

PLANNING COMMITTEE



Application Address	7-9 The Starre Inne Purewell Christchurch BH23 1EH
Proposal	Development of 3 x 1 bed, 2 x 2 bed and 2 x 3 bed properties (4 x houses and 3 x apartments) together with associated parking and access
Application Number	8/20/0440/OUT
Applicant	Amirez Ltd
Agent	Mr G Moir
Date Application Valid	17 July 2020
Decision Due Date	11 September 2020
Extension of Time Date (if applicable)	21 December 2020
Ward	Christchurch Town
Report status	Public
Meeting date	17 December 2020
Recommendation	Refuse
Reason for Referral to Planning Committee	Number of support letters exceeds the 20 trigger
Case Officer	Sophie Mawdsley

Description of Development

33. The application seeks permission for the development of 3 x 1 bed, 2 x 2 bed and 2 x 3 bed properties (4 x houses and 3 x apartments) together with associated parking and access.

34. It is an outline application with approval sought for access, appearance, layout and scale. Landscaping is the only reserved matter.
35. The height of the main section of the building is 8.5m with the two end elements measuring 7m in height. The proposed materials include red brick, painted brick and slate and clay effect tiles. The building curves around the junction between Stony Lane South and Purewell and steps down either end closest to the existing buildings. The two and half storey building has a traditional form with the accommodation in the roofspace being served by modest dormer windows.

Key Issues

36. The main considerations involved with this application are:
 - Principle of the development
 - Flood risk
 - Type and size of housing
 - Design, form, scale and layout
 - Impact on Heritage Assets
 - Impact on residential amenities
 - Access and highway arrangements
 - Biodiversity and Heathland mitigation

Planning Policies

Development Plan:

37. 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

HE1: Valuing 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

Christchurch Borough Council Local Plan (2001) – Saved Policies

H12: Residential Infill

Supplementary Planning Documents:

- Dorset Heathlands Planning Framework SPD 2015
- Character Assessment

The National Planning Policy Framework (2019)

38. 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 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historical environment

Relevant Planning Applications and Appeals

8/04/0897 – Creation of enclosed seating area in car park. Granted

Representations

39. Public consultation took place for the development on 22 July 2020 and a site notice was posted outside the site on 28 July 2020. A press advert was published on 31 July 2020.

40. There have been 5 letters of objection on the following grounds;

- Overdevelopment
- Inadequate parking
- Inappropriate mitigation measures
- Increased noise levels
- Alter views

41. There have been 22 support representations on the following grounds;

- Big improvement to car park
- Much needed housing
- Public car park nearby
- Bus services close by
- Utilisation of sustainable brownfield site
- Houses in town centre location
- Good quality housing for local people
- High quality town houses
- Affordable homes
- Utilises neglected land
- Additional footfall to struggling high street
- Pub car park already sold
- Well proportioned homes with gardens and parking
- Lease for pub does not include car park area

Consultations

- **Natural England**

42. No objection subject to mitigation being secured.

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.

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.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2019 as amended) paragraphs 8,170 and 175). Without enhancement, the development would not comply with National Policy. Natural England advise that an appropriate level of enhancement is secured through a planning condition. Natural England advise that an appropriate level of enhancement for a development of this size would be to require the installation of 1 bat brick/tile or box in a suitable location for each development and install lighting in compliance with the ILP Bats and artificial lighting in the UK guidance note (08/18).

- **BCP Environmental Health**

43. The building might impact on (obscure the view) of the council's CCTV camera. CCTV might need to be consulted.
44. Whilst the site is not on land categorised as contaminated it does have some unknown former uses. Historically if there was brewing adjacent there is some possibility of land contamination. I recommend our standard contaminated land condition is applied to this application. It is likely that it can be complied with by a desktop risk assessment, but this at the very least, is required pre development.
45. My main concern is the relationship between the pub and the proposed residential dwellings. There is a strong possibility that noise from the pub will impact on residents of these proposed dwellings. The noise might consist of music from the pub; plant from the pub, e.g noise from the kitchen extract, noise from air conditioning; events in the pub e.g open mike night, karaoke, TV broadcasts; people noise from people in the external seating / smoking area; people coming and going from the pub.
46. The D&A statement (6.10) identifies that the noise can be reduced by quality glazing. However, I recommend a condition that a "noise impact assessment detailing and quantifying the likely noise sources, and explaining how this can be mitigated so as not to impact on the amenity of residents in the proposed residential dwellings" is submitted and agreed before development.
47. Some thought needs to be given to the location of the pub's kitchen extract, and an assessment of the potential odour impact on the residents in the proposed dwellings.

