

PLANNING COMMITTEE



Application Address	Christchurch Police Station Barrack Road Christchurch BH23 1PN
Proposal	Erection of 131 residential dwellings, 39 units of age-restricted sheltered accommodation (C3), and 612 m2 of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes), new road between Bargates and Barrack Road, new vehicular access from Barrack Road (to serve sheltered accommodation only), new private and semi-private gardens, public open space, hard and soft landscaping, surface vehicular parking and residential garages, following the demolition of the Police Station and Magistrates' Court, nos. 23 and 41 Barrack Road, former Goose and Timber public house, and ancillary buildings and structures.
Application Number	8/18/3264/DCONS
Applicant	Aster Homes Ltd
Agent	Savills
Date Application Valid	27 November 2018
Decision Due Date	22 January 2019
Extension of Time Date (if applicable)	
Ward	Town Centre - pre May 2019
Report status	Public
Meeting date	20 February 2020
Recommendation	Approve subject to conditions
Reason for Referral to Planning Committee	Linked to the Full Application 8/18/3263
Case Officer	Sophie Mawdsley

Description of Development

1. Erection of 130 residential dwellings, 39 units of age-restricted sheltered accommodation (C3), and 612 m2 of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes), new road between Bargates and Barrack Road, new vehicular access from Barrack Road (to serve sheltered accommodation only), new private and semi-private gardens, public open space, hard and soft landscaping, surface vehicular parking and residential garages, following the demolition of the Police Station and Magistrates' Court, nos. 23 and 41 Barrack Road, former Goose and Timber public house, and ancillary buildings and structures.
2. This application specifically relates to the demolition of the buildings within the Conservation Area. The only building within the site which is also within the Conservation Area and will be demolished as part of the development is a single storey building to the west of the Pit Site car park entrance of Barrack Road. This flat roof and painted brick is of no architectural merit and actively detracts from the character and appearance of the Conservation Area.
3. This report will deal only with the demolition of buildings in the Conservation Area in the south east corner of the site. However, it must be read in conjunction with the Committee report for the Full Application for the redevelopment of the site.

Key Issues

4. Impact on character and appearance of Conservation Area

Planning Policies

5. In accordance with Section 70(2) of the Town & Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan

6. The site is identified in the Christchurch and East Dorset Local Plan – Part 1 Core Strategy (April 2014) as a Town Centre Strategic Site under Policy CH1 (Christchurch Town Centre Vision). The Local Plan was formally adopted in 2014 having been found sound by a Planning Inspector and is the development plan for the district. As a recent document it has substantial weight, and has established the principle of the redevelopment on the site.

7. Other relevant policies from the Development Plan

KS1: Presumption in favour of Sustainable Development

KS2: Settlement Hierarchy

HE1: Valuing and Conserving our Historic Environment

HE2: Design of new development

HE3: Landscape Quality

H12: Infill development

BE15: Setting of listed buildings

Supplementary Planning Documents and other evidence

8. Christchurch Magistrates Court Site Development Brief (November 2003)

Character Assessment

Conservation Area Appraisal

9. The Development and Planning Brief prepared for the former Magistrates Court site, police station and adjoining land at Barrack Road and Bargates in Christchurch was adopted in November 2003 and has been available to view on the Council website for a number of years. The Planning Brief provides a framework for landowners and prospective developers to inform and deliver the development of this important site. The former Magistrates Court site has been identified by the (former) borough council as a unique opportunity in the heart of Christchurch for the development of a comprehensive and high quality mixed use scheme.

The National Planning Policy Framework 2019

10. 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 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

11. Section 2 Achieving 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-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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.

Relevant Planning Applications and Appeals

12. None

Representations

13. In addition to letters to neighbouring properties, a site notice was posted outside the site on 03 December 2018 with an expiry date for consultation of 24 December 2019 and an additional site notice erected on 24 January 2019 and with an expiry date of 27 February 2019. A press advert was publicised on 03 December 2018.

14. Following revisions to the proposals, a re-consultation process took place in October and November 2019 for local residents and consultees.

15. 66 letters of objection have been received, 3 petitions with a total of 900 signatures on it (objecting to loss of Pit Site car park and impact on businesses), 10 letters of comment and 5 letters of support.

