effective use of land. In paragraph 118 this advises that planning policies and decisions should;

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure.”

50. This site falls within the urban area of Christchurch, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. Policy CH3 states that within primary shopping area, retail development will be concentrated. The current proposal provides for 55 sqm of commercial space for A1, A2 or A3 purposes. The flexible space at ground floor level will ensure that provision is made to protect the viability and vitality of the town centre but providing residential units in this sustainable location encourages a mix of uses and contributes to the activity within the town centre location. Policy CH1 states that high density development will take place alongside the projected requirement for retail to provide a balanced, mixed use environment.
51. The previous Appeal decision was dismissed in relation to the scale and design of the proposed building. However, there were no concerns with the proposed mix of uses on the site raised by the Inspector.
52. With regards to the mix of residential accommodation proposed, the provision of 1 and 2 bed flats within the town centre is considered to be acceptable. The Strategic Housing Market Assessment 2015 suggests that in the market housing sector there is a 20% need for flats in the Christchurch area and a greater need for 2 and 3 bedroom properties. This scheme although not providing 2 and 3 bedroom houses does provide flats within an urban location where flats are more prevalent and can be accommodated more efficiently than houses on this site. The size of the units being between 50sqm and 65sqm for the 1 bed flats and between 72sqm and 91sqm for the 2 bed flats exceeds the Government's Housing Quality Indicators. It is considered the proposal complies with policy LN1 of the Local Plan.

Layout, scale, form and design

53. The proposed building is 2 ½ storey in height with the third level of accommodation within the roofspace being served by dormer windows and rooflights. The height and form of the proposed buildings reflect the scale of the surrounding buildings. The High Street elevation has clearly drawn on the adjacent buildings for inspiration with the inclusion of gables and also the addition of two chimneys. The adjacent buildings are identified in the Council's adopted

Conservation Area Appraisal as contributing positively to the character of the Conservation Area.

54. The siting of the main building and car port on the southern boundary respects the strong building line on Sopers Lane and the building is set back from the front elevation of No 1 High Street. This positioning ensures the development is not competing with the strong facades of the former Fountain Hotel. Critically the scheme represents good urban design in providing an active frontage and an attractive building at this otherwise dead frontage at a key gateway into the town centre. The addition of the coach house and car port on the site is considered to be acceptable. The revisions from the earlier appeal application (para.13) to the height and detailing on the coach house, provide for a more traditional appearance and it would be viewed as a subservient outbuilding to the main building at the front of the site.
55. The previous Appeal decision concluded that the scheme harmed the character and appearance of the Conservation Area. The development the subject of that proposal was three storeys in height and was a considerably bulkier building and more dominant than the current scheme. The proposed buildings have greater detail and are more reflective of the character and scale of the neighbouring buildings. The Inspector also referred to the elevational details and the amount of unrelieved brickwork and number of 'false' windows used to provide symmetry to the building.
56. This proposal has responded to the Inspector's decision and has a better brick to opening ratio. The roof form and eaves height has enabled the building to appear less dominant and from the High Street, the development is set back, ensuring the western façade of 1 High Street can still be 'read' in the street scene of this key gateway location. Materials include brick, timber boarding and clay tiles. These are consistent with the vernacular materials used in historic buildings within the town centre.
57. Policy LN2 states that the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality. The policy allows for high density developments within town centres and this scheme has a density of 70dph. This density, given the provision of flats and its urban location is considered to be acceptable and complies with the requirements within the NPPF to make effective use of land as including the advice to make as much use as possible of previously-developed land. The two main buildings and the car port will no doubt introduce a significant amount of built form on the site; however, this is considered to be appropriate for this town centre location.
58. The proposed soft and hard landscaping on the site is important. The existing brick wall along part of the Sopers Lane frontage would be retained, ensuring a separation between the public and private space. The site will be more open facing onto the High Street which is appropriate for the front of the commercial premises, allowing for outdoor seating if the future use is A3. Some soft

landscaping would be introduced onto the site behind the boundary wall, adjacent to the car port and a new tree is proposed within the southern corner. Specific details of the hard surfacing can be secured by condition.

59. There are trees adjacent to the southern boundary and these would be protected by the Conservation Area designation, although they are not covered by a Tree Preservation Order. They are modest trees but do provide some amenity value in this hard landscaped setting. The siting of the car port is unlikely to affect their roots given the existing hard surfacing on the site; however, some pruning may be required. It is considered appropriate to include an informative note highlighting the potential impact on the trees and the need for an application if pruning work is required.