In summary, before I can comment fully I need to see;

- A Contaminated Land investigation report
- A noise impact assessment

- Some consideration of potential odour nuisance from the pub's kitchen extract.

- **Christchurch Town Council**

16. The Committee agreed with comments from Councillor Neale referring to the consultation response from the BCP's Growth & Infrastructure (Highways Authority) Report

It was RESOLVED that the Town Council raise OBJECTION to the scheme on the following grounds:

- 1) The scale of the proposal creates an oppressive built form at the corner of Purewell and Stoney Lane South. The height, bulk and massing of a uniform nature of the proposed corner building is too large for the site and its context contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1- Core Strategy and saved policy H12 of the Christchurch Local Plan;
- 2) The proposal erodes the setting and significance of designated heritage assets (the Western entrance to Purewell Conservation Area and particularly 9-13 Purewell) by virtue of its scale and dominance in the street scene given its prominent corner location. The height of the proposed ridgeline of the dominant building creates less than substantial harm to the setting of the designated heritage assets when juxtaposed alongside modest residential ridgelines and that of the neighbouring listed public house. The applicant has also failed to illustrate the public benefits of the scheme and optimum land use contrary to Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy and paragraphs 195-196 of the National Planning Policy Framework.
- 3) The proposal fails to provide sufficient information to assess the impact of a 50% net loss of parking spaces on the site and the impact upon the local highway network of the public house losing all of its available parking. The proposed parking bays also fail to meet the required standard. The proposal also fails to demonstrate how vehicles performing a right hand turn close to the signal controlled junction have the requisite sight-lines so as to perform this manoeuvre safely and without detriment to the free flow of traffic in a north-south direction across this junction. The application also fails to assess this planning harm when refuse and servicing vehicles need to access the site, especially when reversing into the proposed access thereby creating tailbacks into the signal-controlled junction. The proposed location of the bin-store would also exacerbate the situation with potential highway dwell-time of refuse vehicles compromising highway safety contrary to policy KS11 and KS12 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy and paragraphs 108 and 109 of the National Planning Policy Framework.

It was NOTED that no detail or heads of terms were provided in terms of Heathland Infrastructure Projects in light of the Dorset Heathlands SPD and that whilst the Committee is not against some form of appropriate development on this site in general, this application falls very far short of the requirements that would be suitable in this case. Any resubmission of application particulars would require a re-consultation.

- **BCP Highways - Minor Dev** (updated comments received 20/10/20)
17. The applicant has undertaken a trip generation exercise using the TRICS database to determine the trips generated by the existing and proposed uses of the site, and the subsequent net change in traffic using the site access. The existing trip generation determined that the site would produce 0 trips during the AM peak hour, 18 two-way trips during the PM peak hour with a total of 116 two-way trips. The proposed development was calculated as producing 3 and 5 two-way trips in the AM and PM peaks respectively with 34 daily two-way trips. This enabled the calculation of the net change in traffic summarised within the replication of *Table 3C – Exiting versus Proposed Development Trips (Two-Way)* from the applicants 4867 Trip Generation Note (September 2020). A review of the data within Table 3C has identified that the proposed development site is likely to generate 3 additional trips in the AM Peak (compared to an existing scenario of 0 trips) with a reduction of 13 two-way trips in the AM Peak and a reduction of 82 trips daily. Based upon the reduction in trip generation utilising the site access, this is considered acceptable.
 18. A review of the updated site plan from the applicant has identified the following updates:
 - The width of Parking Space P4 has been increased to 2.6m to accommodate for the end bay adjacent to the wall
 - The applicant has provided a 2m x 2m visibility splay at the site access with a label stating that no boundary treatment can exceed 0.6m height within the splay
 - The applicant has now provided a total of 4 Sheffield stands (providing a total of 8 cycle parking spaces).
 - The Bin Store has now be positioned to the left of the cycle parking – however no additional information has been submitted in relation to a servicing strategy.
 19. Additional information is required to enable the highway authority to undertake a full review of the proposals:
 - The applicant has yet to provide car parking in accordance with the relevant standard (quantity) or justify why the proposed provision is acceptable;
 - The applicant is required to present a servicing strategy for the site that would not have adversely affect the operation or safety of the highway network as outlined within the previous highway response.

