



# Planning Committee

Application Address	Walpole Road Open Space (Churchill Gardens), Walpole Road, Bournemouth, BH1 4ES
Proposal	Demolition of existing park building and erection of Community/ Cafe building with associated landscape works
Application Number	7-2020-7347-G
Applicant	BCP Council
Agent	BCP Council
Date Application Valid	10 July 2020
Decision Due Date	8 October 2020
Extension of Time date (if applicable)	TBC
Ward	Boscombe West
Report Status	Public
Meeting Date	17 December 2020
<b>Recommendation</b>	<b>GRANT</b>
Reason for Referral to Planning Committee	20 plus objections contrary to Officer recommendation
Case Officer	Peter Burridge

## **Description of Development**

- 1 Planning permission is sought for the 'Demolition of existing park building and erection of community/ café building with associated landscape works'.
- 2 Amended plans form a part of this planning application which have made various revisions to the plans including the slight repositioning of the proposed building, design changes to the building and changes to the landscaping proposed. These changes were subsequently re-advertised. Further to this, the development description has been amended to 'community/ café building' as opposed to the advertised description stating, 'community building'. This better reflects the nature of the proposal and comments received which express resounding support for the existing Joy café. This change to the description has not been re-advertised but is not considered to prejudice any persons and also reflects the submitted plans.
- 3 The applicant has provided the following information:

	Existing	Proposed
Site Area	1.4ha	1.4ha
Use of building	community/ cafe	community/ cafe
Height (approx.)	3m	3.95m
Depth (approx.)	8.6m	5.8m
Width (approx.)	9.9m	12.5m

## **Key Issues**

- 4 The main considerations involved with this application are:
  - Impact on character and appearance of the conservation area;
  - Trees;
  - Biodiversity;
  - Residential amenity;
  - Highway safety;
  - Refuse and recycling.
- 5 These points will be discussed as well as other material considerations in the report below.

## **Planning Policies**

### **6 Core Strategy (2012)**

CS1: NPPF – Presumption in Favour of Sustainable Development  
CS5: Promoting a Healthy Community  
CS6: Delivering Sustainable Communities  
CS12: Retaining Community Uses  
CS18: Increasing Opportunities for Cycling and Walking  
CS31: Recreation, Play and Sports  
CS35: Nature and Geological Conservation Interests  
CS38: Minimising Pollution  
CS39: Designated Heritage Assets  
CS41: Quality Design

**7 District Wide Local Plan (2002)**

- 4.25: Landscaping
- 7.10: Sport and Recreation

**8 Boscombe and Pokesdown Neighbourhood Plan (2019)**

- BAP1: The scale and density of development
- BAP2: Good design of the 21<sup>st</sup> century
- BAP4: Open Spaces

**9 Supplementary Planning Documents:**

- Sustainable Urban Drainage Systems (SUDS) - PGN
- Conservation Area Appraisal (2013)
- Conservation Area Management Plan (2015)

**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.
- 11 Paragraph 192 states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 12 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 13 Paragraph 194 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 further states that 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.

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

- 14 7-2016-7347-D: Alterations and change of use from youth centre to mixed community use (Class D2) and cafe (Class A3). Approved: 27 January 2017

This permission contained the following planning conditions relevant to this application:

- *The food to be prepared and cooked will be limited to simple hot and cold snacks in accordance with the email dated 17/01/17.*
- *Any proposal to run the premises solely as a café without community use (D2) would require a change of use application.*
- *The café use hereby permitted shall not be open to customers outside the following times: 08:00 hours and 20:00 hours.*
- *The community use hereby permitted shall not operate outside the following times: 08:00 hours and 22:00 hours.*

- 15 7-1985-7347-C: Alterations and extension to play building to extend playroom. Granted: 15 November 1985