Impact on Heritage Assets

60. Currently the open nature of the site and the resulting views of the rear of buildings in the High Street and the blank rear wall of the Marks and Spencer building does not make a positive contribution to the Conservation Area. This development would introduce built form into this gap creating a positive frontage on Sopers Lane. The coach house will partially screen the unsympathetic wall of Marks and Spencer. As noted above this represents good urban design, providing significant social, economic and environmental benefits against the existing open car park.
61. This development is not considered to significantly impact on any views of the Priory from within or outside of the Conservation Area. The proposed scheme has been revised to respond to the consultation response from the Conservation Officer in terms of the siting of the buildings and the proposed detailing. It is now considered that the proposed development would result in a considerable benefit to the character and appearance of the Conservation Area over the existing car park and the scheme would make a positive contribution to this historic setting.
62. It is clear that the site has high archaeological potential. Historic England has confirmed that the development has the potential to impact on significant archaeological deposits. The Archaeological report submitted with the application states; *“The evidence suggests there is a high potential for significant archaeological deposits and features to be present within the proposed development area. Features and deposits were encountered in all three of the areas tested by the project at a depth of approximately 0.45m below the present ground surface As the proposed development foundations are to a proposed depth of 600mm below the present ground surface it is anticipated that, depending on the scope and extent of the development groundworks, development of the site has the potential to disturb surviving archaeological deposits.”*
63. Following the consultation response from the Dorset Councils Archaeologist, it is considered acceptable to condition the requirement for a programme of archaeological work to include fieldwork and post-excavation work and the

publication of the results. Historic England, although raising concerns have stated that a condition could be acceptable in order to secure a robust archaeological mitigation strategy. It is therefore considered that there is adequate mitigation secured by this in respect of the archaeological significance of the site.

64. Overall the proposals will result in less than substantial harm to the heritage assets on the site. The NPPF advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the scheme is considered to provide substantial environmental, social and economic benefits including the provision of housing in a sustainable location, providing commercial floorspace and introducing appropriate built form into an important site within a historic setting; which benefit the character and appearance of the Conservation Area and any impacts on archaeology can be successfully mitigated by condition. In this instance, the public benefits of the scheme considerably outweigh any impacts to the heritage assets and thereby comply with the guidance in the NPPF.

Impact on Residential Amenity

65. There are 6 residential units at first and second floor level at 1 High Street which have views to the rear across the application site. There is also access to these flats from the site via an external staircase. The main building is not sited directly to the rear of these units. There are windows at first and second floor level within the south east elevation. However, given the angles there would be no direct views into the rear of 1-3 High Street. The first floor openings on the front of the coach house do face into the site; however there is 11.8 and 16 metres between the buildings (measurements taken at position of the 2 first floor openings on coach house). This is considered reasonable bearing in mind the town centre location.
66. There would be a degree of mutual overlooking between the windows at the rear of the main building and those on the coach house. This built relationship is not considered to result in harmful levels of overlooking or a significant loss of privacy. The space between the buildings is communal and access to the parking and therefore will experience a certain level of activity. This arrangement is considered to be acceptable in a town centre location and future residents will be fully aware of the layout. There is no private amenity spaces for the future occupiers. However, the site lies opposite green open space and is within close proximity to Drutt Gardens and the riverside.
67. The site plan shows there would continue to be access to the external stairs to the flats above 1-3 High Street which is through the car parking area.

Parking and Access arrangements

68. The proposal involves the loss of a private car park which currently provides 42 spaces for staff and customers at shops 1-3 The Fountain, residents of flats at

The Fountain, local businesses and trade/landlord spaces. The information submitted as part of the application states that commercial tenants have been aware of the potential re-development of the site since 2006 and parking has not been included in the renewal of leases. Concerns have been raised in the representations about the loss of parking and the cumulative impact of the loss of parking on the Police Site on the opposite side of Fountain roundabout and its impact on parking capacity in the town centre.

69. However, given that this is a private car park, the Council do not have any control over its continued use for parking purposes. The site is within a highly sustainable location, with access to other modes of transport including buses and trains. Therefore, its loss is not considered to be a significant constraint on this development being approved.
70. The proposal is for 11 car parking spaces within the car port and in the undercroft parking area of the coach house. These would serve the 1 and 2 bed residential units and the commercial space. The Residential Parking Guidelines advises a provision of 8 spaces for the flats. Therefore, the 11 spaces is considered to be sufficient for the residential units and the commercial space. Given the town centre location, this provision complies with the Council's adopted guidelines for the area. Bike storage areas would be provided to the rear of the main building and also at the end of the coach house.
71. The layout provides sufficient space for vehicles to manoeuvre within the site and the existing access point to the car park would be utilised. Comments have referred to the increase in traffic from the development; however, the movements associated with the proposal are not considered to be significantly greater than those from the existing car park and clearly would not fail the test in the NPPF of having residual cumulative impacts on the road network which would be severe. Bin storage compounds within the building would be provided and whilst it is likely future residents would need to bring the bins to the kerbside, there is sufficient space to do this.

