

Planning Committee



Application Address	Land on the corner of The Grove and Barrack Road, Christchurch, Dorset
Proposal	Outline planning application for a block of 51 flats and 4 dwellinghouses with associated parking
Application Number	8/21/0410/OUT
Applicant	Fortitudo Ltd
Agent	Chapman Lily
Ward and Ward Member(s)	Commons
Status	Public Report
Meeting Date	16 December 2021
Summary of Recommendation	Refuse for the reasons set out below
Reason for Referral to Planning Committee	There have been 20 or more representations received within the publicity period, based on material planning issues, from separate addresses, that are contrary to the recommendation of the planning officer as set out in the Council's Constitution.
Case Officer	Sophie Mawdsley

Description of Proposal

1. Outline planning application for a block of 51 flats and 4 dwelling houses with associated parking. Access, appearance, layout and scale are being considered with the exception of landscaping which is a reserved matter.
2. The proposal provides for 35 x 1-bed flats, 16 x 2-bed flats and 4 x 2-bed dwelling houses. The flats would be provided over four floors of accommodation within a single main building and the terraced two-storey houses would be positioned within the north east corner of the site.
3. There are 16 parking spaces proposed which includes 12 spaces with electrical charging points and 1 delivery space. 80 cycle parking spaces are being provided for residents and visitors with Sheffield stands and a space stacker.
4. The plans were amended during the proposal following the consultation responses, specifically on highway issues and flood risk issues. The changes to the plans included; reduction in number of parking spaces from 23 to 16 in order to provide more cycle parking; an increase in the finished floor level of the 4 terraced houses and provision of steps to front and rear to access the dwelling; relocation of underground

bins along The Grove into area at the rear of building and confirmation the bus stop would not be relocated.

Description of Site and Surroundings

5. A large proportion of the site is currently open and used for advertisement hoardings with a grassed area to the front. The area to the north and north east is used for open storage for portaloos and it is accessed from the former Brandon Tool Hire site with access off Jumpers Avenue. The site lies on a prominent gateway position as you enter Christchurch from the west, sited on the junction between Barrack Road, a main route into the town centre and The Grove, a residential road which links to Fairmile Road to the north. There is a petrol station to the west and residential properties to the north and west of the site. There is a sewage pumping station directly to the north of the application site with access from Lodge Road.
6. Barrack Road is identified as a prime transport corridor in the Local Plan. There is a bus stop on The Grove along the front of the application site and there are beryl bikes available along the Barrack Road frontage and again to the front of the site.
7. The locality is characterised by a mix of uses including both residential and commercial. There is a relatively tight urban grain in the area and along Barrack Road there is a mix of two, three and four storey buildings. The majority of the building stock is traditional in its appearance; however there are examples of blocks of flats with a contemporary form along Barrack Road. Opposite the western boundary on The Grove is a more contemporary development of terraced dwellings on the former site of the Crooked Beam public house.
8. Part of the site (grassed area) is leased by BCP Council as an ornamental garden. It is not identified as Public Open Space within the Local Plan or identified as amenity or informal greenspace within the Christchurch Open Space Study in 2007.

Relevant Planning History:

9. 7 The Grove - 8/12/0282 - Resubmission of retrospective application for change of use from SG (Sui Generis) to B8 (Storage and distribution) and retention of existing fence in association with previous temporary consent 8/08/0665. Approved.

Constraints

- Flood Zone 2 (2019)
- FZ3a 30cc 2093
- FZ3a 40cc 2133
- Areas Benefiting from Flood Defences
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Contaminated Land
- Tree Preservation Order

Public Sector Equalities Duty

10. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

11. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
12. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

Consultations

Natural England (summary)

13. **Objection.** The site is within 5km of specially protected heathlands which are habitats sites (SPA, SAC and Ramsar). Town Common SSSI is 1.3km away. As such the authority has been advised that proposals of this scale would require mitigation for adverse effects arising from additional recreational pressures. This should be in the form of a Heathland Infrastructure Project (HIP) which can include SANGs.
14. Natural England is aware that in this location opportunities for the provision of new SANG land are limited. However, the applicant has not submitted any details indicating how the impacts may be mitigated. It may be proposed that contributions under CIL and S106 would be sufficient, however Natural England advise that the authority will need to demonstrate how they will secure mitigation if the applicant proposes to make use of the heathlands SPD.

Environment Agency

15. Site is within Flood Zone 2. Refer to Standing Advice

Dorset & Wiltshire Fire and Rescue

16. In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.

Christchurch Town Council

17. Objects to the proposal

“The proposal locates 4 dwelling-houses in Flood Zone 2. The scheme fails the ‘exception test’ at paragraph 160 of the NPPF by not providing for the safety of these

units for the lifetime of the development due to high resulting flood pressures upon elevational walls. The scheme would also increase the flood risk elsewhere because of resulting floodwater displacement from the footprint of the 4 units located in Flood Zone 2. The proposed layout also fails to locate the most vulnerable forms of development in the lowest area of flood risk contrary to paragraph 163(a) of the NPPF without providing an overriding justification. The scheme is therefore contrary to paragraph ME6 of the Christchurch and East Dorset Local Plan: Core Strategy.

The proposal provides insufficient detail to mitigate the impact upon the Dorset Heathlands SPA. As such the Local Planning Authority is incapable of conducting an Appropriate Assessment so as to consider mitigation without further information being provided and re-consulted upon contrary to paragraph 4.8 of the Dorset Heathlands Planning Framework 2020-2025 SPD and policy ME2 of the Christchurch and East Dorset Local Plan: Core Strategy”.