- **BCP Waste and Recycling**

20. The bin is too small to accommodate the capacity required for the development. The door, bin handling area and paths are too narrow, minimum of 2m width required. It is worth noting that the bins should be long edge facing to the residents for waste deposition the bin store should be secure, have drainage, a tap for ease of cleaning the area and good signage identifying the waste streams. The pull distance to the rear of the service vehicle should not exceed 10m. A bin presentation point at the curtilage of the site, where it meets Stoney Lane, should be created and a refuse management plan submitted detailing caretaking to maintain the bin store sort contamination and present and return the bin on collection day.
21. The application fails to meet the requirements of the WCA, however with a WMP detailing private collection or a caretaking service to present and return the bins conditioned in a grant of planning permission: No objection.

- **Environment Agency**

22. We **object** to the proposed development on flood risk grounds.

Flood Risk - Sequential Test

The development is required to pass the Sequential Test as required by National Planning Policy Framework (NPPF) and its associated Practice Guidance. <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/applying-the-sequential-test-to-individual-planning-applications/>.

In order to pass the Sequential Test the applicant must demonstrate that there are no reasonably available sites in a lower flood risk area within the Local Authority area. The applicant should agree a Sequential Test position with the Local Planning Authority prior to committing further resources into the proposal.

If the applicant can pass the Sequential Test then they will need to pass the Exception Test through the publication of a Flood Risk Assessment.

23. Flood Risk Assessment / Exception Test

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA

does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards;
- consider how a range of flooding events (including extreme events) will affect people and property;
- take the impacts of climate change into account;
- consider the requirement for flood emergency planning including flood; and warning and evacuation of people for a range of flooding events up to and including the extreme.

24. We have reviewed the Flood Risk Assessment in the Planning Statement and note that the proposed finished floor levels in Section 8.3 are to be "set at a level of 1.91m above OD". This finished floor level is below the current 1 in 200 year flood level, at 1.98m OAD, and the proposal includes a single storey ground floor residence which would be especially vulnerable during a flood incident, as there is no appropriate habitable safe refuge above the flood event.

Our LFRSA sets out that for residential development in the Christchurch Town Centre specific area we would require a minimum ground floor level of 3.6mAOD. The proposed floor levels do not look to meet this advice.

25. In our opinion the applicant should design residual flood risk out of all the development proposal completely. The final design puts forward a scheme that is reliant on interventions (flood barriers) to manage the residual flood risk for the ground floor level, for lifetime of the development. The proposed finished floor level (1.92 metres AOD) is below the current year design flood level and approximately 1.7 metres below the level required to ensure the development is safe over its lifetime. Therefore, in the event of a failure of risk management infrastructure, or to install or operate the proposed interventions, then the development could be completely inundated with flood waters up to circa 1.7m deep over its lifetime.

NOTES TO LPA

26. Flood Risk Management Infrastructure

The site is located in an area of current high flood risk that does benefit from flood defences. We would highlight that currently there is no strategic solution with appropriate funding mechanism to secure this infrastructure for its lifetime of this development.

We note that the applicant has indicated that a development nearby (55 Bridge Street) was allowed to reduce its finished floor levels from 3.3mAOD on the approved scheme to 2.25mAOD. We can confirm that we highlighted

to your Authority that the future flood defences were not to come forward or there was a failure of the defences at the end of the lifetime, there could be significant flood risk to future occupants of this development.

We also highlighted that it was essential that your Authority ensure that there is a legal contributions mechanism in place for you to hold the money until partnership funding allows delivery of the necessary improvements to the existing scheme. Your Authority was also required to ensure that the sum put forward was the appropriate amount for this scale and type of development.

One of the key issues for your Authority in regards to this matter is that there has been no Flood Risk Management Strategy, including detailed economical assessment of the options, for improving defences to confirm the required contribution from developments. Therefore, in the absence of this evidence the development must be looking to be safe for its lifetime without relying on infrastructure or interventions.

27. Flood Resiliency

In addition to the above we would highlight that National Planning Guidance states the following regarding flood resistance.

Flood-resistant construction can prevent entry of water or minimise the amount that may enter a building where there is short duration flooding outside with water depths of 0.6 metres or less. This form of construction should be used with caution and accompanied by resilience measures, as effective flood exclusion may depend on occupiers ensuring some elements, such as barriers to doorways, are put in place and maintained in a good state. Buildings may also be damaged by water pressure or debris being transported by flood water. This may breach flood-excluding elements of the building and permit rapid inundation. Temporary and demountable defences are not appropriate for new developments.

