



Planning Committee

Application Address	Avon Beach Mudeford BH23 4AN
Proposal	Proposed forward extension of beach huts no.s 23 to 62
Application Number	8/21/1040/FUL
Applicant	Avon Beach Ltd
Agent	Mr Giles Moir Chapman Lily Planning Ltd Unit 5 Designer House Sandford Lane Wareham BH20 4DY
Ward and Ward Member(s)	Mudeford, Stanpit & West Highcliffe Cllr Lesley Dedman and Cllr Paul Hilliard
Report Status	Public
Meeting date	17.02.2022
Recommendation	Grant in accordance with the recommendation in the report
Reason for Referral to Planning Committee	20+ objections received, contrary to recommendation
Case Officer	Emma Wachiuri

Executive Summary

Summary of Key Issues

1. The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

2. 96 representations have been received. A summary of the 91 objections, 4 support letters and 1 comment have been provided within the consultation section of the report.

Principle of development

3. The application proposes extensions to a number of existing beach huts. The site is in a busy seafront position close to a number of existing beachfront facilities where there are a number of existing beach huts. The extension of these existing huts is acceptable in principle.

Design, Layout and form

4. This part of the beach is characterised by a large number of existing beach huts. The forward extension of the existing huts and the construction of small decked area to the front has an acceptable impact on the character and appearance of the area. The character of the Mudeford Quay Conservation Area will be preserved.

Highway Safety

5. The promenade in front of the huts within the application site is not a public right of way and is not part of the public highway. The extended beach huts have an acceptable impact on highway safety.

Flood Risk

6. The site lies within Flood Zone 2. However, the proposals are defined as water-compatible development and are therefore acceptable under Policy ME6.

Description of Proposal

1. This application seeks permission for forward extension of the existing beach huts no's 23 - 62. The proposed depth is of 4.2m including a small decked area measuring 1.3sqm at the front. The beach huts extension would reduce the width of the promenade by between 1.2m and 1.3m leaving a width of 5m – 5.4m.
2. The application follows the refusal of App. No. 8/21/0346/FUL against the recommendation to approve. This application was for a larger site to include the proposed works to enlarge beach huts 23 – 62 as well as regularising the existing extensions to huts 63 – 99.
3. The previous application was refused for the following reasons;

The beach huts, by reason of their extended size and further intrusion onto the promenade are considered to result in overdevelopment that would harm the visual amenities of this seafront locality. The width of the promenade would be reduced preventing access for all users of this space and seating, tables and other beach paraphernalia placed beyond the beach huts would create obstructions for walking, cycling, pushchairs, wheelchairs and scooters. As such, the proposal is considered to be contrary to Policies KS11 and HE2 of the Christchurch and East Dorset Local Plan - Core Strategy (2014).

4. Whilst this current application is proposing the forward extension of huts 23 – 62, there is a concurrent application also on this agenda to regularise the existing extended beach huts 63 – 99 (8/21/1068/FUL).

Site and Surroundings

5. The application site forms part of the promenade along Avon Beach. Beach huts are a common feature of this locality and many parts of the BCP coastline. The promenade which sits lower than the above embankment and highway is within the Mundeford Quay Conservation Area and has a backdrop of mature trees which are protected by virtue of their location within the Conservation Area.
6. To the west, the Noisy Lobster café is located along with outdoor seating, public toilets and Avon beach shop. There is a car park beyond this to the west and an additional car park to the north off Avon Run Road.
7. The promenade is publicly accessible; however, it is not a formal definitive right of way. A public footpath runs along the top of the coastal slope behind the beach and promenade along this stretch of Avon beach. It is not defined as public open space in the Local Plan either.
8. BCP Council are the landowners of the promenade; however, the applicant Avon Beach Ltd are the leaseholders of this area and the lease enables them to carry out development.

9. Relevant Planning History:

8/21/0346/FUL	Avon Beach Huts Mundeford Christchurch BH23 4AN	Part retrospective application for (i) the retention of beach huts no.s 63 to 99, and (ii) proposed forward extension of beach huts 23 to 62	Refused contrary to officer recommendation to approve	06/10/21
8/17/1748/FUL	Avon Beach,	To raise the middle	Granted	19/10/1

	Mudford, Christchurch, Dorset, BH23 4AN	section of Avon Beach Promenade by 900mm over approximately 250m to improve flood and coastal erosion risk protection by joining the new retaining structure into existing raised defences at either end of the promenade. No change to its present mixed public usage. New surfacing and two bench seating areas.		7
8/21/1068/FUL	Avon Beach Mudford BH23 4AN	Retrospective application for the retention of beach huts no.s 63 to 99	Concurrent application	