The proposed location of the development acts as a ‘gateway’ to Christchurch. Given the prominent location of the development; the size, bulk and scale of the development is overbearing in the street-scene and out of character for the area contrary to policy HE2 of Christchurch and East Dorset Local Plan: Core Strategy and saved policy H12 of the Christchurch Local Plan 2001”.

BCP Planning Policy

18. (conclusions - also see main body of report)

“We are currently updating our five year supply data and the list of sites. We cannot demonstrate a 5 year supply for Christchurch. However, our draft list of 5 year supply sites indicates that there are a number of sites that could accommodate 55 dwellings. There are a total of 86 sites that could accommodate a total of 1500 dwellings (net). There are 3 sites that could accommodate 50+ dwellings. There are 13 sites that could accommodate 10 or more dwellings which could together accommodate 1362 dwellings (net); plus of course a number of smaller sites.

In view of the appeal decisions above which confirm that when considering alternative site this should not be restricted to sites that could accommodate the total number of proposed dwellings; I do not consider that the application has demonstrated that the development could not be accommodated on alternative sites of lower flood risk. Therefore, I conclude that the applicant has not passed the sequential test”.

BCP Highways (summary of comments)

19. The site is located entirely within Zone B of the BCP Parking Standards SPD. Residential flats of 3 habitable rooms or less are not required to provide parking, dwelling houses are expected to provide 1 space per unit when comprising more than 3 habitable rooms. A total of 15 car parking spaces are proposed, an excess of 11 spaces.
20. The spaces themselves are a typically 2.6m x 5m bays in line with the SPD. A 6m aisle is provided which is acceptable. Bays Nos. 1 to 7 and 11 to 15 include active EV charging infrastructure, which more than accords with the requirement in the SPD. Dwelling houses are required to have their own active supply.
21. The proposal would require a total of 81 cycle spaces (75 for the residents and 6 for the visitors) with 80 spaces (70 for residents and 10 for visitors) provided giving a shortfall of 1 overall. The amended plans include a 70 space cycle store with a 24 space stacker unit and 46 Sheffield type spaces. It is not clear it meets the 2.5m aisle

clearance without damaging cycles in the Sheffield type stands opposite or whether it would potentially fail to fully extend preventing its use entirely. The path leading to the cycle store from Barrack Road is inadequate typically being less than the 2m effective width specified in the Parking Standards SPD. This needs to be addressed to allow for user comfort and ease of use when manoeuvring a bicycle and will discourage the cycling as an everyday activity.

22. The site would be accessed from The Grove with a new access created near the northern site boundary with adequate visibility splays provided. The access would be across the tail of the existing bus layby which was previously proposed by the applicant to be relocated further south. It is not considered necessary to remove/relocate the existing bus layby on The Grove with the existing layby remaining in situ. However, a £20k contribution is expected for the provision of a new Landmark Bow 3 bay shelter with RTI to replace the existing bus flag and timetable information board.
23. Along Barrack Road and up into The Grove as part of the Transforming Travel programme additional land is required from the site frontage to enable widening on of the footway, cycle track and provision of soft landscaping but also to remove the conflict point at the edge of the site boundary adjacent the petrol station entrance. An updated dedication plan will be required to secure this through an appropriate legal mechanism to reflect the extended area required for the bus shelter.
24. Based on the information provided by the applicant, the highway authority recommends **refusal** for the proposed development, based upon the following reasons:
 - Cycle parking is not appropriately designed for users of the proposed development;
 - Insufficient cycle path width;
 - * Failure to make a contribution towards public transport improvements;
 - Failure to dedicate land for pedestrian and cycling improvements.
25. The proposal is considered to represent poor design and is therefore contrary to the BCP Parking Standards SPD, and paragraphs 110, 111 and 112 of the National Planning Policy Framework (NPPF) 2021.

BCP Trees & Landscaping

26. *"Officers cannot support this application. This is because of the negative impact the proposal will have on the character of the local landscape. In addition to the loss of a green space, to facilitate an increase in the built form.*

It is one of several parcels of open and/or treed areas, positioned near this busy junction. There are no trees growing on the proposal site itself. However, there is evidence, both from viewing Google maps and from seeing piles of wood chips, that trees have recently been removed close by. It appears that at least four established trees were felled and the Officer is concerned that these trees have been felled to facilitate development. Any potential development on site would have to provide a substantial landscaping scheme to mitigate the loss of these trees, the loss of the grassed area and the loss of wildlife habitats. The proposal also needs to demonstrate how the character of the local landscape will be protected and enhanced. The proposal put forward does not meet these requirements and it is contrary to policies HE2 and HE3 of Christchurch and East Dorset Local Plan"

BCP Lead Flood Authority (summary of comments)

27. If infiltration / soakaways cannot work, a connection to the Public surface water sewer restricted to the current greenfield QBAR runoff rate would be acceptable from the LLFA's point of view especially if Wessex Water have already been consulted on and approved this in principle. This should be a planning condition with a final completed design based on actual site investigations submitted and approved before construction commences. It should also consider the impact of the main river in flood on any drainage (any outfall may become "tide locked").
28. Pleased to see that they have revised the floor levels to the four dwelling houses and withdraw my previous objection. Please note, as these floor levels are important, they should be made a condition and further the design needs to ensure that there are no underfloor voids / services which could potentially flood / hold water / be damaged in the event of a flood. Further as in the distant future the area will become susceptible to flooding I would recommend that all the residents are advised to sign up to EA flood warning service because if they have vehicles parked there they may want to move them etc.

BCP Urban Design (summary of comments)

29. Scale and layout

- Although the site sits in a prominent location on a key route the area is quite suburban in character, with most buildings only two storey. Four storeys as currently proposed is rather excessive.
- Scheme presents a very long frontage which is also rather out of character with the area. In my view it would be better to break this up into three smaller blocks.
- The inclusion of four houses to the rear of the site results in a rather congested layout.