28. Access / Egress

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. The Local Planning Authority may wish to request a Flood Warning and Evacuation Plan for future occupants and secure this through an appropriate condition. We can confirm that the site does lie within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency would be limited to delivering flood warnings to occupants. The NPPF places responsibilities on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

29. Summary

As proposed, there would be a significant risk to occupants within the development and we would advise against this development in this area of Christchurch. Should the LPA wish to approve this application against our advice, we ask to be re-consulted so that we may offer additional comments.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

- **BCP Planning Policy (see main body of report)**
- **BCP Conservation (see main body of report for full comments)**

30. As it stands the development is considered overly dominant in this prominent corner location at the gateway to the conservation area and to be a detracting element within setting of the adjacent listed buildings. As such the development fails to preserve or enhance the character or appearance of the conservation area, and neither enhances or better reveals the significance of the listed buildings. Whilst the level of harm to the significance of heritage assets would be less than substantial, nonetheless it would present harm. The NPPF places 'great weight' on the conservation of heritage assets and the scheme is deemed contrary to paras. 193, 194, 196 & 200 of the NPPF, as well as policies HE1 & HE2 of the Christchurch & East Dorset Core Strategy, 'saved' policies H12 & BE4 of the Christchurch Borough Local Plan and the Purewell Conservation Area Appraisal & Management Plan.

Constraints

- Planning Team Areas - 0.00m
- Conservation Area - 0.00m
- Flood Zone 2 (2019) - 0.00m
- FZ3a 30cc 2093 - 0.00m
- FZ3a 40cc 2133 - 0.00m
- Flood Zone 3a (2019) - 0.00m
- Neighbouring LPA 1000m Buffer - 0.00m
- Agricultural Land Classification - 0.00m
- SSSI Impact Risk Zone - 0.00m
- CBC and EDDC Areas - 0.00m
- Areas Benefiting from Flood Defences - 0.00m

- Highways Inspected Network - 5.39m
- Highways Inspected Network - 7.07m
- Heathland 5km Consultation Area - 0.00m
- Airport Safeguarding - 0.00m
- Airport Safeguarding - 0.00m
- Coastal Area (Policy) - 0.00m
- Wessex Water Sewer Flooding - 0.00m
- Coastal Area (Open Spaces) - 188.35m
- Contaminated Land - Refuse Disposal - 89.05m
- Contaminated Land - High Risk - 73.74m
- Contaminated Land - Medium Risk - 18.94m
- Contaminated Land - Medium Risk - 6.58m

Planning Assessment

Site and Surroundings

31. The application site lies on a prominent corner plot between Stony Lane and Purewell within a mixed use area consisting of residential properties, commercial premises and a public house. The site currently forms the car park for the Starre Inn public house. It is bounded by a low boundary wall and as such is open within the street scene and covered in hard surfacing.
32. This site is in a sensitive position, it is a part of the curtilage of the listed public house and is at the gateway to the Purewell Conservation area. The adopted appraisal identifies the character at this point: *'The mixed use group of houses, shops, offices and a public house make up the western 'entrance' to the conservation area. This character area is strongly defined by historic built form with buildings hard to the back of the pavement providing positive enclosure to the street. The relatively flat topography of the area lends itself to long views into the conservation area from Bridge Street. The scale of buildings varies between two and three storey, two being dominant. Form is traditional with steep and shallow pitched roofs with eaves lines parallel to the road.'*

Principle of development

33. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals. Following the publication of the Housing Delivery

Test in February 2019, the Council cannot currently demonstrate a five year land supply with a 20% buffer applied. In high level terms, the Housing Delivery Test compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement).

34. The '5 Year Housing Land Supply' document has been updated in 2020 and now only considers the housing supply in the former Christchurch Borough Council area of the adopted Core Strategy (2014). The document confirms that in the next five years of the plan period, the housing supply is 1,668 set against a target of 2,094. This results in a shortfall of 426 dwellings over the Core Strategy target which includes a 20% buffer and the previous shortfall of the Core Strategy target. This equates to a 5 year supply of **3.98 years**.
35. The site is located within a high risk flood zone and within and adjacent to designated heritage assets. Therefore, footnote 6 of paragraph 11 of the NPPF (2019) is applicable and the presumption in favour of sustainable development is not engaged;

*For **decision-taking** this means:*

(c) Approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁷, 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.

