

PLANNING COMMITTEE



Application Address	115 Bargates Christchurch BH23 1QH
Proposal	Change use on ground floor to A1 (Retail) use at front with separate one bedroom flat at rear.
Application Number	8/20/0098/FUL
Applicant	Mr Gibney
Agent	Mr Bryan Hoile
Date Application Valid	21 February 2020
Decision Due Date	17 April 2020
Extension of Time Date (if applicable)	
Ward	Christchurch Town
Report status	Public
Meeting date	23rd July 2020
Recommendation	Delegate to the Head of Planning to secure a s106 agreement and then GRANT permission with the conditions in the recommendation, which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision.
Reason for Referral to Planning Committee	Called in by Cllr Hall – This application may be supported by HE2 and H11, it is on a good bus route and could help with our housing stock
Case Officer	Kevin Chilvers

Description of Development

1. Change use on ground floor to A1 (Retail) use at front with separate one bedroom flat at rear.

Key Issues

2. The following issues are material to the consideration of this application:

- Principle of development
- Impact on character of the area
- Impact on existing and proposed living conditions
- Adequacy of parking and access arrangements
- Heathland Mitigation

Planning Policies

3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the Christchurch Local Plan 2001 and the following policies are relevant:

CH2	Christchurch Town Centre Boundary
CH3	Christchurch Primary Shopping Area and Retail Frontages
CH7	Development in the Secondary Shopping Frontages
KS1	Presumption in favour of sustainable development
KS6	Town Centre Hierarchy
KS7	Role of Town and District Centres
KS8	Future Retail Provision
KS12	Parking Provision
H12	Residential Infill
HE2	Design of new development
ENV 1	Waste Facilities in New Development
LN1	The Size and Type of New Dwellings
LN2	Design, Layout and Density of New Housing Development
ME2	Protection of the Dorset Heathlands

Christchurch Borough Wide Character Assessment 2003
Dorset Heathlands Planning Framework 2020-2025

4. The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

Relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment

Para.59 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come

forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Para.68 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;”

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area.

Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

The planning system is to contribute to and enhance the natural and local environment (para 170) including protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Decision making principles are set out in paragraph 170.

Relevant Planning Applications and Appeals

8/19/1196/FUL	115 Bargates	Change use on ground floor to A1 (Retail) use at front with separate one bedroom flat at rear	Withdrawn	13/01/20
8/07/0286	115 Bargates	Erect one illuminated fascia sign and one illuminated projecting box sign. Addition of lettering to front elevation glazing	Granted	21/06/07
8/07/0284	115 Bargates	Change of use from A1 (retail) to taxi office	Granted	20/06/07
8/87/0489/F	115 Bargates	Alterations to self-contain maisonette from shop	Granted	03/11/87

8/05/0019	113 Bargates	Formation of new rear door to provide access to first floor flat	Granted	23/02/05
8/19/1505/CLE	Bargates no.117	Use as separate dwellinghouse	Decision pending	
8/17/3139/CLE	Bargates no.117	Use as separate dwellinghouse	Refusal of Certificate of Lawful use or development	06/11/17
8/91/0286 (appeal)	Bargates, No 117	Variation of condition 5 of Consent 8/90/0234C so as to permit extension of opening hours to 0030	Dismissed	11/03/92
8/91/0286/F	Bargates, No 117	Variation of condition 5 of Consent 8/90/0234C so as to permit extension of opening hours to 0030	Refused	04/07/91
8/90/0234/C	Bargates, No 117	Change of use of ground floor retail premises (Class A1) for the off-sale of hot food (Class A3)	Granted	18/05/90

Representations

None received

Consultations

- Natural England

None received – but in response to consultation on the previously withdrawn application Natural England raised no objection to the proposal subject to the LPA securing mitigation in accordance with the Dorset Heathlands Planning Framework. The previous response also advised that appropriate biodiversity enhancement on site would be secured through a condition requiring the installation of a swift box on the site.