Amenity

- Welcome the provision of balconies. However, it appears that there would be some small, single aspect, north east facing flats with no balcony - these would not provide a good level of amenity.
- The proposed green space on the site would provide only visual amenity as it is too small to be much used which is unfortunate.

Appearance

- There are buildings of a variety of styles in the immediate area so a contemporary or traditional design could work. The tall canted bays and quoins add some interest but don't seem particularly relevant to the local character.
- I would prefer to see a number of doors on the front elevations providing direct access into to the building from the footway. This would help to enliven the street scene.

Landscape and open space

- Would expect to see varied and abundant planting of mainly native species in order to deliver net gains in biodiversity in line with the NPPF and soften the street scene.

Sustainable construction, energy and environmental impact

- Limited information on energy and sustainable construction. As a minimum I wonder how the requirement for 10% of the total regulated energy used to be from renewable, decentralised and low carbon energy generation energy sources be met? In view of the declaration of a climate emergency I would like to see consideration given to the use of a fabric first approach, locally sourced materials, ground source heat pumps and solar PV panels or tiles.

Parking and movement

- A reduction in the number of homes and therefore the amount space dedicated to parking would enable a better balance between green space and development on the site.
- Open undercroft parking should be avoided in line with the parking SPD due to its poor appearance and security issues.

BCP Biodiversity

30. Objects to the proposals. Fully support position as set out by Natural England in their response dated 24/9/21, that as applicant has not submitted information of a Heathland Infrastructure Project that will avoid adverse effects on SPA, SAC and Ramsar, this application is not compliant with The Dorset Heathlands Planning Framework 2020-2025 SPD.

Representations

31. 284 representations in total have been received to the proposal.
32. 275 objections to the proposal on the following grounds;

Highways and Parking

- Increased traffic congestion
- Barrack Road already highly congested and often gridlocked
- The Grove used as cut through with speeding vehicles
- Road network cannot cope
- Highway safety
- Loss of parking
- Proposed parking insufficient
- Unrealistic each flat wont have at least 1 car
- Increased parking on side streets
- Challenge access for emergency services
- Impact on pedestrians safety, in particular children
- Public transport is limited
- Increased HGV traffic
- Loss of safe access to Beryl bikes
- Relocation of bus stop an issue
- Cancel out proposed cycle lanes along Barrack Road to enhance safety
- Queues for petrol station already cause congestion
- Cumulative impact of other development on Barrack Road
- New vehicular point to close to junction and roundabout result in greater pressure on both roads.

- Waste and recycling collection for this number of units cause additional congestion
- Barrack Road most congested road in Dorset

Environment and Infrastructure

- Air quality
- High pollution
- Already too many flats
- Local infrastructure – doctors, dentist, hospitals and schools over subscribed
- Need public infrastructure in place first
- Concrete jungle and loss of grass
- Loss of inner town green space
- Should be cherishing our open spaces
- Local wildlife and rivers could be impacted upon
- Lack of landscaping and green space
- Flood risk assessment fails to reflect true picture and water levels of River Stour
- Increased risks of flooding
- Climate change
- No thought to environmental impact
- Part of site is publicly owned land -people use to walk dogs
- Lack of affordable housing
- Area needs 3 bed housing with parking not more 1 bed flats

Design and Amenity

- Architecturally out of keeping with the area
- Small flats squashed within close proximity
- Building is too high and overpowering
- Size and scale out of proportion with existing buildings
- Overdevelopment and overbearing
- Monolithic building and imposing
- Unacceptable high density
- Unacceptable in terms of site coverage, architectural style, scale, bulk and height – contrary to policy HE2
- Slums in the making
- Destroy gateway to Christchurch
- Claustrophobia in town
- No outside space – poor quality environment
- Loss of privacy and overlooking
- Loss of light
- Noise, disturbance and dust during construction
- Increased antisocial behaviour
- No safe play areas for children

Support and comments on the following grounds:

- Christchurch unable to demonstrate a 5 year housing land supply
- Need development to combat the housing crisis
- Reduce pressure to release greenbelt
- Demand for the proposed unit mix set out in the SHMA
- Lower parking provision encourages use of sustainable forms of transport in line with Parking SPD

- Not everyone wants a car
- Quality to a fantastic design, attractive gateway
- Meets technical housing standards
- Provision of affordable homes
- Provides opportunity for people to own their own home
- Sustainable form of development
- Could be asset to the area. If more parking, development could be more favourable.

Key Issues

33. The key issues involved with this proposal are:

- Principle of residential development
- Flood risk and Sequential test
- Type and size of housing
- Affordable housing
- Design, form and layout
- Parking and Access arrangements
- Residential Amenity
- Open space
- Biodiversity

34. These issues will be considered along with other matters relevant to this proposal below.

Policy context

Development Plan:

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

Christchurch and East Dorset Core Strategy 2014

KS1: Presumption in favour of sustainable development

KS2: Settlement Hierarchy

KS9: Transport Strategy and Prime Transport Corridors

KS11: Transport and Development

KS12: Parking Provision

HE2: Design of New Development

HE3: Landscape Quality

ME1: Safeguarding Biodiversity and Geodiversity

ME2: Protection of the Dorset Heathlands

ME3: Sustainable development standards

ME4: Renewable Energy

ME6: Flood risk

LN1: Size and types of dwellings

LN2: Design, Layout and Density of New Housing Development

Saved policies of the Christchurch Local Plan 2001

H12 Residential infill

ENV1 Waste facilities in new development

ENV2 Protection of development from nearby polluting operations

Supplementary Planning Documents and Guidance

- BCP Parking Standards SPD 2021
- Housing and Affordable Housing SPD
- Christchurch Borough-wide Character Assessment (2003)

36. National Planning Policy Framework (NPPF) 2021

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

37. The relevant sections are;

Section 2 Achieving sustainable development

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Planning Assessment

Principle of development

38. Objective 6 of the Core Strategy identifies that development will be located in the most accessible locations, focused on prime transport corridors and town centres. Policy KS9 identifies Barrack Road as a Prime Transport Corridor and advises that higher density development will be located in an around town centres and Prime Transport Corridors in order to reduce the need to travel. Policy LN2 advises that proposals for high density developments will be acceptable along the Prime Transport Corridors where they have an acceptable impact on the character of the area. The site is within walking distance to a range of services and facilities and has access to open space. It

is therefore considered that residential use on this site could be acceptable in terms of its locality. However, as outlined below there are objections to the principle of development on flood risk grounds.