## **Representations**

- 16 4 site notices were erected at the 4 corners of Churchill Gardens on 13 August 2020 with a consultation expiry date of 4 September 2020. 4 additional site notices advertising amended plans were displayed on 11 November 2020 with a consultation expiry date of 22 November 2020.
- 17 Overall, there are 23 objections, 29 letters of support and 15 comments. The original plans attracted near universal objection, but the amended plans near universal support. 2 original objections were withdrawn from the comments initially received.
- 18 Objections to the original plans raised the following concerns (summary):

Building:

- Joy Café should be retained – it is thriving and valued by the community;
- Existing position allows open long-distance views of the park/ supervision of children;
- Current location discreet and allows easy access for refuse;
- New position would impede on open space;
- Building is unnecessary and intrusive;
- New meeting/ community room too small;
- Soulless expensive cafe run by the Council not wanted;
- Proposed building should be carbon neutral;
- Wasted money moving building and realigning footpath.

Open Space:

- Humble open space' cluttered with fences, furniture and equipment;
- Large open areas important – many people do not have their own gardens;
- New paths reduce area of open space;
- Dog agility area not required, too small to be effective and reduces open space.

#### Playpark:

- Popular fenced playground significantly reduced in size (up to 33% smaller);
- Play equipment needs to be replaced.

#### Planting:

- Previous gardening club unsuccessful and planting beds an eyesore;
- Growing beds welcomed and would help mental health issues;
- Growing beds close to entrance leaves it vulnerable to being trampled;
- Additional planting would reduce visibility and increase anti-social behaviour problems.

#### Other:

- Future role of Joy Café needs to be clear;
- Investment welcomed but doing so in the wrong way;
- Lack of consultation;
- Not aimed at local people (majority comprising single parents, disabled and unemployed);
- No plans to tackle rubbish, fly tipping etc – money should be spent on new/ more bins;
- Should support Climate Emergency – e.g. enhance existing building and add recycling bins;
- Noise from dog agility area would adversely impact residential amenities;
- Proposal could lead to a decline in the area if not well used.
- Regard should be had for local wildlife including hedgehogs;
- CCTV should be installed;
- Lighting supported/ lighting will attract late night drinkers.

#### 19 The following supportive comments were received (summary):

- Café should be 4-5 times larger than existing;
- New footpath lighting will make the park safer;
- Refresh of park and play equipment welcomed;
- Good management plan required.

#### 20 The following comments in response to the amended plans (summary):

- New plans better support and reflect needs of local community;
- Pleased that playpark is not being reduced in size as much as was originally proposed;
- Location of paths more appropriate and positive that central path is widened;
- Design of building supported;
- Relocation of building accepted;
- Security shutters for building recommended;
- Present park only just adequate;
- Locals need to be proud of Churchill Gardens;

- More people would use the facilities if they were improved;
- Support for proposal moving forward in partnership with the Joy Café;
- One letter states project supported by 'East Dorset Friends of the Earth';
- New building will be bigger, better, more accessible and with a longer lifespan.

21 Bournemouth Civic Society (original plans):

*'The Society thinks the suggested design is particularly elegant for such an honourable purpose and recommend it be granted without reservation.'*

**Consultations** (summary of comments)

22 Conservation Officer: concerns raised including;

- *'...There is an improvement to the design of the building with increased glazing and a more balanced appearance. However, there are still concerns in relation to its size and central location as previously noted. These concerns will need to be weighed against the public benefits of the scheme...'*
- Queried whether cycle store and table tennis can be moved to café side to aid openness;
- Further details required in respect of railings and security shutters;
- Further details required regarding lighting – are so many lampposts required?

23 Urban Design Officer: no objection subject to conditions

- *'I welcome the amendments and feel they have overcome the concerns raised in pre application advice and by residents as far as possible. I hope the new café and wider masterplan will secure funding and be delivered as the proposals would bring many health and social benefits to the local community...'*

24 Tree Officer: no objection subject to conditions to include;

- Soft landscaping condition that includes replacement tree planting details;
- Revised arboricultural method statement to reflect amended building position.

25 Biodiversity Officer: no objection

- No conditions requested with suitable details in the Design and Access Statement.