16. The objections and comments are on the following grounds:

- Congestion of local highway network
- Loss of public car parking spaces
- Insufficient permit holder spaces and long term parking
- Need more parking to support retailers, hotels, restaurants and other commercial enterprises
- Inadequate parking on the site for future residents
- Implications for road safety around the development
- Displacement of parking to residential roads
- Businesses will suffer from staff being unable to park
- Island and pedestrian crossing on Barrack Road result in further congestion and bottlenecks.
- Increased noise and air pollution
- More street light pollution
- Loss of privacy and overlooking
- Loss of outlook for neighbouring dwellings
- Local schools oversubscribed
- Local surgeries/dentists oversubscribed
- No requirement for further retail space

- Lack of green space
- Lack of open space
- Lack of public space
- Overdevelopment and exceeds allocated site in Local Plan
- No up to date Masterplan for site
- No biodiversity net gain
- Loss of 'green lung' to rear of Twynham Avenue and loss of wildlife
- Loss of trees and impact on root protection areas of remaining trees
- Loss of hedgerow
- Buildings too high
- Destroy character of town
- Contaminated land
- Archaeological impacts
- Design not high quality and does not respect surroundings in terms of bulk, scale and height.
- Types of properties not appropriate
- Impact on environment and implications for climate change
- Does not preserve or enhance character of the Conservation Area
- Loss of public house on Barrack Road within the Conservation Area
- Increased flood risk and drainage issues
- Shared ownership not affordable
- Lost opportunity for public or community use on the site
- Wildlife corridor result in antisocial behaviour and tipping
- Requirement for more age restricted properties?

Support

- Create homes close to railway station and on major bus routes
- Impressive scheme and visually enhance area
- Well thought out scheme
- Provide much needed housing
- Site currently is an eye sore
- Science museum would be a great asset to town

Consultations

- BCP Conservation Officer

In order to deliver this estate, sacrifices will be required. One being the older public house called the Goose and Timber. A commercial building that seems to have lost the sense of place that other buildings within the town have managed to retain. They have also maintained or retained their community which is not the case here.

Constraints

- Town Centre Strategic Sites
- Town Centre Boundary
- Conservation Area
- Listed Buildings
- Tree Preservation Order
- SFRA FZ3a 2126
- SFRA FZ2 2126
- Primary Shopping Frontage
- Primary Shopping Area
- SSSI Impact Risk Zone
- Highways Inspected Network
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Contaminated Land - Medium Risk

Planning Assessment

Site and Surroundings

17. The application site lies within the Town Centre of Christchurch and occupies 2.17ha. The majority of the site has been formally occupied by the Magistrates Court, Police Station, Bargates Car Park and the former Goose and Timber pub. The north western section of the site comprises part of the rear gardens of 43 – 47 Barrack Road. This area is characterised by a number of trees and shrubs. There are two existing car parks on the site, Pit Site car park and Bargates car park.

18. Ground levels are generally consistent within the site; however there is an increase of 3 metres from Barrack Road up to the northern part of the site. The site occupies a prominent position adjacent to the busy Fountain roundabout. This locality has a mixed character, including residential dwellings, commercial and retail units along Bargates which is the secondary shopping core, recreation space and New Zealand Gardens.
19. The Conservation Area boundary dissects the site running around the perimeter of the Pit site car park and then along the Barrack Road frontage. It covers the gardens and recreation area opposite the site and part of Magdalen Lane and Riverdale Lane. The Conservation Area Appraisal states; *'The Barrack Road entry route to the town forms one of the most important gateways to Christchurch, From this direction, the first glimpses of the Priory Tower are seen within the context of heavily mature tree lines gardens....The townscape is dominated by open sided views towards Fountain Roundabout. The height and over landscaped nature of this traffic interchange make it particularly prominent'*. The document goes on to say that the openness in the foreground of the Police Station and car park can be unnerving. It identifies that the Pit Site car park significantly weakens the townscape and does not contribute positively to the character of this part of the conservation area.
20. To the east of the application site but outside of the Conservation Area are three Grade II listed buildings. The Former Fusee Watch and Clock Fusee Chain Factory which dates from 1845, No 22 Bargates and No 24 Bargates form the group of heritage assets. Opposite the site on the small traffic island at the junction with the Roundabout is the listed cattle trough and drinking fountain. Beyond this on the north east side of Bargates is Priory Sports, a Grade II listed building. On the southern side of Barrack Road is the Grade II listed Stour Cottage dating from 1830. This building is currently used as a youth and community centre.
21. As the Design and Access Statement states; The area is characterised by low and medium rise development with the prevailing building height of 2 -3 metres, with a number of buildings creating the equivalent of modern 4 storeys due to more substantial floor to ceiling heights;. Bargates has a tight knit pattern of development with a mix of building styles but it has a coherent and strong sense of enclosure along the street. Barrack Road, has a more spacious character but still a strong development pattern, especially along Twynham Avenue to the north east of the application site which is characterised by predominantly detached two storey residential properties. There have been some larger buildings and block of flats developed towards the junction with Stour Road.