39. The Council does not have a 5 year housing land supply as it currently stands at 3.98 years (April 2019) and therefore the relevant Local Plan Housing policy KS3 is considered to be out-of-date for the purposes of paragraph 11 of the NPPF. Having regard to Paragraph 11 of the NPPF and given the above, the tilted balance is potentially engaged (Para 11 d) unless the NPPF provides clear reasons for refusal. The site will provide 54 additional units towards the supply of housing but also lies within 5 km of a European Habitat site and is within current and future flood zones. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites and flood risk.

Flood risk and Sequential Test

40. Most of the site falls within either flood zone 3a (2133) or flood zone 2 (present day 2021) as defined in the Christchurch level 2 Strategic Flood Risk Assessment (SFRA) 2019. In accordance with the NPPF, core strategy policy ME6 therefore requires application of the sequential test. The NPPF (2021) sets out the approach to planning and flood risk through paragraphs 159 to 169. The application of the sequential test is addressed specifically in paragraphs 161 – 163, 166 and 168.
41. NPPF para 162 states
- “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*
42. Paragraph 163 of the NPPF makes it clear that the sequential test needs to be passed before the exception test can be applied. The process for determining reasonably available sites at lower risk of flooding to accommodate the development proposed will involve a review of sites within the Christchurch 1-5 year land supply as these sites are suitable, available and achievable. The NPPF sequential test for flood risk considers whether there are reasonably available sites to accommodate the development and does not state that the council needs to demonstrate a 5 year housing land supply. Therefore, whilst the LPA does not currently have a five year housing land supply, this does negate the need for the sequential test, nor mean that it has been passed.
43. There are appeal decisions which have accepted the disaggregated approach, in that a development proposal can be disaggregated into a number of smaller sites; or that the proposed development could be accommodated as part of a larger available site. BCP Planning Policy have stated;
- ‘In view of these appeal decisions and the lack of national guidance on suitability of sites (Neither the NPPF nor the NPPG refer to suitability of sites in connection with the sequential test); I consider the issue with regard to the sequential test is whether there are alternative sites that either individually or combined together, could deliver 51 flats and 4 houses. The Farnham Appeal decision, para 31 interpreted the NPPF reference to “reasonably available site” in para 19 of the NPPG as “sites that are available to contribute to the area’s five year supply”.*

44. BCP has not published a 5 year supply update since 2020 (covering monitoring year of 2018-2019) and as such it is considered out of date. However, the draft list based on the 2021 monitoring has been used and this has been shared with the applicant. It is considered that the Christchurch area within BCP is a fair catchment area for alternative sites given the residential nature of the scheme, the fact there is no adopted BCP Local Plan and the number of flood zones across the Christchurch area. The initial list of available sites submitted by the applicant was flawed as it only considered sites submitted by Agents and Developers in the response to the call for sites for the BCP Local Plan. The applicant has provided further information and concluded that the majority of the sites set out in the draft 5 year housing supply list can be discounted for the following reasons; 'not available due to current policies or owner aspirations/intentions; not genuinely comparable to proposed development; and not sequentially preferable in flood risk terms.
45. In accordance with the NPPG where it states; "*when applying the sequential test, a pragmatic approach to the availability of sites should be taken*", BCP Planning Policy have based their conclusions of alternative sites that were in the five year supply within the Christchurch area and could accommodate 10 or more dwellings. They have carried out a thorough assessment of all potential sites in their initial response and in a rebuttal to further information submitted by the Applicant. A number of sites have been discounted for the following reasons; they are under the 10 threshold; not sequentially preferable in flood risk terms; or they are currently under construction. However, BCP Planning Policy have identified 8 alternative sequentially preferable sites that could accommodate the development as a whole or as a combination of smaller sites. These include; 20 Chewton Farm Road; Hoburne Farm Estate – Phase 8; Rotherhay Hotel, 175 Lymington Road; Seaton Road and Lymington Road; Christchurch hospital; Roesht Hill; Local Plan allocation for land south of Burton; 398-400 Lymington Road; and Police site, Barrack Road.
46. It is concluded that the development fails the Sequential Test and is contrary to paragraph 162 of the NPPF; "*Development should not be permitted if there are reasonable available sites appropriate for the proposed development with lower risk of flooding*". It is clear the NPPF provides a clear reason for refusal on flood risk grounds. The proposal is also contrary to Local Plan policy ME6 which also sets out the requirement to apply the Sequential Test as set out in the NPPF.
47. Notwithstanding the above, the submitted Flood Risk Assessment submitted as part of the application has tried to address the flood risk issues on the site, although it doesn't provide accurate information on the current and future flood risks for the site. The NPPF classification for this type of development is "more vulnerable" and the lifetime is taken to be 100 years. In order to pass the Exception Test it needs to be demonstrated that; *a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; b) the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall*. Whilst the Exception Test does not need to be applied as it is considered the development fails the Sequential Test, consideration has been given to the two elements as outlined above.
48. The FRA confirms; 'The level of 5.11m above OD represents the 1 in 100 year event including 85% climate change increase in discharge at the end of the life of the development'. The maximum predicted river level is 5.11 above OD so finished floor levels need to be set above this level to ensure protection for their lifetime. It is proposed to raise the main building with floor levels set at 5.7AOD and the finished floor levels for the four dwelling houses at the rear have been amended with the provision of steps to access the property at the front and rear and they now stand at