26 Waste and Recycling Officer: no objection subject to condition

- Application meets the requirements of the Waste Collection Authority;
- Waste Management Plan required.

27 Highway Officer: no objection subject to condition and informative

- No material increase/ change in character of traffic within the vicinity of the site.

28 Environmental Health Officer: no objection subject to condition

- Suitable distance to residential properties so as not to create noise nuisance.

29 Dorset Police: support for concept of trying to improve community open space

- *'I support the concept of trying to improve this Community Open Space. Being very aware of the history within the Conurbation, I suspect that there will be no CCTV monitoring. Due to the level of attacks on the existing cafe, and the destruction caused at other facilities, I would hope that the central building will have high security standard doors and windows, preferably incorporating an intruder alarm. Hopefully with a clear view across from all the surrounding properties there will be enough community focus to deter anti-social behaviour.'*

30 Sport England: no comment/ not within consultation criteria

31 Natural England: refer to standing advice

32 Wessex Water: no objections

### **Constraints**

33 Conservation Area and Open Space

### **Planning Assessment**

#### **Site and Surroundings**

34 Churchill Gardens comprises a near square area of public open space bounded by Churchill Road to the north and east, Borthwick Road to the south and Walpole Road to the west. The gardens are 1.4ha in area and are owned and managed by BCP Council. The gardens are characterful but somewhat rundown and are an important focal point for residents; especially those who do not have gardens.

35 There is an asymmetrical diagonal tarmac path that runs east to west through the site and the single-storey 'Joy café' building lies in the north western corner included within a fenced children's playground. The café is a single-storey building occupying an 'L' shaped footprint of modular temporary design. Joy Café' is a not-for-profit community café that is understood to have significantly improved the area for residents, appears universally popular and well-supported. A large ballcourt enclosed by high weldmesh fence lies in the north eastern corner of the gardens. The gardens are enclosed by mature perimeter trees and overlooked by four rows of Victorian terraces on each side of the gardens. The gardens fall within Area 4 of the Boscombe and Pokesdown Neighbourhood Plan which describes Churchill Gardens open space as:

*'Area of open space with children's playground for a range of ages as well basketball courts.*

*A well used local facility that has suffered from some problems of anti-social behaviour and dog fouling. This park contains some substantial trees and extensive lawn areas. There is potential for more features in the park to attract a wider age range. (page 21)'*

36 Concerning the exiting building, there has been a structure of some sorts in the north west corner of the site since its first use as a private school playing field. This developed from an

open wooden shelter to a Parks building in the late 1980's, with public toilets and a Parks ground store. During the 1990's to late 2000's the asset went over to Youth Services who used it as a base for staff and a drop in centre/ youth club. After being out of use for a while, it was then opened as Joy café.

- 37 Until the late 1980's there was a perimeter kee-clamp fence frame with chain-link infill. This was unpopular with residents due to limiting access and its ability to collect rubbish and leaves. The diagonal path was originally a desire line across the site; this was surfaced as a formal path probably during the early 1990's. The storm of 1986 took out trees in the south western corner of the gardens and along Walpole Road, replanting can still be seen today.
- 38 Until 1988 the play equipment was confined to the tarmac areas with a grass area between the playground and the ballcourt. The playground was extended in 1988 into this grass area, with safety surfacing subsequently added during 1990. The bow-top fencing was replaced in 2001 when the play area was extended again and taken up to the building. Since the building was handed back from Youth Services, the fencing incorporating the building into the play area is perceived as a barrier to customers accessing the café without children.
- 39 The application seeks permission for a replacement community building/ café supplying light meals and snacks; it is understood that the facility would continue to be run by Joy café. The proposal seeks to facilitate an education programme for unemployed and poor weight clients to grow and prepare healthy food and make good food choices, learn healthy cooking skills and horticultural skills for home or employment. The building would provide an adjoining community room for cooking club lessons; event hire and garden growing club meet ups. This room would have a kitchenette for users and store cupboard for a fridge/ freezer and cleaning implements. Lessons would use 'mobile island' style units that function as larger meeting tables or larger high café tables outside of lessons. The buildings flexibility means that lessons and hire of the room can happen whilst the café facilities continue. The building would have a Disability Discrimination Act compliant toilet, baby change and second unisex toilet. The application would also facilitate new landscaping works across the gardens and make provision for a new playground (albeit with the playground equipment not subject to this planning application and likely to be installed as permitted development).
- 40 The proposal has been designed having regard to the following aims of the Boscombe and Pokesdown Neighbourhood Plan (page 32):
- Aim 4: 'Improve public parks, spaces and streets with a focus on designing out crime by providing safe, well-lit routes between key areas'.*
- Aim 8: 'Identify what makes the neighbourhood unique in terms of its social, heritage and community assets and create policies that protect, preserve and enhance these assets for the next generation'.*
- Aim 9: 'Change the perception of the neighbourhood by promoting it as a historic, thriving community by making it the most desirable place to live and/or work in the borough'.*
- 41 The application site is designated as a Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (S72).