(6) The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 in chapter 16); and areas at risk of flooding or coastal change.

36. It is considered that the NPPF and Core Strategy policies on flood risk and heritage assets provide clear reasons for refusing the application. Thereby the tilted balance is not engaged in this instance. This aspect will be further discussed in the report.

Flood risk

37. The proposed site for residential development is located entirely within the current flood zone 3 (high risk) and in the future zone 3a as identified in the Council's SFRA climate change scenarios (2019). The site is not allocated in the adopted Local Plan (2014) for residential use.
38. BCP Planning Policy have confirmed; *'The Christchurch Local Plan Review reached an 'Options' stage in 2018 and explored the option of mixed use development (including residential) within the Stony Lane / Bridge Street 'area of search'. The Starre Inne site lies outside of the 'area of search' considered as part of the previous Local Plan review and the emerging flood risk SPD. In order to consider residential development on the application site (including the wider Stony Lane South / Bridge Street Areas), an effective 'strategic' approach towards flood risk mitigation is required. The Council has been examining options to address flood risk as part of the work associated with a flood risk SPD for the Stony Lane South / Bridge Street area.*
39. *Since the formation of BCP, the Christchurch Local Plan Review is no longer being progressed and work has now commenced on a BCP Local Plan. Therefore, the weight to be attached to the Christchurch Local Plan Review 'Options' consultation is very limited. The BCP Local Plan is considering a policy approach to the Stony Lane South / Bridge Street area to enable its potential allocation but this will be dependent on the ability to identify an effective flood risk mitigation strategy informed by evidence and strategy work which is currently ongoing. Any strategy for the Stony Lane South / Bridge Street area to enable residential development will also need to be supported by the Environment Agency'.*
40. As the application site is not allocated for residential development and there is no SPD to deal with the flood risk issues, the Sequential Test will need to be undertaken before the Exception Test can be carried out. The NPPF is clear that the presumption in favour of sustainable development and the tilted balance does not apply to development within areas of flood risk (footnote 6). Therefore, whilst the LPA does not currently have a five year housing land supply, this does not outweigh the flood risk issues associated with this site.
41. The application is supported by a Flood Risk Assessment which covers both the Sequential Test and the Exception Test. The Sequential Test has identified sites within the Christchurch area which have the capacity for 7 to 9 dwellings and used the Councils Strategic Housing Land Availability Assessment as their evidence base.
42. However, Officers consider that the Sequential Test has not been passed. A number of sites have been discounted because they already have planning permission; this is not considered to be a viable reason to discount them. The National Planning Practice Guidance states; *'Also look at sites that haven't been allocated in the local plan, but that have been granted planning permission for a development that's the same or similar to the development*

you're proposing. Your local planning authority will have details of sites with planning permission'. Furthermore, the Councils five year housing land supply document has not been referred to in the submission which is an up to date document and identifies sites with planning permission and those potentially coming forward for development.

43. It is considered that there are other sites available within the five year supply which could accommodate this modest number of units within areas of lower flood risk. Inadequate evidence has been submitted to clearly demonstrate that the proposed seven units could not be located on alternative sites with a lower flood risk. Notwithstanding that Officers do not consider the Sequential Test to be passed, it is considered that the Exception Test would not be passed either.
44. The FRA states that floor levels of the development will be set at 1.91OD; however as the Environment Agency have highlighted, the proposed finished floor levels are below the current year design flood level and approximately 1.7 metres below the level required to ensure the development is safe over its lifetime. Floor levels should be set at 3.6AOD within this area. The applicant has put forward that flood resilient measures can be put in place such as; walls built with low permeability (engineering bricks); raised sockets and appliances; construction materials that dry out quickly and protected communications wiring. They have also stated that applicants will sign up to the Environment Agency's early warning system. Despite these assurances, it is still considered that the development would be unacceptable on this site and the Environment Agency have stated; *'The proposed finished floor level (1.92 metres AOD) is below the current year design flood level and approximately 1.7 metres below the level required to ensure the development is safe over its lifetime. Therefore, in the event of a failure of risk management infrastructure, or to install or operate the proposed interventions, then the development could be completely inundated with flood waters up to circa 1.7m deep over its lifetime'*.
45. Given the above, the proposal is considered to be contrary to policy ME6 of the Core Strategy and the NPPF, specifically paragraphs 155 and 163. The Sequential Test and Exception Test have not been passed as outlined above and furthermore, the proposal is not considered to bring about wider sustainability benefits to the community that outweigh the flood risk (paragraph 160 of the NPPF).