5.11m AOD. The Environment Agency stipulate in their Standing Advice that finished floor level should be 600mm above estimated river level to allow for uncertainty. However, BCP Flood Authority are satisfied that the finished floor level is sufficient to prevent flood risk to the dwellings during their 100 year lifetime. With regards to wider sustainability benefits, the proposal does look to reduce car dependency with an increased emphasis on cycling; includes the provision of housing on a prime transport corridor with the possible provision of an affordable housing contribution. However, this is not considered to outweigh the flood risk on the site and especially given the other strong objections to the scheme in terms of the scale, layout, amenity and habitat implications. Therefore, in the event that the Sequential Test could be passed, it is still considered that the development would fail the Exception Test because inadequate sustainability benefits for the community would be realised.

49. In terms of surface water drainage, the site is susceptible from low risk surface water flooding along the north boundary. A drainage strategy has been submitted with the application. It is proposed to adopt an attenuation led strategy which will manage all the surface water runoff from the development prior to a restricted discharge to the adjacent public surface water sewer. This will be achieved using a gravel sub-base beneath permeable paving to provide a means of attenuation. BCP Flood Authority did raise questions over the viability of infiltration given the river levels; however they are satisfied that the final surface water management strategy can be secured by condition. The surface water management is considered to be in accordance with Policy ME6. Notwithstanding this, given the application fails the Sequential Test, the proposal is contrary to policy ME6 of the Local Plan.

Type and size of housing

50. Policy LN1 states the size and type of new market dwellings should reflect current and projected local housing needs identified in the SHMA. The SHMA (2015) identifies that there is a higher demand for 2- and 3-bed market housing over 1-bed and 4-beds in Christchurch. However, there is a lower need for flats with a 20% requirement for flats compared to 80% for dwelling houses.
51. This proposal provides for 1- and 2-bed flats and 2 bed houses and therefore is technically not wholly in accordance with the Strategic Housing Market Assessment (2015). However, this site does lie on a Prime Transport Corridor within an urban area and would make a valuable contribution towards the five year housing land supply. There are some concerns with the over-provision of one bed flats in the locality; however the proposal does provide a mix of units on the site and there is still a need to meet demand for flats albeit not as high as for houses.
52. Policy LN1 requires that unit sizes comply with 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 are a material consideration. Whilst technically the flats meet the HQI's, the floor plans indicate that single beds have been shown in bedrooms large enough to accommodate a double bed. This skews the results and appears that they have been designed like this to overcome the unit sizes as with a double bed in, they would fail the HQI. Whilst the Local Plan policy does not refer to the National Space Standards, the same issues would apply. It is not considered that the application could be refused on this basis given there is no technical breach; however, it is considered this indicates an overdevelopment of the site and a cramming of accommodation on to the site which could lead to a poor living environment. The proposal is not considered to be technically contrary to policy LN1.

Affordable housing

53. Policy LN3 of the Local Plan stipulates that 40% of the units on site should be affordable or a financial contribution made in lieu of on-site provision may be acceptable. However, a viability assessment was submitted with the application which concludes there is no viability to provide affordable housing. This has been assessed independently by the Valuation Office Agency. The applicant's assessment has stipulated that high build costs associated with the materials, design features, undercroft areas and the financial contributions make the scheme unviable if affordable housing was provided.
54. Following negotiation with the applicant and submission of further costing details, the VOA have concluded that there is a surplus of £203,635.00 which could be a financial contribution towards off site affordable housing. BCP Housing Officers have verbally confirmed this is acceptable and could be secured by s106. The applicant has confirmed that they would be willing to make this contribution.
55. However, with no s106 in place to secure this contribution, the development remains contrary to policy LN3 of the Local Plan and this will form a reason for refusal.

Design, form and layout

56. Core Strategy Policy LN2 requires that the design and layout of new housing development should maximise the density of development, but this is to be a level which is acceptable for the locality. Policy HE2 compliments the design requirements in section 7 of the NPPF by requiring development be compatible with or improve its surroundings in relation to 11 criteria including layout, site coverage, visual impact and relationship to nearby properties. Para 130 of the NPPF states;

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;...*

57. Due to the site's location on the Prime Transport Corridor, it is appreciated that higher densities could be accommodated on this site in line with policy LN2 and given the corner location, a building of greater scale and height could provide a positive focal point on this prominent site. However, the submitted plans are considered to be excessive in both scale and site coverage and as such fail to have sufficient respect for the character of the surrounding built form.
58. The majority of the building has four and half storeys measuring a maximum height of 14.6m on the corner and whilst this drops down along the Barrack Road and The Grove frontages slightly, the combination of this height and spread of built form across the site is considered to create a visually dominant and intrusive form of development within the street scene. There are examples of buildings of a greater scale than the traditional two storey buildings found within the area along Barrack Road; however this proposal sees the solid spread of built form along a much longer frontage and being sited on a corner of a roundabout has a much greater presence in the street scene.

This overpowering form of development is considered to have an adverse impact on the character and visual amenities of the locality.