- 42 The application site is designated as Open Space thus CS31 applies. This states that the Local Planning Authority will refuse permission for development that results in the loss of public and private open spaces, including sports grounds and playgrounds. The application seeks improvements to Churchill Gardens and would provide a replacement building thus on this basis, is considered to accord with the aspirations of CS31.

## **Key Issues**

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

- 43 The importance of the green space which characterises the Churchill Gardens Conservation Area is highlighted by the Conservation Area Appraisal (2013); *‘The special interest of the Churchill Gardens Conservation Area lies in its uniqueness within the Borough as a fine example of a turn of the century development, where buildings are set out forming a square around a large recreational area. It is this combination of the relationship between the layout, the endurance of the original properties and features and the green space that provides the essence of its special character. The green space has particular local historic associations as a sports and recreation area. The space provides continuity with the past as well as present day leisure opportunities for local residents’*. Further, *‘All of the buildings remain as originally laid out. The survival of this formal town square and form of development within Bournemouth makes Churchill Gardens Conservation Area unique and of particular architectural and historic interest within the Borough’*.
- 44 The Conservation Area Management Plan (2015) notes that visually, the green space is crucial to the attractive sylvan setting of the surrounding houses which enclose the space. Churchill Gardens also has a very important role of social hub and play-space for residents and is an excellent space for insect wildlife. Informally, the green space continues on a day to day basis to provide valuable amenity space for the residents of Churchill Gardens and wider afield. The promotion of the space for the health and well-being of local residents is an important part of placing this space firmly within the heart of the community both physically and spiritually.
- 45 The application follows pre-application enquiry discussions, but the plans as firstly submitted failed to respond to many of the concerns raised. In this regard, a key concern was, and remains, the position of the new building. Historic maps show a building to the northwest corner of the site that roughly corresponds to the existing community building. The relocation of the building to the centre of the gardens has significant implications for the current open aspect of the gardens. Further, the new location of the building, combined with its increased size and elongated footprint, would result in a more prominent building within the gardens. Concerns have been expressed that the size and location of the new building, in combination with the number and location of the other proposals (e.g. raised beds, footpaths, entrance features including a community library and dry foods/ goods bank, fencing to dog area), would result in a more divided space with a degree of visual clutter that would compromise the open nature and aspect of Churchill Gardens. This would be particularly apparent from key locations at the entrances to the gardens.
- 46 Concerns regarding the repositioning of the building were largely reflected by the objections received in response to the initial plans with a strong desire for the building to remain in the same position. This owed to the vistas gained across the gardens also allowing supervision

of playing children as well as reflecting officer concerns regarding the existing open character of the gardens. However, the applicant has consistently refused to retain the new building in the existing location although has made other changes in response to officer and community concerns.