Biodiversity and Heathland

72. A Biodiversity survey has been undertaken on the site and this has informed the Biodiversity Mitigation and Enhancement Plan (BMEP). The site is considered to have low ecological value given the hard surfacing on the site and the lack of buildings. However, a number of enhancements have been suggested to improve the ecological value including the provision of bat access tiles, sparrow nest box, bee bricks and the planting of fruit trees. The BMEP has been approved by the Natural Environment Team at Dorset Councils and should be conditioned within any planning permission.
73. The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation

measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

74. The appropriate assessment has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents. When there is a completed legal agreement the proposal will be wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents: Dorset Heathlands Planning Framework SPD.
75. The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
76. The current application is currently not accompanied by a completed unilateral undertaking which should secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. However, the applicant has confirmed that they are willing to enter into such an agreement. This contribution does not relate to the provision of infrastructure so it is not subject to pooling restrictions, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With this mitigation secured, the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

Summary

77. The scheme provides considerable benefits in developing an open car park which detracts from the character and appearance of the Conservation Area. The current scheme has responded to the pattern of development, design of buildings and the overall character and appearance of the Conservation Area and now proposes a sustainable form of development which will have a positive effect on this part of the town centre. It is considered that the proposal has overcome the previous reasons for refusal and the Inspectors decision to dismiss the appeal.

Planning Balance

78. The council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the creation of much needed housing.
79. The Council does not have a five year housing land supply and as such the Local Plan policies are technically out of date. However, given the Conservation Area status, careful consideration must be given to the impact of the proposal on the heritage assets. For the reasons above, the proposed layout and design of the scheme is considered to positively benefit the character and appearance of the Conservation Area. Furthermore, whilst the tilted balance is not engaged in this instance, there is nonetheless substantial weight given to housing delivery in a highly sustainable location within the town centre along with the economic benefits of the commercial space.
80. The loss of the private car park is given very limited weight as its ongoing provision is beyond the Council's control and no objections were raised to its loss by the earlier Inspector. The impacts of the development on the archaeological significance of the site can be protected via condition and a mitigation strategy. and as all other matters are considered to be acceptable, it is considered the social benefits of providing 8 flats in this sustainable location that would make a contribution to the housing supply ensure this proposal is acceptable in economic, social and environmental terms.
81. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

RECOMMENDATION

A) GRANT permission with the following conditions, which are subject to alteration/addition by the head of planning services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms:

SAMM Strategic Access Management and Monitoring Contribution - the sum of one thousand four hundred and thirty two (£1,432) Pounds Index Linked to be paid by the Owner towards Strategic Access Management and Monitoring which avoid or mitigate against any adverse effect on the Dorset Heathlands in accordance with the Dorset Heathlands Planning Framework SPD 2015-2020

and

B) if the section 106 legal agreement in recommendation A) above is not completed by 31 January 2020, the application be refused due to the detrimental impacts of the scheme on the integrity of the protected heathlands

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

ASP.18.126.001 A Block and Location Plan
ASP.18.126.200 A Proposed Elevations - Coach House
ASP.18.126.002 A Proposed Site Plan
ASP.18.126.100 A Proposed Plans - Coach House
ASP.18.126.101 A Proposed Plans
ASP.18.126.002 A Proposed Second floor Plans
ASP.18.126.201 A Proposed Elevations
ASP.18.126.202 A Proposed Elevations
ASP.18.126.203 A Proposed Car Port
ASP.18.126.300 A Proposed Street Scene

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

3. Prior to commencement of development above the Damp Proof Course (DPC), details and samples of all external facing and roofing materials (including bricks, tiles (including ridge tiles & coping stones [car port/coach house]), windows, rooflights, doors (including to bin store & coach house), balcony screens, architectural components of the main building including rafter feet to eaves, fascias to gables and the fascia/banding above the ground floor windows/doors) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure satisfactory visual relationship of the new development to the adjacent buildings and to preserve the character and appearance of the Conservation Area.

4. Prior to any works on the boundary walls, details of the brick for the boundary walling (new walling and extension of existing walling) including an elevation drawing to confirm the detailed appearance shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure satisfactory visual relationship of the new development to the adjacent buildings and to preserve the character and appearance of the Conservation Area.

5. Prior to commencement of development above the Damp Proof Course (DPC), full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include boundary treatments, hard surfacing materials and planting specifications (species, position and numbers/densities). The hard landscaping details shall include the provision of and additional permanent bollard to be located between the end of the retaining wall and the existing concrete bollard to ensure no vehicles access the new retail unit forecourt.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to occupation of development in order to ensure the implementation of the scheme is carried out in accordance with the approved plans.

7. No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To ensure the significance of the archaeological potential of the site is protected and recorded.

8. Before the development hereby approved is occupied or utilised the turning, manoeuvring and parking shown on Drawing Number ASP.18.126.002 A must have been constructed. 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.

9. The development hereby approved must be carried out in accordance with the approved Biodiversity Mitigation Plan signed and dated 10 June 2019 unless otherwise agreed in writing by the Local Planning Authority.