59. The traditional design approach is considered to be acceptable in this location. BCP Urban Design have stated; *"The tall canted bays and quoins add some interest but don't seem particularly relevant to the local character"*. Notwithstanding this comment, given the variety of buildings in the location it is considered that the design and features of the proposals including the balconies and bays would not harm the visual amenities or character of the locality. The rear of the building has a blander appearance with reduced detailing and minimal openings at ground floor level. Whilst it would not be viewed in the wider street scene, given its scale, it would be apparent from Lodge Road and Jumpers Avenue. It is disappointing that not as much consideration has been given to these elevations as the front of the building.
60. The density of the site is 216 dwelling per hectare and whilst it is considered that high densities can be accommodated along the Prime Transport Corridors it still needs to respect the local character and distinctiveness as set out in Policy LN2. The four two-storey dwelling houses at the rear have the appearance of having been shoehorned into the rear of the site and will be faced with up to three and half storeys of built form with multiple windows and undercroft parking at ground floor level at a distance of less than 9m to the west and 11m to the south. The density and resulting site layout and amount of built form proposed results in an environment dominated by hard surfacing with the parking for vehicles and cycles and bin storage dominating the area to the rear of the main building.
61. There are minimal opportunities for soft landscaping and given the loss of green open space to facilitate the development, it is considered this should be mitigated by enhanced planting on site. This is severely lacking on the application site and as the BCP Tree and Landscaping Officer has stated; *"the proposal will have a negative impact on the character of the local area"*. Notwithstanding the urban area and potential for higher densities along Barrack Road, this does not negate the need for sympathetic forms of development which provide appropriate layouts and add to the quality of the urban environment.
62. The development is not considered to be compatible with or improve its surroundings in relation to the layout, site coverage, scale, bulk, height and landscaping and is therefore contrary to policy HE2. In addition, the proposal is considered to have an adverse impact on the character and appearance of the area contrary to Policy LN2 of the Local Plan.

Residential Amenity

63. Policy HE2 states that; 'development will be permitted if it compatible with or improves its surroundings in; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy H12 states that residential development should not adversely affect residential amenities by noise or disturbance, or loss of light or privacy.
64. To the north and west of the site, there are residential properties which could be affected by the proposal. The building directly adjacent to the main access is divided into flats with a number of openings facing the northern elevation of the proposed flat building. There are proposed openings at ground, first and second storey level looking towards No 9. There is 6.7m from the edge of the northern end of the proposed building to the boundary with No 9. The development will no doubt impact the outlook from the windows facing the application site; however they currently overlook an area for toilet storage which could be said not to be particularly positive or sensitive. The

proposed building, being sited due south of No 9 will reduce midday sun reaching the southern elevation of No 9; however the separation distance of 9.9m ensures they still have sufficient daylight within their rooms.

65. The properties in Lodge Road to the north are positioned in excess of 32 metres from the site boundary. Their outlook will change with the introduction of additional built form; however the side elevation of the proposed dwellings would be of an adequate separation distance from unit 52 and the only window at first floor level would serve the bathroom. It is not considered the proposal would have an unacceptable impact on the amenities of the occupiers of the dwellings in Lodge Road.
66. To the west of the site on The Grove, there are a number of terraced properties with windows facing the application site. There is a significant number of openings and balconies on the western elevation of the proposed building which would look directly towards these properties. It is recognised that the intervening highway creates a buffer between the buildings; there are concerns by reason of the sheer scale and height of the proposed building the development would dominate the dwellings opposite. However, it is not considered that a reason for refusal could be substantiated on these grounds alone given the separation to the site opposite and its existing relationship to the street.
67. With regards to noise and disturbance, the proposed residential use is not inherently harmful. The proposal will introduce more vehicular movements onto the site and increase the general activity. However, given the proposed residential use and urban area characterised by both residential and commercial properties, any potential noise associated with the development is not considered to result in harm to surrounding properties. It must be recognised that part of the site will already be subject to some movement associated with the external storage and former occupier.
68. Light levels will increase across the site, given the scale of the development and number of openings for the individual flats and houses and any external lighting required for the parking areas for vehicles and cycles. Light levels associated with the residential use in this urban locality is considered to be acceptable and would not give rise to unacceptable impacts on residential amenity. An external lighting scheme could be secured by a condition to ensure the number and appearance of such lighting is controlled by the Local Planning Authority to minimise impact on the surrounding dwellings.
69. To the rear of the proposed dwelling houses, is the existing business premises. There is an existing single storey warehouse type building and an area of open storage. There will be views of this site from the first floor of the proposed dwellings and whilst it is not an overly pleasing view, it is not considered unacceptably harmful to the future occupiers. The proposed rear gardens only measure between 5.9m and 6.6m in depth which is very modest and further illustrates the overdevelopment of the site; however on balance in terms of amenity they are just about acceptable given the two bedroom nature of the properties and urban location.
70. An area of concern for the Case Officer is the proposed living environment for future residents of a large number of the flats. Not all of the flats have access to an external balcony and many of the one bed flats on the north eastern (rear) elevation of the building do not have any access to external space. There is no provision of a communal amenity area on the site given the layout and site coverage from built form and parking. It is recognised that the site does lie in close proximity to Berneads Mead and Jumpers Common, areas of open space; however given a proposal of this scale it should be possible to provide adequate amenity areas for all occupiers. In addition to

this and as mentioned earlier in the report, the size of the flats in combination with no external space creates a poor living environment for future occupiers of some of the proposed flats.

71. In addition, the proposed occupiers of the houses to the rear will be directly overlooked by numerous flats, including principal living spaces and bedrooms in the proposed block at the close distances listed in para.60 above. The applicant has submitted a sunlight assessment which indicates that during the summer the houses do not suffer from a loss of sunlight from the proposed flats. However, the assessment does indicate that during the winter months, the houses will be in shadow from the building. The private gardens would be heavily overlooked, limiting their usefulness to occupiers coupled with their limited size. The east-facing flats on The Grove wing will look directly into the front elevation of the proposed houses, including their primary living spaces and occupiers will have unacceptably low levels of privacy and their outlook would be poor with the proposed flat block causing an overbearing impact.
72. It is considered the scheme is contrary to the aims of policies HE2 and H12 of the Local Plan.