- Christchurch Town Council

None received

- BCP Highways - Minor Dev

None received - but in response to consultation on the previously withdrawn application the County Highways officer raised no objection to the proposal

Constraints

- Heathland 5km Consultation Area
- Airport Safeguarding
- Primary Shopping Area
- Town Centre Boundary
- Wessex Water Sewer Flooding

Planning Assessment

Site and Surroundings

5. The application site relates to a terraced 2½ -storey building which lies on the north-eastern side of Bargates which is one of the Prime Transport corridors into Christchurch. The whole of the ground floor is currently vacant but was last used as a taxi office, and the upper floors are in residential use. The plot is long and narrow and originally extended to the rear of Fairfield which is characterised by residential properties.
6. The site is within the town centre where there is a mix of residential, retail and commercial uses and the area is characterised by predominantly terraced properties of Victorian origin which front directly onto the pavement on either side of Bargates.
7. The proposals involve minor changes to the fenestration and appearance of the single storey element at the rear of the property. The appearance of the street frontage would remain in context with the retail and commercial character fronting Bargates.
8. Given the siting at the rear, the proposed residential unit is not visible in the street scene from Bargates and would only be viewed from the rear access in Fairfield.

Key Issues

Principle of development:

9. The application site is located within an established mixed use area within the Christchurch Town Centre Boundary and the site has good access to local services and facilities as well as public transport links. Policy KS2 allows for residential development within the existing urban areas and therefore in accordance with para 68 of the NPPF it is considered the principle of a new dwelling in this location is acceptable.

10. The proposed development would accord with the stipulation in Policy CH2 that the Town Centre will be the focus for higher density residential, employment and retail uses. Given the site is within the Primary shopping area and this part of Barrack Road has a designated Secondary shopping frontage the reintroduction of retail use to the street facing part of the ground floor would accord with Policy CH3.
11. The proposal reintroduces a retail frontage on the ground floor and in combination with the new residential unit would improve the character and quality of the area and the way it functions in accordance with NPPF para 130.
12. The Christchurch Local Plan area currently does not have a five year housing land supply. Therefore applying the guidance in para. 11 of the National Planning Policy Framework, the tilted balance applies and there is a presumption in favour of approval of sustainable development, unless the impacts of the scheme significantly and demonstrably outweigh the benefits of the proposals. This proposal would make a small contribution to the housing supply within Christchurch in a sustainable location and due weight is given to this aspect.

Impact on character of the area:

13. The adjoining buildings have seen rear additions and these extend along the side boundaries with the application site. No 117 has a single storey rear extension along the side and No 113 has a smaller two storey rear extension. The proposed conversion of the single storey rear element and the proposed alterations to the exterior are not considered to have a negative impact on the character and appearance of the area. The frontage to Bargates is proposed to remain as existing.

Impact on existing and proposed living conditions:

14. The proposed unit is relatively enclosed given its position and during consideration of the previously withdrawn application officers expressed concerns about the future living conditions of the occupiers of the new dwelling. The current application clarifies the access arrangements to the proposed dwelling and includes obscured/high level glazing to mitigate privacy issues. The proposals would have an acceptable impact on neighbouring properties and the scheme is considered to comply with the test in Policy HE2 to be compatible in its relationship to nearby properties including minimising general disturbance to amenity.
15. The unit remains very modest (approx. 25 m²) and it is noted that this is below the 30 – 35m² standard for a one bedspace unit in the Homes and Communities Agency Housing Quality Indicators referred to in Policy LN1. Future occupiers would have access to the amenity area to the rear of the building providing outside space and bin storage.
16. Careful thought has been given as to whether acceptable living conditions would be provided given the limited size of the unit. In light of the reduced weight which can be attached to Policy LN1 at this time due to the tilted balance being enacted

(para. 12 above), the opportunity to make efficient and effective use of land within the town centre policy area and access to external space, on balance it is considered acceptable to make an exception to policy LN1 and overall any harm from this smaller unit would not significantly and demonstrably outweigh the benefits of the proposals in providing residential accommodation in a sustainable location.