47 The applicant has highlighted the changes and further information made as follows:

- Building to continue as community café, as well as a new food related community project;
- Dog exercise area removed;
- Building repositioned to allow retention of larger playground (15% smaller but improved play equipment to be provided):
- Access path to east side removed;
- Fencing removed to help ensure less cluttered feel;
- Building accessible from both sides – park and playground users;
- Wider diagonal path and larger event/ free space;
- Growing space moved so that it relates better to the building;
- Additional paths to be formed from coloured asphalt;
- Building to have large areas of glazing to allow views through and from the building.

48 Responding to calls for the building to stay in its current location, the applicant advises:

Keeping the building in the same position;

- Views from the north west corner would continue to be towards the rear of the building;
- This corner would continue to feel unsafe;
- The proposal would only serve the playground or open gardens – not both;
- Existing café would need to be closed whilst the new building is built;
- Building would continue to be shaded, cold and less inviting in the late afternoons.

49 Moving the building to an off centre position as proposed would:

- Ensure the existing café can remain open during the build period;
- Open up the entrance and views at Walpole Road;
- Building would benefit from sun all day albeit would be naturally shaded by tree;
- Ensure café is accessible to playground and gardens users;
- Provide a positive focal point;
- Cafe on the path is likely to enjoy increased footfall and be more sustainable;
- No resident would significantly lose their view across the gardens;
- Symmetrical and central similar to Conservation Area parks of same era in London;
- Social surveillance by residents on all four sides;
- Maximised visibility with overview of play park, ball court, events and growing space;
- Allow a clear route to the crossing point on Walpole Road encourage cycling and walking.

50 The Councils Urban Design Officer welcomes these changes and feels that they overcome many of the issues raised previously. In so doing, it is noted the building has been moved slightly though it remains in an 'off centre' position. As the building would be wider than the Joy Café and more centrally located, it would affect the character of the park and conservation area and impact on openness. That said, there are certain advantages to the proposed siting that could not be achieved closer to the periphery. In particular the location would help the whole park feel safe and more inviting at different times of day. Additionally, proximity to the growing area and open space would create synergy between the building,

food growing and outdoor events. Overall, the benefits of repositioning the building and the supportive comments received add weight to the proposal as submitted. This matter shall be considered further below.

- 51 Concerning the design of the new building, it is a purpose built structure with the applicant advising that the more traditional elements have been chosen to reflect its position within the conservation area; however no further details are provided. In response, concerns have been raised regarding its utilitarian appearance and 'rear' elevation that would be visible given the central location shown. This elevation has been improved with the amended plans with the introduction of signage and more generous windows. Open chain security shutters are proposed which would maintain a positive appearance when the building is closed. The Urban Design Officer also advises that the graphite grey cladding would relate well to the character of the conservation area and would provide a 'timeless appearance'. Timber cladding as suggested by the café operator could also work well; further details regarding the proposed materials could be secured by condition if planning permission is granted. The Conservation Officer similarly concludes that there is an improvement to the design of the building with increased glazing and a more balanced appearance, but concerns remain as to its size and central location. These concerns would need to be weighed against the public benefits of the scheme.
- 52 Concerning the size of the building, it would be larger albeit would comprise a purpose built structure unlike the existing building that has been converted. The existing building provides table seating, a toilet, storage areas and a kitchen and the proposal would replicate these facilities and providing educational space. The structure would offer an improvement on the existing facility and there is no objection in principle to its size subject to considerations of openness having regard to the character and the appearance of the conservation area.
- 53 On other matters, removal of the dog exercise enclosure as well as the path and fence from the community building to the corner of Churchill Road is positive; this simplification better responds to pre-application advice and residents' concerns. The location of the growing area that previously straddled the path is improved. Following these changes, there is a better balance between minimising clutter while providing facilities that would benefit local people and be well used.
- 54 The new diagonal path would be more convenient and feel safer given the lighting, additional width and community building location. This should be a shared path with cyclists as the path is an important desire line towards the centre of Boscombe for pedestrians and cyclists. Signage could be set in the ground to avoid adding clutter. These details could form the basis of an appropriately worded condition if approved. Lighting details should also form the basis of a condition; in this regard it is queried whether as many streetlamps as shown are required. The proposed book exchanges and bug hotels shown on the site layout plans and which would comprise small ancillary structures are considered to be acceptable with full details to be secured by condition as suggested by the conservation officer.
- 55 On the issue of security, comments from the Dorset Police support the concept of trying to improve this Community Open Space. Due to the level of attacks on the existing cafe, and the destruction caused at other facilities, it is hoped that the central building would have high security standard doors and windows, preferably incorporating an intruder alarm. Hopefully with a clear view across from all the surrounding properties, there would be enough community focus to deter anti-social behaviour. CCTV isn't specifically requested.