Type and size of properties

46. Policy LN1 refers to the type and size of units. The Strategic Housing Assessment (SHMA 2015) states that 2 and 3 bedroom houses are what is mostly required in the Christchurch area (see Appendix C). The proposed development provides for both 2 and 3 bed properties as well as 3 x 1 bed

apartments and as such it is considered this mix broadly coincides with the requirements as set out in the SHMA.

47. The policy also refers to the Housing Quality Indicators. Whilst these have been overtaken by the National Space Standards, they are still referred to in the adopted Local Plan and therefore part of the policy test. The 3 one bed units (2 bedspaces) measure between 37.9sqm and 49.6sqm; the proposed two bed houses (4 bedspaces) are 61.8sqm and 62.3sqm and the three bed (6 bedspaces) houses measure 85.3sqm. The HQI for Unit Size suggests that for a 4 bedspace unit (2 double bedrooms), the internal space should be between 67sqm and 75sqm and the internal space for a two bedspace (1 double bedroom) unit must be between 45 – 50sqm. For a 6-bedspace unit (3 bedrooms), the internal area should be 95-100sqm.
48. Therefore, with the exception of 2 one bedroom units, the proposal is not considered to meet the HQI for Unit Sizes and does not comply with this aspect of Policy LN1. The National Design Space Standards although not adopted as part of Policy have superseded the HQI's in Central Policy and the units do not meet the size thresholds for these up to date criteria either. Therefore, although it is clear that policy LN1 has limitations in regards to its compatibility with the NPPF, the above figures do indicate that the proposed units are compromised in terms of their size and do not offer adequate residential accommodation.

Design, form and layout

49. Core Strategy (CS) Policy LN2 requires that the design and layout of new housing development should maximise the density of development at a level which is acceptable for the locality. CS Policy HE2 complements the design requirements in section 7 of the NPPF by requiring that development be compatible with or improve its surroundings in relation to 11 criteria including layout, site coverage, visual impact and relationship to nearby properties.
50. The proposed development would be predominantly two and half storeys in height and dropping to two storey on either end of the terrace. It would have a traditional appearance with dormer windows and a curved elevation and roof form to address the corner. There would be considerable site coverage with very modest rear gardens for the houses and a shared modest garden area for the flats. The existing site access would be utilised leading to an area of hard surfacing for vehicle and cycle parking and bin storage.
51. Bridge Street and Purewell are characterised by terraced properties of varying heights which abut the pavement creating a relatively enclosed street scape. This proposal does to a degree mirror this pattern of development. However, given the significance of the adjacent heritage asset of the Starre Inn, the overall layout and design form is not considered to be acceptable. This is explored in detail below.

52. Although the site is relatively small, the overall legibility and permeability of the layout is poor. The four dwelling houses, which are most likely to have the parking spaces at the rear have their main access points along Stony Lane South and on Purewell and there is no pathway to the front of the site, in particular for Units 1 and 2. The separation distance to the Riversmeet Court to the south is acceptable as the intervening driveway provides this space between the buildings and the scale of the development is compatible with this adjacent building and the larger three and half storey retirement development on the opposite side of Stoney Lane South.
53. However, as the proposed unit sizes are inadequate and the layout appears cramped with inadequate pedestrian links, it is considered this is overdevelopment of the site and the development has insufficient regard to its surroundings and does not appear compatible or improve the local area, contrary to policy HE2.

Heritage assets

54. 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 Policy states that; *'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 the area'*.
55. 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. These requirements necessitate considerable importance and weight being given to any heritage harm identified.
56. The proposed development would be built on land that has been used as a car park for the public house. The Starre Inn is grade II listed, dates from the eighteenth century and benefits from a good survival of historic fabric such as traditional windows, projecting bays and roofing materials. This building forms a group with both those listed buildings in the Purewell West character area and also an important historic group with the two other public houses of this date in the conservation area. The Conservation Area Appraisal states; *'The car park to the Starre Inn makes a poor contribution to the 'entrance' to the conservation area and defined the setting of this listed building especially in views into the conservation area'*.