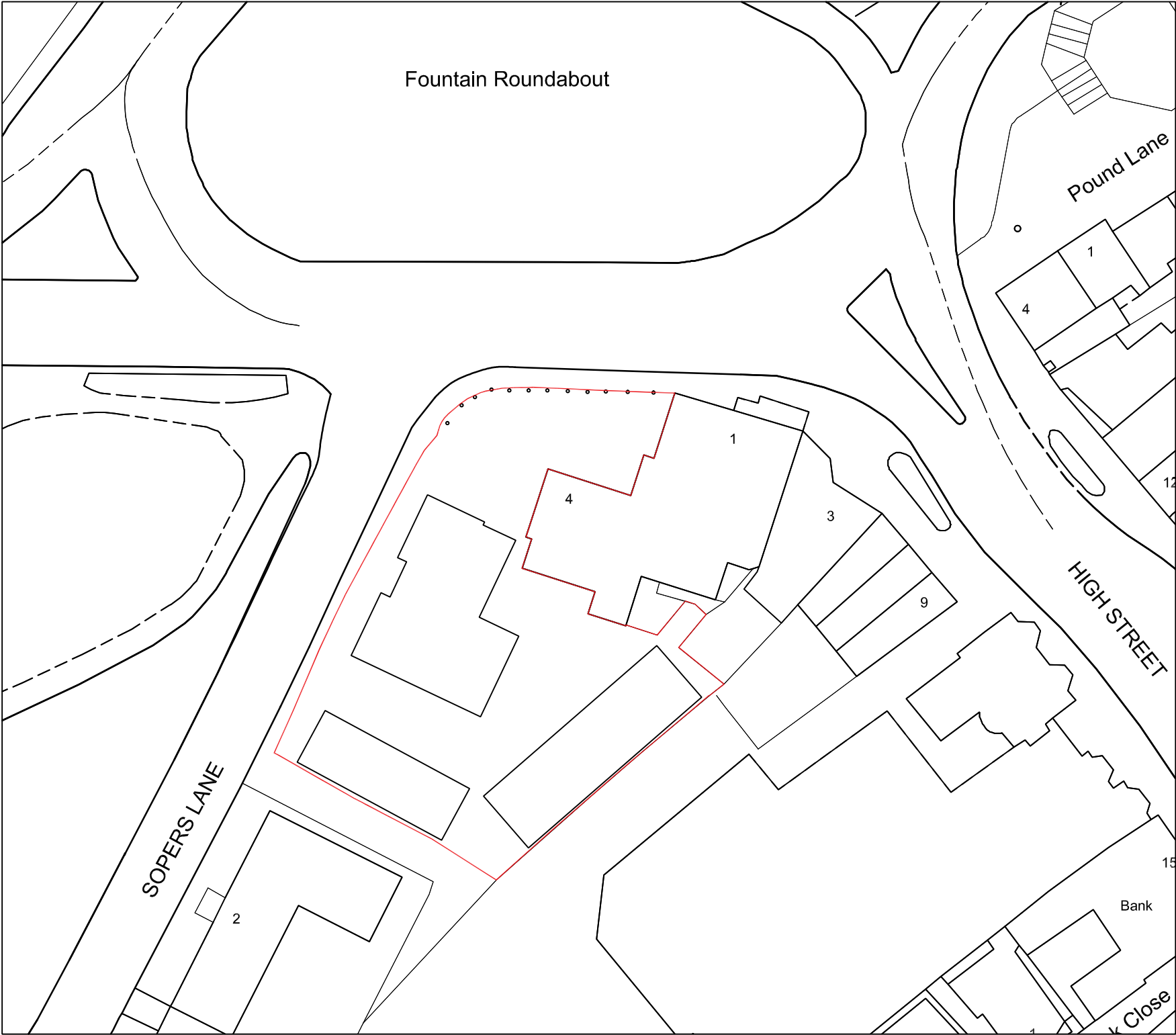
Reason: To ensure protected species are not harmed during construction and their habitats are protected during and post the construction phase.

Informatives

1. The applicant needs to provide a unilateral undertaking to agree to pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2015-2020 - Supplementary Planning Document (SPD) at the relevant time.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
3. Construction of the car port is likely to impact on the adjacent trees growing on neighbouring land. This in turn can affect the long term health of the tree. You should consider obtaining independent arboricultural advice in order to identify and implement means of construction that minimises harm to these trees.

Background Papers

82. None



Block Plan (1:500)
Ordnance Survey, (c) Crown
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Location Plan (1:1250)
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 4. Lower ground construction/ retaining structure to be structural engineers design.
 5. Electrical layouts to be agreed with client & added to drawing
 6. Drawings to be read in conjunction with specification.