Access and parking arrangements

73. Under the BCP Parking Standards SPD, the site is located within Zone B and this equates to zero parking requirement for 1 and 2 bed flats and 1 space per unit for dwelling houses. For 2 bed dwelling houses, one space is required. The proposal proposes 15 car parking spaces which is an excess of 11 spaces in relation to the SPD. In addition to this, there is a separate delivery space being provided. The Design and Access Statement refers to commercial reasons for providing this level of parking but does not expand further on this. The site is in a sustainable location being on a Prime Transport Corridor and with a bus stop directly outside the site. However, this level of parking provision is considered to be acceptable.
74. The cycle parking provision is within a 70 space cycle store with 24 space stacker units and 46 Sheffield type space. The provision is deficient by one space but this is not considered to be so unreasonable to refuse the application solely on this basis. However, BCP Highways have raised concerns with the dimensions within the cycle store and also the path leading to the cycle store is inadequate in width and contrary to the SPD. This would discourage cycling by future occupiers and not promote sustainable transport methods and not be in accordance with policy KS12.
75. The proposed access would be off The Grove along the northern boundary which is considered to be acceptable and adequate visibility splays have been provided. The existing bus stop layby lies close to this junction. BCP Highways have confirmed that it will not be necessary to relocate the bus layby but they would be expecting a £20,000 contributions towards the provision of a new Landmark Bow 3 bay shelter with Real Time Information to replace the existing bus flag and timetable information board.
76. Policy KS11 states that:

'Development should be in accessible locations that are well linked to existing communities by walking, cycling and public transport routes. Development must be designed to: provide safe, permeable layouts which provide access for all modes of transport, prioritising direct, attractive routes for walking, cycling and public transport'
77. It is considered that the financial contribution for the bus stop ensures the continuation of an attractive route for public transport and given the scale of the development, the

future occupiers would utilise the bus routes. The contribution could be secured by a s106 agreement; however at the current time there is no s106 secured and as such the scheme is not considered to be in line with Policy KS11.

78. As part of the Transforming Travel programme additional land is required from the site frontage to enable widening on of the footway, cycle track and provision of soft landscaping but also to remove the conflict point at the edge of the site boundary adjacent the petrol station entrance. The applicant has confirmed they are willing to dedicate this land to the Authority to allow the Transforming Cities work to be carried out. However, there is currently no s106 in place to secure this. The proposal does not interfere with the Beryl bikes station along the Barrack Road frontage.
79. With regards to the additional traffic movements associated with the development, the addition of 15 parking spaces within the site is not considered to result in a significant increase in traffic movement on the local highway network. Paragraph 111 of the NPPF states; '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. Barrack Road is a busy road into Christchurch town centre but the proposal is not considered to have an unacceptable impact on highway safety. The majority of the objections to the proposal cite the lack of parking and additional traffic on Barrack Road and The Grove. It is recognised that the highway network in this area does get extremely busy, especially at peak times in the morning and afternoon. However, the Parking SPD considers this locality is suitable for reduced parking and with sustainable methods of transport secured and the forthcoming cycle lane provision on Barrack Road, it is considered there will not be severe highway impacts from the proposal.
80. In terms of waste and recycling provision, the proposals now include an area at ground floor level at the rear of the main building. There appears to be adequate capacity for the residents. However, BCP Waste and Recycling have raised concerns regarding the position and size of the store and currently the development would not meet the requirements for BCP collections. The applicant has indicated that a private collection will be implemented; however, there is minimal information on this. However, it could be secured by condition to provide the necessary Waste Management Plan and identify the private collector.

Open Space

81. Policy HE4 of the Local Plan deals with Open Space provision and set out the recommended Open Space Standards from the 2007 Open Space, Sport and Recreation Study. If an application is CIL liable, then provision for open space is secured through this process. In this case, the application is not CIL-labile and as such, this provision needs to be considered. This development is not providing any formal open space within the site. The recommended accessibility standard for certain areas such as recreation grounds, amenity green space, active sports space and children and young person's space is set out in the table within the policy.
82. The current Local Plan policy lacks clarity on how to calculate the provision of open space required for developments. This policy was looked at as part of the Local Plan Review; however given no further work is being done on this and given the lack of up to date evidence, it is being limited weight. Notwithstanding this, the site is in close proximity to Jumpers Common; Endfield Road play park and the open space at Berneads Mead adjacent to the River Stour which will provide the future occupiers access to areas for leisure.

Biodiversity

83. Core Strategy Policy ME1 sets out that it aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks. Paragraph 182 of the NPPF states;

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

84. 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. 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).
85. The provision of SANGS (Suitable Alternative Natural Greenspace) is one of the key tools in mitigating the adverse impacts of development on the Dorset Heaths. For major developments over 40 dwellings (as stated in the CIL Charging Schedule) it is expected that SANGS will be provided on site and this is emphasised in Policy ME2 which states; ‘it is expected that the provision of SANGS will form part of the infrastructure provision of that site’.
86. The application was submitted with no detail on the provision of mitigation through HIPs so it is considered insufficient regard and consideration has been given to this matter. Following consultation with Natural England who have objected to the scheme, it appears that there could be possible projects that this development could help fund which would mitigate the impact on the protected Heathland. Whilst, the applicant has in principle agreed to make a financial contribution to secure the HIP, there are no details or mechanism to secure such a mitigation or specific HIP. Therefore, the Local Planning Authority considers the development, in combination with other residential developments with no mitigation secured, is likely to have a significant impact on the protected sites. The proposal is therefore contrary to policy ME2, the Heathland SPD and paragraphs 180 and 182 of the NPPF.
87. The submitted Ecological Appraisal illustrates that the application site which consists of amenity grassland and hardstanding has a low ecological value. This application therefore provides opportunities to provide biodiversity net gain in line with the NPPF. However, given the increase in lighting across the site, there could be an impact on the movement of foraging bats and as such, the Appraisal sets out that bat sensitive lighting must be used on site. The proposed enhancement measures are as follows;
- Swift bricks on the proposed dwellings
 - Any landscape planting will aim for a 70:30 ratio in favour of native species over non-natives and ornamentals
88. It is considered there are minimal enhancements proposed on a development of this scale which is very unfortunate and given the minimal opportunities for planting on site, any proposed native planting is not considered to provide a significant biodiversity