- 56 In summary, the amended plans overcome many of the objections that have been raised and have received a more favourable third party response. Concerns remain however regarding the central position of the building which would impact on the openness of Churchill Gardens and which is noted to comprise a key attribute of the Conservation Area. This harm would be exacerbated by the increased size of the building.
- 57 Paragraphs 193 to 202 of the NPPF relate to the assessment of the potential impacts of a proposal on heritage assets. As noted, paragraph 196 states that *'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.'* As noted, the Neighbourhood Plan highlights that Churchill Gardens are a well used local facility but suffer problems of anti-social behaviour and there is potential for more features to attract a wider age range. It is acknowledged also that the gardens are tired and rundown in appearance and require investment. The current application would help to facilitate this investment providing a new building that would be accessible and useable by more people. It would also help discourage problems of anti-social behaviour and help users feel safer. In so doing, the proposal should help to increase the number of persons utilising this facility. In this way, the proposal would reflect the requirements of CS39 that seeks to protect heritage assets from inappropriate alterations, extensions or other alterations that would adversely affect their significance given the enhancement that would be achieved. These considerations carry significant weight and are considered to outweigh the more limited harm associated with the new location for the building (which is acknowledged to have pros and cons) having regard to issues of openness. This also reflects the conclusions of the Design Officer who advises that overall, the benefits justify the new location, especially as the community appears now more supportive.
- 58 Accordingly, the proposal accords with CS5 which states that the Council will seek to ensure that the health of the community is promoted through inclusive, accessible, safe and well-designed development and spaces. It further reflects CS6 that seeks to retain and enhance the functions and viability of community facilities that meet day to day needs of a local community and which seeks good design principles for new buildings and how spaces are treated thus also complying with CS41. Overall, the proposal works to retain and enhance features of Churchill Gardens that contribute to local distinctiveness, character and, heritage. As noted, the proposal would also reflect the aspirations of the Boscombe and Pokesdown Neighbourhood Plan in respect of Churchill Gardens and in so doing reflect the policy aspirations of BAP1, BAP2 and BAP4 which seeks to enhance the appearance and character of open spaces taking account of all ages and users, provide new lighting that designs out crime, through the promotion of community gardens and by improving public access.
- 59 With regards to those concerns relating to the reduction in size of the enclosed playground, the revised plans ensure that the playground would be of a more comparable size compared to the existing whilst the applicant has confirmed that new playpark equipment would be installed with a higher play value. On the basis of the revised plans, the application is thus acceptable in this respect compliant with CS31 which seeks to resist the playgrounds, and which seeks to ensure that the quality and quantity of open space and playgrounds meets the demand for sporting and recreational activities. In so doing, the proposal would also be compliant with planning policy 7.10 and paragraph 197 of the NPPF.

## Trees

- 60 The Council's Tree Officer has raised no objections to these proposals subject to a condition requiring full compliance with the submitted arboricultural method statement albeit which would need to be updated to reflect the amended plans; the Tree Officer is happy for this to be conditioned. Conditions requiring a detailed soft landscaping scheme that includes tree planting and a condition for a soft landscape maintenance scheme are also requested. On this basis, the proposal is considered to comply with policy 4.25.