57. BCP's Conservation Officer has provided the following comments; *'Whilst there is scope to enhance the gateway to the conservation area with a carefully considered development of an appropriate scale, the presented scheme is not adequately subservient to the adjacent listed building. Contrary to para 4.2 of the submitted Planning and D & A Statement, the proposed development would have a poor relationship with the listed building, the scale and height of which would have a competing impact. The ridge height of the main body of the new building would be noticeably higher than the former Starre Inn, with the three-storey nature of the new build overscale in relation to the more modest two storeys of the pub. The extent of the new build sweeping right around the corner and infilling up to the vehicle access would be overly prominent and also result in an undesirable blockage of views towards the side and rear of the listed buildings at no. 7-9 (former Starre Inn) and no. 11 Purewell. Further, placing the bin store and cycle store right up against the rear of the listed building is not welcomed, its presence exacerbated by the flat roofed utilitarian appearance the structure.*
58. *The Heritage Statement (para. 7.24) seems narrow in its remit in suggesting that because the street scene is characterised by varied eaves and ridge heights there is no overriding reason for the proposed development to reflect the parameters of the heritage assets. A more sympathetic development would pay greater attention to the significance of the setting of the adjacent listed buildings and in particular the former Starre Inn. It would appear the form of the development is being more strongly driven by the function (i.e the number of units sought) than the heritage constraints and the scope for change... In this instance the new building would be in extremely close proximity to the listed pub, would impact upon key views towards various heritage assets, would be a prominent and distracting feature adjacent to the pub, would change the character at this point, as well as being a permanent intervention'.*
59. The design solution proposed picks up on features characteristic to the buildings which make a positive contribution to the Conservation Area and its design would be more clearly informed by the historic character of the area than Priory Lodge opposite for example. There are also benefits in developing what is noted is a negative part of the Conservation Area at a key gateway.
60. However, for the reasons above, it is considered less than substantial harm is caused to the setting of the listed building and the character and appearance of the Conservation Area. Paragraph 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal. In this case, it is considered the public benefits of providing 7 units of housing and employment during the construction phase does not override the harm caused to the setting of the Starre Inn and Purewell Conservation Area. Given the significant flood risks associated with this site and the potential compromising

of the operation of the pub from the redevelopment of its car park, there are no other public benefits arising from the proposal to weigh against this harm.

Residential Amenity

61. The proposed development would be sited to the north of the flats in Riversmeet Court and the access would separate the buildings. There is one first floor window proposed on the southern end of Unit 7 serving the stairwell which is not considered to result in any loss of privacy to the neighbouring building. The north east elevations of the building would face the side of the Starre Inn and there are no first floor openings on the side of this building. The ground floor windows would be screened by the proposed close boarded fencing and hedging along the side of the new building.
62. The future occupants of 3 of the 4 dwelling houses do have very modest rear amenity spaces; whilst it appears from the site plan that the three flats and one house have a very small area of shared space. This is not ideal; however given the urban location and the site's close proximity to the SANG at 2 Riversmeet, it is not considered that the provision of amenity space is completely inadequate.
63. There would be an element of mutual overlooking within the rear of the site with the provision of first floor bedrooms for the 4 terraced units. However, none of the windows would result in direct views into each property. The second floor units are all served by dormer windows and rooflights on the front elevation with the exception of the upper landing/hall for unit 7.
64. The proposed relationship between the residential properties and the existing public house raises issues surrounding noise and disturbance. BCP Environmental Health have raised concerns that '*there is a strong possibility that noise from the pub will impact on residents of these proposed dwellings*'. A condition is recommended to ensure any noise is mitigated against. This issue has not been investigated further given the objection to the principle of development on flood risk grounds. In urban areas, the proposed relationship is not uncommon. However, a noise assessment could need to be undertaken prior to permission being granted to examine what the existing noise levels are from the public house and what mitigation is required.
65. As outlined above, the proposed units are not considered to be of an adequate size in relation to policy LN1. The living environment for future residents will be poor and the layout of the site with restricted access from the parking area to the front of the properties emphasises the tight nature of the proposal. Therefore, it is considered that the design and layout of the development has not minimised the impact on residential amenities of the future occupiers and as such it is not in accordance with policy HE2 of the Local Plan.