gain. The NPPF is clear in its intentions for development; *‘while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity’*. Local Policy ME1 refers to securing biodiversity net gains where possible and so whilst it is extremely regrettable that more enhancement is not being achieved on this site, it is not considered that the application could be refused solely on this basis. It does however, further highlight the overdevelopment of the site. Overall, sufficient regard has been given to conserving biodiversity in line with para 11 of this report.

Other matters

89. As the development is not CIL liable (as over 40 units), the proposal would be subject to an education contribution in line with the CIL Regulations. Following consultation with the BCP Education Authority they have confirmed that given the high proportion of 1 bed flats, there would only be 4 children generated from the development. Therefore, it is considered that these 4 children could be accommodated in local schools and as such would not be seeking an education contribution.
90. Paragraph 12 of this report refers to Self-build and Custom Housebuilding. Given the high proportion of flats as part of this proposal with the communal bins, parking and cycle storage along with the relationship with the 4 dwellings, it is not considered that this scheme would be suitable for self build units.

Planning Balance / Conclusion

91. Having regard to Paragraph 11 d) of the NPPF, given the lack of housing land supply, it is considered that the housing policies of the Development Plan are out of date for the purposes of para 11 of the NPPF. However, given the site lies within 5k of a protected European wildlife site and within current and future flood zones, para 11d i) is engaged. For the reasons set out in preceding paragraphs, the NPPF does provide clear reasons for refusal based on the harm to the protected Habitat sites and failure to pass the Sequential Test on flood risk grounds. Therefore, the titled balance is not engaged.
90. There will be economic benefits from the construction phase and additional social benefits from the increased population and choice of homes. However, the scheme is considered to have significant environmental harm. The development fails the Sequential Test and having regard to the Exception Test, the proposal does not provide wider sustainability benefits. The scheme represents an overdevelopment of the site resulting in adverse impacts on the character and visual amenities of the locality; the level of site coverage from built form and hard landscaping and surfacing results in a poor environment which inadequate opportunities for soft landscaping. The development will result in a poor living environment for many future residents with minimal amenity space for all residents. The proposed cycle parking is considered to be deficient and there is no mechanism in place to secure the financial contribution for public transport improvements and no mechanism to secure the dedication of land for pedestrian and cycling improvements.
91. The scheme currently fails to provide for a policy-compliant affordable housing contribution. The scheme also fails to provide suitable mitigation for its impacts on protected heathlands, contrary to Local Plan policy ME2. The development is considered to be contrary to the Development Plan as a whole and is recommended for refusal.

Recommendation

92. Refuse planning permission for the following reasons;

1. The proposed development by reason of the combined effect of the scale and height of the building and spread of built form across the site will result in an intrusive and dominant form of development which would have an adverse impact on the character and visual amenities of the street scene. The proposal is considered to be contrary to policies HE2, H12 and LN2 of the Christchurch and East Dorset Local Plan.
2. The proposed development by reason of its scale, layout and site coverage from built form and hard landscaping would result in an overdevelopment of the site with minimal opportunities for soft landscaping. The development is not compatible with nor improves its surroundings and is therefore contrary to policies HE2 and H12 of the Christchurch and East Dorset Local Plan.
3. The proposed development fails the Sequential Test as there are other reasonably alternative sites with lower flood risk that could accommodate this development. As such the proposal is contrary to policy ME6 of the Christchurch and East Dorset Local Plan and paragraph 162 of the National Planning Policy Framework 2021.
4. The proposed development fails to secure a Heathland Infrastructure Project and in combination with other residential developments is likely to have a significant impact on the European protected habitat sites. The proposal is contrary to policy ME2 of the Christchurch and East Dorset Local Plan, the Dorset Heathland SPD 2020-2025 and paragraphs 180 and 182 of the National Planning Policy Framework 2021.
5. The development by reason of the lack of amenity space for all future occupiers and high site coverage in hard landscaping with no amenity or green space results in poor living environment for future occupiers. In addition, occupiers of the proposed houses will have unacceptable living conditions by virtue of a lack of privacy and an unacceptable outlook, the proposed flat block resulting in an overbearing impact on these occupiers. Therefore, the proposal is considered to be contrary to policies HE2 and H12 of the Christchurch and East Dorset Local Plan.
6. The proposed development by reason of the insufficient cycle path width and lack of mechanism to secure the financial contributions towards public transport improvements and failure to secure the dedication of land for pedestrian and cycling improvements is considered to result in poor design; limit opportunities and discourage the use of sustainable transport methods. As such the proposal is contrary to the Christchurch and East Dorset Local Plan policy KS11 and KS12, the BCP Parking Standards SPD 2021, and paragraphs 110, 111 and 112 of the National Planning Policy Framework (NPPF) 2021.
7. The proposed development, by reason of the lack of affordable housing provision contribution is considered to be contrary to policy LN3 of the Christchurch and East Dorset Local Plan.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related

consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.