## Biodiversity

- 61 In response to the concerns raised, hedgehogs are a priority nature conservation species as listed under Natural Environment and Rural Communities Act 2006, due to their decline in numbers consideration of how this development might aid this species should be considered.
- 62 The Council's Biodiversity Officer advises that on a site open to the public with dogs, providing hibernation sites poses a risk that they would be vulnerable to the actions of dogs and not be successful, so features to promote hedgehog are not recommended here. However, there are actions that may be undertaken that improve their ability to move around this site and forage for food. Hedgehog often move along linear features, so in fill planting of existing shrubs and tree lines would help and provide cover and additional sources of food. Mix of grass management with areas of short and long grass and creation wildflower areas are beneficial, as this diversity provides a range of microhabitats supporting range of invertebrates for hedgehogs to feed on. These actions are set out in the Design and Access Statement, by way of wildflower meadows, mixed borders and in fill planting. In the detail design of these elements there should be consideration of how they may be improved to maximise benefit to hedgehogs. This could feed into the condition suggested above. For these reasons, the proposal is compliant with policy CS35.

## Residential Amenity

- 63 The proposal would improve the amenities and outlook of local residents and it is not considered that any significant adverse impact in residential amenity would be caused. This is subject to similar conditions that were attached to the previous permission for the existing building as referenced above. Further, the proposals have been assessed by the Council's Environmental Health Officer who advises that whilst the applicant has not really provided any details relating to the extract system, it appears to be a suitable distance from residential properties so as not to create a noise nuisance. Typically, similar council operated cafes have cooker hood mounted extract systems which are not known to have caused too many issues. The type of foods which appear to be cooked also would not warrant a unit with integrated odour control or carbon bag filters. No concerns are also raised with regards to the suggested closing time. A condition is requested re extraction equipment which is considered to be acceptable in this instance given the small scale of the proposal and its distance from any neighbouring properties.

## Highways

- 64 The Local Highway Authority raise no objection advising there would be no material increase/change in the character of traffic within the vicinity of the site. A condition is requested re cycle parking (to be adjusted to reflect the comments of the Heritage Officer).

## Refuse and Recycling

- 65 The proposal meets the requirements of the Waste Collection Authority although a Waste Management Plan is required, and which can be conditioned of permission is granted. With regards to requests for more bins/ recycling facilities, refuse is collected by BCP Council and this issue will be considered further by the Waste Collection Authority independently of this planning application.

## Summary

- 66 The proposal would provide a new purpose built community/ café building and facilitate improvements to Churchill Gardens.

## Planning Balance

- 67 The application would facilitate investment into Churchill Gardens and provide improved and more accessible facilities that would also help to attract additional users, improve safety and discourage problems of anti-social behaviour. These considerations carry significant weight and accord with planning policy aspirations for Churchill Gardens. Harm has however been identified having regard to the new position of the building and its impact on the openness of Churchill Gardens. This harm has been reduced by the revised plans submitted and overall, it is adjudged that the public benefits associated with the scheme would outweigh this more limited harm.
- 68 Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

## Recommendation

- 69 **GRANT** planning 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:

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

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

Site Location Plan; drg no. WR12 Rev B

Proposed Site Layout Plan; drg no. WR13 Rev C

Existing Site Plan; drg no. WR14

Proposed Elevations and Floor Plan; drg no. AIC 02/19 Rev 8

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

## **2. Prior Approval of Materials (External Facing Materials)**

Details/samples of the external facing materials including signage and security shutters of the proposed building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and BAP4 of the Boscombe and Pokesdown Neighbourhood Plan (November 2019).

## **3. Cafe/ Community only**

The premises shall be used for purposes comprising both a cafe and community use (Sui Generis) of the Town and Country Planning (Use Classes) Order 1987 only and for no other purpose including solely as a cafe (Use Class A3).

Reason: To ensure that the building continues to be used for community purposes in accordance with Policy CS12 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **4. Hours of Use (Community)**

The community use hereby permitted shall not operate outside the following times: 08:00 hours and 22:00 hours.