A 25/09/19 Amendments to Site Layout and proposals			CW	MS
Rev	Date	Description	By	PM


REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:

1 High Street, Christchurch
Block and Location Plan

Scale @ A3:1:500, 1:1250 Date : 30/11/18	Drawn by : CW Checked by : MS	
DRAWING No: ASP.18.126.001		REVISION: A

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A 25/09/19 Amendments to Site Layout and proposals
 Rev Date Description
 REVISIONS:

PROJECT STAGE: PLANNING
CLIENT:
 Mr Brown

PROJECT & DRAWING TITLE:
 1 High Street, Christchurch
 Proposed Site Plan
Scale & A3: 1:200 **Drawn by:** CW **Checked by:** MS
Date: 10/04/19
DRAWING No: ASP.18.126.002
REVISION: A
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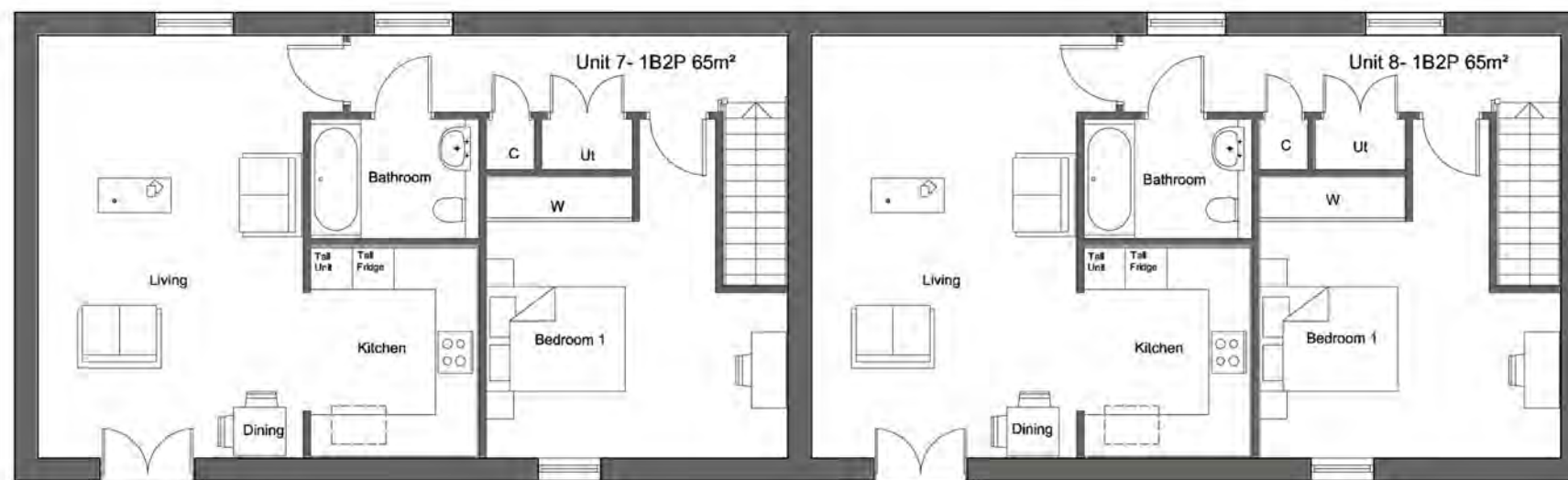
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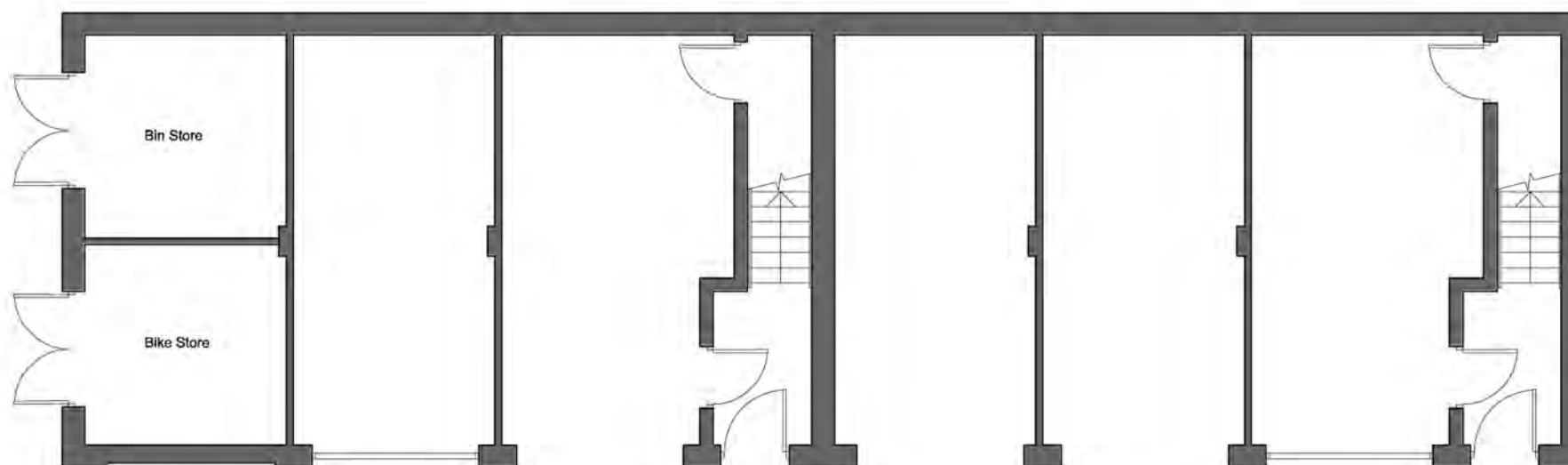
Proposed Site Plan 1:200
 0 20m