Parking and Access arrangements

66. Core Strategy Policy KS12 sets out that adequate vehicle and cycle parking facilities must be provided by the developer to serve the needs of the proposed development. Cycle and vehicle parking for residential development should be of the highest quality design and use land efficiently.
67. The existing access point onto the site is being utilised for this development and four parking spaces are being provided. It is recognised that this is a sustainable location; however under the current parking standards, this is a shortfall of 4 spaces (if unallocated). The applicant has referred to the draft BCP Parking Standards SPD which has just been out for consultation. In this document, a reduced amount of parking is required given the location within Zone B. The three flats would not require any parking and one space would be required for each house. It is clearly recognised that the current provision is more in line with the emerging SPD; however at the time of determination of this application, it has not been adopted by the Council as an SPD. There is no on street parking within the immediate vicinity although the site is within close proximity of a public car park. The proposal is providing 8 cycle parking spaces which is considered to be sufficient. On balance, given the sustainable location of the site and the emerging direction on the provision of parking it is not considered the proposal could be refused on these grounds.
68. The proposal results in the loss of all parking for the public house and there is no safe drop area for visitors to the Starre Inn. The applicant has stated that the pub does not require this on-site parking and there is a public car park within walking distance from the site. BCP Highways have raised concern that; *'It is likely picking up and dropping off will occur outside of the entrance to the Starre Inne on Purewell, in close proximity to the signalised junction. This is considered to present a safety risk. It has not been demonstrated that sufficient parking can be accommodated on site without impacting upon the safety or operation of the highway network.'*
69. An assessment has also been undertaken to determine the trips generated by the existing and proposed uses. It is concluded that there would be a reduction in trips generated from the residential use. BCP Highways are satisfied with this conclusion. Concerns have also been raised with regards to the refuse and recycling storage and collection, specifically its location being further than 10m from the kerbside and the size of the waste storage building. This could be dealt with by condition but does provide further evidence the site is overdeveloped and that there is insufficient space to accommodate acceptable waste provision.
70. However, it is considered that given the lack of parking and servicing area for the Starre Inn, this would result in highway safety issues, contrary to policy KS11 of the Core Strategy.

Biodiversity and Heathland

71. 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.
72. 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.
73. This application is not accompanied by a unilateral undertaking or a mechanism to transfer the contribution originally made to this current application and as such there is no mechanism to secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. 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). Without this mitigation secured the development could result in an adverse effect on the integrity of the designated site and is therefore not in accordance with policy ME2.
74. Given the existing use and lack of vegetation on the site, no ecological survey was required. However, the NPPF encourages development to provide for net biodiversity gain. Therefore, as advised by Natural England enhancement measures such as bat brick/tile and bat appropriate lighting should be incorporated into the scheme. This could be secured by condition and would be compliant with policy ME1 of the Local Plan and the NPPF.

Planning Balance

75. As stated in previous paragraphs, the tilted balance does not apply to this proposal where the NPPF provides clear reasons for refusal. The development would make a modest contribution to the housing supply; however the flood risk constraints on the site, the harm caused to the heritage assets and highway safety implications clearly outweigh this benefit. The

Local Plan policies and NPPF provide clear reasons that this proposal is not acceptable and does not provide a form of sustainable development.

RECOMMENDATION

Refuse, for the following reasons;

1. The proposed development by reason of its location within the current Flood Zone 3 and future Flood Zone 3a, will result in unacceptable flood risks on the site and increase flood risk elsewhere. The Sequential Test has not been passed and the Exception Test has not been satisfactorily addressed. The proposed floor levels are below the level required to ensure the development is safe over its lifetime. As such the proposal is contrary to policy ME6 of the Local Plan and Section 14 of the NPPF (2019).
2. The proposed development by reason of its relationship with the adjacent Grade II listed building, The Starre Inn, its scale and extent of built form would result in harm to the setting of the heritage asset. This poor relationship would have an adverse impact on the character and appearance of the Purewell Conservation Area. This less than substantial harm is not outweighed by any public benefits of the scheme. As such, the proposal is considered to be contrary to Policy HE1 of the Local Plan and Section 16 of the NPPF (2019).
3. The proposed development by reason of the layout and size of the accommodation would result in a cramped and tight proposal and a poor living environment for future residents. As such, the proposal is considered to be contrary to Policies HE2 and LN1 of the Local Plan.
4. The proposed development by reason of the loss of parking and any servicing area for the public house would result in highway safety risks from picking up, dropping off and deliveries on Purewell, close to the signalised junction. The proposal would impact on the safety and operation of the highway network contrary to policy KS11 and KS12 of the Local Plan.
5. The proposal is within 5km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European Sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 1994, in particular Regulations 48 and 49. If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedures set out broadly in Circular 06/2005. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the

proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, the proposed development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development close to the Dorset Heathlands and also the provisions of the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD), which took effect on 3rd January 2017.

Background Papers