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

## **5. Hours of Use (Cafe)**

The café use hereby permitted shall not be open to customers outside the following times: 08:00 hours and 20:00 hours

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

## **6. Clear site of existing buildings**

The existing building (Joy Cafe) (shown in red on drawing WR14) shall be demolished and the resultant debris removed from the site within 2 months of the building hereby approved being open to the public.

Reason: To safeguard the openness of Churchill Gardens and in the interests of good design in accordance with Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and BAP4 of the Boscombe and Pokesdown Neighbourhood Plan (November 2019).

## **7. Restriction of noise from plant and equipment**

The rating level of any noise generated by extract ventilation and air conditioning plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014-"Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To protect the amenities of the area and the occupiers of adjoining properties all in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **8. No Amplified Music**

No amplified music shall be played, nor any public address system be used either inside the premises or within the adjoining area of the playground as shown on drawing WR13 Rev C.

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

### **9. Ancillary Structures**

Prior to their installation, the design and detailing of the book exchanges and bug hotel shown on drawing WR13 Rev C shall be submitted to and approved in writing by the Local Planning Authority. Development shall strictly accord with these approved details.

Reason: To safeguard the amenities of the area and the character and the appearance of the Conservation Area all to accord with Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and BAP4 of the Boscombe and Pokesdown Neighbourhood Plan (November 2019).

### **10. Lighting**

Notwithstanding the submitted details, prior to installation of external lighting on site, the design, position and illumination details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with a timetable of works to be agreed in writing with the Local Planning Authority and shall thereafter be fully maintained and utilised.

Reason: To safeguard the amenities of the area and to promote public safety in accordance with Policies CS38, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and BAP4 of the Boscombe and Pokesdown Neighbourhood Plan (November 2019).

### **11. Arboricultural Method Statement**

Prior to the commencement of development, an updated Arboricultural Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter accord in full with these agreed details.

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

### **12. Soft Landscaping - larger developments**

Within 3 months of the date of commencement of the development, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e) programme of implementation.



These soft landscaping proposals shall also make suitable provision for hedgehogs. The approved soft landscape scheme shall be implemented in full in accordance with a timetable to be agreed in writing with the Local Planning Authority and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS35 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **13. Landscape Maintenance**

Within three months of the commencement of the development hereby permitted or such other time period as is agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **14. Boundary /Subdivision Treatment (Location & Type to be approved)**

Within three months of the commencement of the development hereby permitted or such other time period as is agreed in writing by the Local Planning Authority, full details of all new fencing boundary shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials. The approved fencing shall thereafter be implemented in full in accordance with a timetable of works to be agreed in writing by the Local Planning Authority.

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

### **15. Hard Landscaping - larger developments**

Within three months of the commencement of the development hereby permitted or such other time period as is agreed in writing by the Local Planning Authority, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include: (a) Lighting; (b) Bollards; (c) Seating; (d) Tree grills; (e) Other street furniture; (f) construction and services details in proximity to trees; (g) proposed finished levels and contours, and (h) a timetable for implementation. The approved hard landscape scheme shall be implemented in full prior to the occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

### **16. Cycle Parking to be installed prior to occupation.**

Notwithstanding the details submitted, prior to the commencement of development, the position and design of cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the cycle parking shall be installed as shown on the approved plans and retained, maintained and kept available for visitors and staff of the development at all times.

Reason: To promote the cycling mode of transport and in accordance with Policy CS18 of the Bournemouth Local Plan Core Strategy (October 2012).

### **17. Path Details**

Prior to the commencement of development, specification and signage details for the shared cycle path/ foot path running diagonally across the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter accord with these approved details.

Reason: In the interests of safety, visual amenity and to ensure that the proposed development provides for sustainable modes of travel all to accord with Policies CS18, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

### **18. Provision of a Refuse Management Plan**

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

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

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

### **20. Statement required by National Planning Policy Framework (APPROVALS)**

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the agent was provided with the opportunity to address the concerns raised and planning permission was granted