Key Issues

Heritage Assets

22. Local Plan Policy HE1 (Valuing and Conserving our Historic Environment) sets out that heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment. The significance of all heritage assets and their settings (both designated and non-designated) will be protected and enhanced especially elements of the historic environment which contribute to the distinct identity of Christchurch. The Conservation Area boundary includes the Pit Site car park, a small flat roof single storey building and the front boundary with Barrack Road. However, clearly the site has a significant impact on the wider setting of the Conservation Area.

23. The Christchurch Central Conservation Area Appraisal and Management Plan was adopted by the council in September 2005. The Pit Site Car Park and Magistrates Court Site is identified as a development opportunity site:-

'The Magistrates Court Site Development Brief prepared by Christchurch Borough Council outlines in detail the aspirations for this site. Comprehensive development of this site in line with the development brief would enhance the street scene and tighten the, at present, loose townscape. It would also help knit the fabric of the town back together by improving the visual and physical links between Bargates and the High Street. This would have significant enhancement potential for the conservation area and its important boundary with Bargates'.

The adopted Development Brief does not identify the buildings on the site within the Conservation Area for retention or as being of Townscape Merit as part of the proposals.

24. Paragraph 192 of the NPPF states; *"In determining applications, local planning authorities should take account of...*

c) the desirability of new development making a positive contribution to local character and distinctiveness."

25. In addition, from para. 200 the NPPF advises;

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance."

26. The painted brick and flat roof building which will be demolished as part of the proposals is of no architectural merit. It is not identified as a positive contributor to the Conservation Area in the Council's adopted Conservation Area Appraisal Designations Map. On the Management Issues map the site is identified as a development opportunity. Its redevelopment with a well-designed scheme offers

the opportunity to provide a considerable benefit to the character and appearance of the Conservation Area and its setting.

27. The loss of this building would result in substantial public benefits that outweigh the removal of this building. By re-developing this site and creating much needed housing and in particular a proportion of affordable housing as well as attracting investment into the town with the commercial premises it is considered the loss of the building is wholly justified.
28. A statutory duty exists under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') for the local planning authority in considering whether to grant planning permission for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
29. The proposed positioning of buildings fronting Barrack Road and Fountain roundabout are considered to enhance the character and appearance of the Conservation Area. Currently, the site is dominated by unsympathetic hard surfacing and parking. The Conservation Area Appraisal states; '*Views north out of the conservation area are poor with the police station having a negative impact and electricity pylons forming the backdrop. The Pit Site car park to the corner of Barrack Road, Fountains Way and Bargates significantly weakens the townscape and does not contribute positively to the character of this part of the conservation area*'.
30. The loss of this building will facilitate the redevelopment of this strategic site and provide a positive frontage on one of the main routes into Christchurch town centre.

Planning Balance

31. It is considered that the demolition of the non-descript flat roof building within the Central Christchurch Conservation Area is acceptable as it actively detracts from the character of the Conservation Area. The public benefits of allowing its removal to facilitate the re-development of the wider site by providing much needed housing including affordable housing and commercial space as stipulated by Local Plan policies significantly and demonstrably outweighs the loss of this building.

Summary

32. It is considered that subject to suitable conditions and taking into account the public benefits of the scheme, the proposal accords with Local Plan Policy HE1, NPPF Paragraph 197 and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act.

33. 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

34. A) GRANT permission with the following conditions;

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

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

- 2) The demolition hereby permitted shall not take place until a contract for the redevelopment permitted under the companion planning permission reference 8/18/3263 is submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the locality and the character and appearance of the Conservation Area.

Background Papers