Roof Plan 1:100



First Floor Plan 1:100



Ground Floor Plan 1:100

Proposed Plans 1:100



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6. Drawings to be read in conjunction with specification.

A - 25/05/23 Minor amendments to BTP
Rev Date Description

EW 05
19 PM

REVISIONS:

PROJECT STAGE: **PLANNING**

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:

1 High Street, Christchurch
Proposed Plans - coach house

Scale: A3: 1:100	Drawn by: JWP	REVISION: A
Date: 26/05/23	Checked by: MS	
DRAWING No: ASP.18.126.100		

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5. Electrical layout to be agreed with owner & before so drawing.
6. Drawings to be read in conjunction with specifications.



A horizontal scale bar with alternating black and white segments. It is labeled '0' at the left end and '10m' at the right end.

REVISIONS:

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:

1 High Street, Christchurch
Proposed Plans

Scale @ A3:1:100 Drawn by : EWP
Date : 15/05/2010 Checked by : ME

DRAWING No: ASP.18.126.101	REVISION:
-------------------------------	-----------

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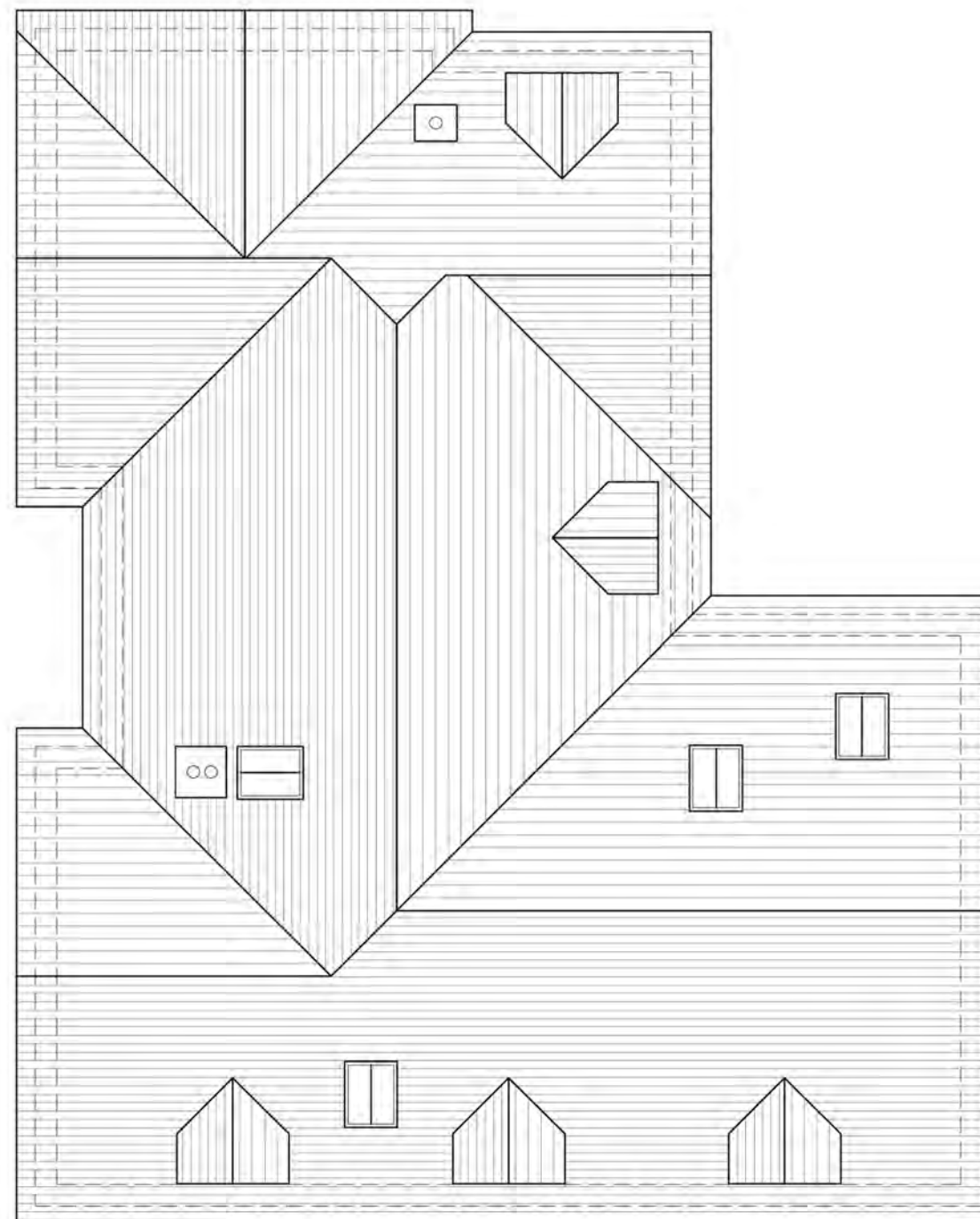
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Second Floor Plan 1:100