Parking and access arrangements:

17. There is no parking for this property and pedestrian only access to the site is along a private right of way that runs from Bargates around no.117 to the application site. The site is within a highly sustainable location with easy access to a wide range of services and facilities and a number of transport modes including buses and trains. Having regard to the highly sustainable location of this modest unit and the absence of any highway objection the access arrangements and the lack of off-street parking are considered acceptable.
18. The plans indicate there is sufficient space for refuse/recycling storage on the site and this would then be taken to the collection point adjacent to no.117 Bargates on collection days. It is not considered that one extra dwelling and its associated bins would cause significant disruption to pedestrian movements to warrant refusing the application.
19. Given the access, construction activities are likely to result in some disruption to the neighbouring properties, however as this is for one modest dwelling within a refurbished existing structure such works are unlikely to cause long term disruption. It will be important for those undertaking the works to manage the situation appropriately with neighbours and those who have rights of access over the shared accessway. An informative will be placed on the permission highlighting this issue.

Impact on Biodiversity

20. 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 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.
21. The appropriate assessment (separate document to this report) 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, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD 2015-2020 SPD

22. The mitigation measures set out in the Dorset Heathlands Planning Framework SPD 2015-2020 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.
23. At the time of writing this report the unilateral undertaking to secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD had not yet been completed. This contribution does not relate to the provision of infrastructure, is reasonable and necessary and the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the 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.
24. The draft Unilateral Undertaking is currently subject to legal scrutiny and the recommendation for approval is therefore subject to completion of a Unilateral Undertaking to ensure that the proposed residential unit would have no significant impact on biodiversity.

Planning Balance

25. The Council is not able to demonstrate a 5 year supply of housing land in the Christchurch Local Plan area. The tilted balance therefore applies and there is a presumption in favour of development unless any harm significantly and demonstrably outweighs the benefits of the proposals. Policy L2 of the adopted Core Strategy requires proposals to maximise density on all sites.
26. The proposed development would make a contribution of 1 additional dwelling which would have benefits in terms of boosting the supply of housing, contributing to a choice of homes, making use of a previously developed site in a location that has good access to a range of services and facilities. There would also be economic benefits associated with the construction phase and with regard to the future occupation of the mixed use proposal.
27. The new dwelling makes best use of a site within an urban area. The proposed dwelling is of an appropriate design and scale and does not have any significant impact on the character of the area or amenities of neighbouring properties.
28. No highway objection is raised and given its sustainable location the absence of any parking provision, and the proposed access arrangements are considered acceptable.
29. The dwelling is small and below the indicative standards in Policy LN1. However, on balance, taking into account the considerations set out above, the application

is found to be acceptable with regards to the development plan and national planning policy and guidance. The applicant has submitted a draft UU to secure the Heathland SAMM payment and approval is recommended subject to the completion of such an Undertaking.

RECOMMENDATION

Delegate to the Head of Planning to secure a s106 agreement and then GRANT permission with the conditions in the recommendation, which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision:

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:

ASH-205-01C	Location Plan, Floor plans, Elevations, Block Plan
ASH205/02	Drainage Layout Plan

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

3. The development hereby permitted shall be constructed entirely of the materials details of which are identified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

Informatives:

1. 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.
2. The applicant has provided a unilateral undertaking dated 2020 to pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2020-20250 – Supplementary Planning Document (SPD).
3. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

4. The applicant must give due consideration to the shared access to the application site and the following matters during construction of the development; storage of plant and materials; disposal of waste; parking of vehicles for site operatives; loading and unloading of plant and materials and erection and maintenance of security hoarding.

Background Papers

Case File – 8/20/0098

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: Kevin Chilvers