Roof Plan 1:100

7. 15/09/2018 Amendments to existing footprint and proposals
Rev Date Description
REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:
1 High Street, Christchurch
Proposed Plans

Scale @ A3: 1:50	Drawn by: CW	REVISION: A
Date 16/09/2018	Checked by: MS	
DRAWING No: ASP.18.126.102		

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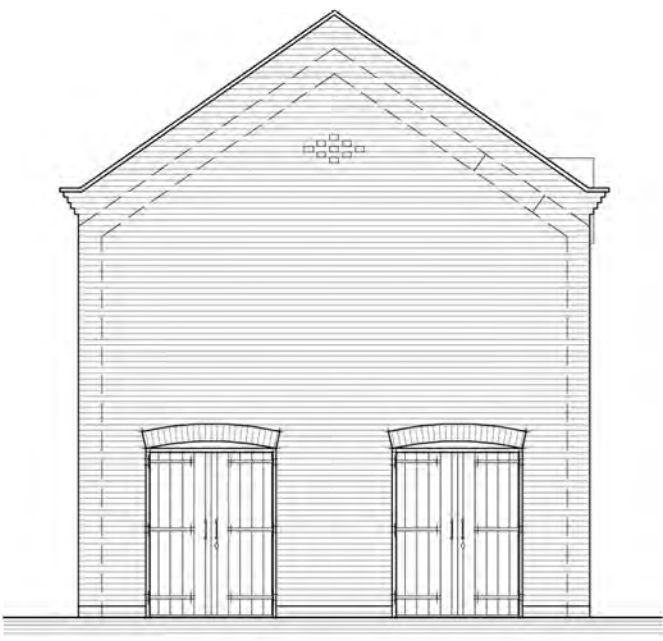
Proposed Plans 1:100

0 10m

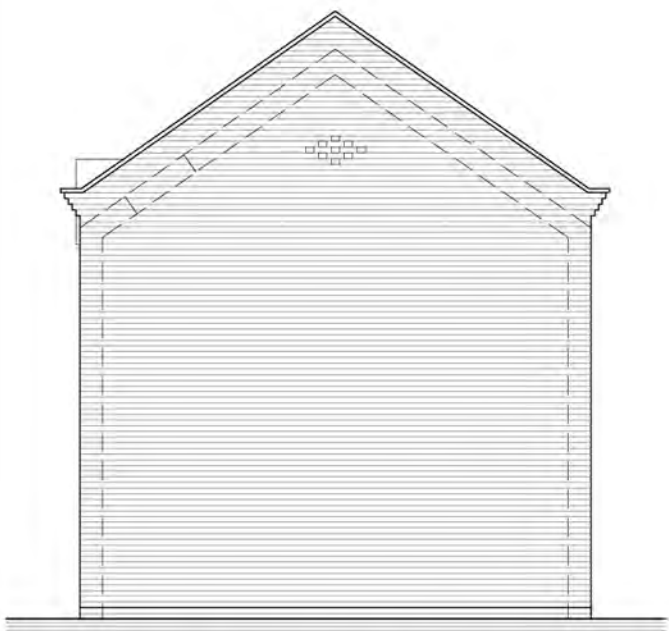
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Front (North West) Elevation 1:100



Side (North East) Elevation 1:100



Side (South West) Elevation 1:100



Front (South East) Elevation 1:100

Rev	Date	Description	By	PM
A	26/05/19	Amendments to 3D Layout and Elevation design	CW	MS

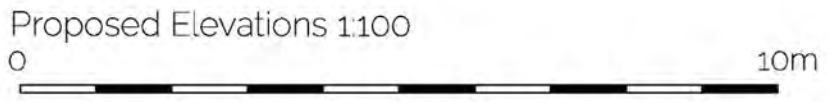
PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:			
1 High Street, Christchurch Proposed Elevations- Coach House			
Scale @ A3: 1:100	Drawn by: CW		
Date: 26/05/19	Checked by: MS		
DRAWING No: ASP.18.126.200			REVISION: A

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Front (North East) Elevation 1:100



Side (South East) Elevation 1:100

A	25/09/19	Amendments to 5-10 layout and elevational design	CW	MS
Rev	Date	Description	By	PM

REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:		
1 High Street, Christchurch Proposed Elevations		
Scale @ A3: 1:100	Drawn by: CW	
Date: 16/05/19	Checked by: MS	
DRAWING No: ASP 18.126.201		REVISION: A

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Rear (South West) Elevation 1:100



Side (North West) Elevation 1:100

A	25/02/18	Amendments to Site Layout and elevational design	CW	MS
Rev	Date	Description	By	PM

REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:

1 High Street, Christchurch
Proposed Elevations

Scale @ A3: 1:100	Drawn by : CW	
Date : 16/05/18	Checked by : MS	
DRAWING No: ASP.18.126.202	REVISION: A	

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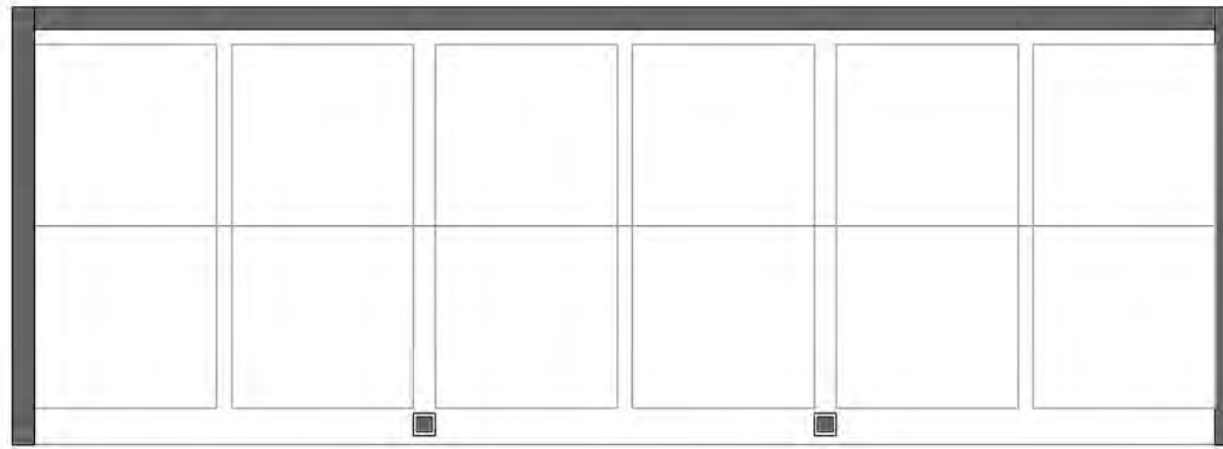
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Proposed Elevations 1:100
0

10m



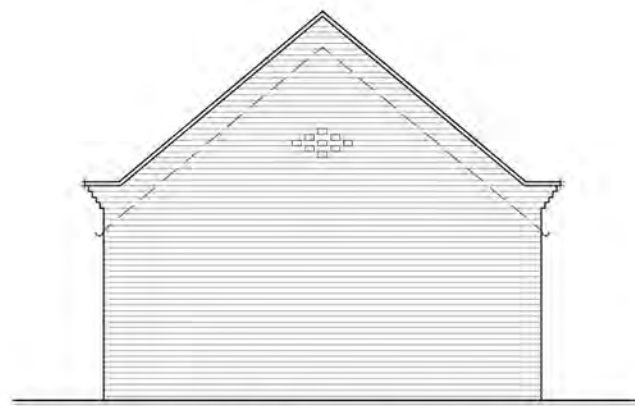
Proposed Car Port- Plan 1:100



Front (North West) Elevation 1:100



Side (North West) Elevation 1:100



Side (South East) Elevation 1:100



Rear (South West) Elevation 1:100

Proposed Car Port 1:100



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15/03/19 Amendments to Site layout and elevational design. CW MS
Rev Date Description
1 07/05/19

REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:
Mr Brown

PROJECT & DRAWING TITLE:

1 High Street, Christchurch
Proposed Car Port

Scale: A3: 1:100	Drawn by: CW	REVISION: A
Date: 07/05/19	Checked by: MS	
DRAWING No: ASP-18-126-203		

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Proposed Street Scene from Sopers Lane



Proposed Street Scene from the High Street

A	11/07/19	Additional context added	PS	CW
Rev	Date	Description	By	PM

REVISIONS:

PROJECT STAGE: PLANNING

CLIENT:

Mr Brown

PROJECT & DRAWING TITLE:		
The Fountain Car Park, 1 High Street Christchurch		
Proposed Street Scenes		
Scale @ A3: 1:100	Drawn by : CW	REVISION:
Date : 05/07/19	Checked by : MS	
DRAWING No:	ASP.18.126.300	A

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