10. Constraints:

Conservation Area - 0.00m
 Flood Zone 2 current - 0.00m
 SSSI Impact Risk Zone - 0.00m
 Heathland 5km Consultation Area - 0.00m
 Rights of Way - 0.36m
 Airport Safeguarding - 0.00m
 Airport Safeguarding - 0.00m
 Coastal Area (Policy) - 0.00m
 Wessex Water Sewer Flooding - 0.00m
 Coastal Area (Open Spaces) - 29.49m
 Dorset Minerals Consultation Area - 25.44m
 Contaminated Land - Refuse Disposal - 174.54m

11. Conservation Area: With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Sector Equalities Duty

12. 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

13. 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.
14. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Statutory Consultee Comments:

BCP Trees & Landscaping

15. “As commented in the previous Planning application ref: 21/0346/FUL, in principle the proposed extension to beach huts 23 to 62 can be undertaken. The proposal will not bring the structures closer to the prominent belt of trees running behind these huts. However, the Officer is concerned about the possible mixing and/or storing of building materials within the root protection area of these trees. Therefore, the applicant/agent needs to confirm the area proposed for these activities before any works begin on site.
16. These trees, consisting mainly of Holm Oaks and Pines, are situated within Mudeford Quay Conservation Area and are growing on BCP Council Land. Therefore, any works to these trees requires consent from the Council. Recommendations: A Plan showing an area for the storing and/or mixing of building materials.”

BCP Lead Flood Authority

17. “ There is nothing to comment on from an FCERM perspective. They propose to keep to prom width sufficiently clear for vehicle access and that would be sufficient for any maintenance works we may want to do in future (would likely go along the beach in any case). The SMP policy here is to continue to defence (hold the line), and we undertake monitoring of beach levels to guide maintenance works such as beach recycling and groyne repairs.”

BCP Parks & Countryside

18. None received

BCP Conservation/Heritage

19. None received

Christchurch Town Council

20. Objection on the following grounds:

“ 1) due to the restriction of the effective width of the footway when taking into account beach-hut paraphernalia and the limitation upon emergency vehicle access and progress along the promenade which detracts upon the amenity of footpath users both contrary to policies HE2 and KS11 of the Christchurch and East Dorset Local Plan: Core Strategy.

2) The proposal produces less than substantial harm to the Conservation Area but does not secure wider public benefits due to the reduction in the effective use of the promenade contrary to paragraph 202 of the NPPF and HE1 of the Christchurch and East Dorset Local Plan: Core Strategy.”

BCP Rights of Way

21. None received

BCP Highways

22. “ A previous part retrospective application for (i) the retention of beach huts No.s 63 to 99, and (ii) proposed forward extension of beach huts 23 to 62 at Avon Beach was refused at Planning Committee. The formal Decision Notice, dated 6th October 2021, stated that the reduction in width of the promenade was unacceptable and contrary to Policy KS11 – Transport and Development of the Christchurch and East Dorset Local Plan – Core Strategy (2014).

23. The Highway Authority is now aware of the emerging BCP Seafront Strategy which seeks to deliver sustainable investment in facilities, access and infrastructure and to establish a seafront environment promoting community use, wellbeing and inclusivity. This coupled with due regard to the committee decision above and upon further review of the operation and functioning of this section of promenade, the Highway Authority’s comments are detailed below.

24. The section of promenade subject to this planning application is not formally recorded as a public right of way however, it is a designated European Long-Distance Path (E9) and as such, promoted for public use. Consequently, this forms part of the walking and cycling network within the BCP area.

25. Given that this section of promenade accommodates both pedestrians and cyclists, it constitutes a shared use path. Table 6-3 of the LTN 1/20 Cycle Design Guidance (2020, DfT) recommends minimum widths of 3m or 4.5m for shared use routes carrying up to 300 pedestrians per hour depending on whether the number of cyclists is less or greater than 300 per hour. Where a vertical feature greater than 600mm high exists, an additional 0.5m is required.
26. It is unclear if this level of cycle activity occurs on a frequent basis however, it is important to note that pedestrian movements are likely to exceed these levels across summer months. Consequently, a basic minimum width of 4.5m is appropriate for a standard shared use route for this level of activity. Whilst no vertical features abut the path, the presence of beach hut steps and the edge of the promenade will prevent users from utilising the full width of the promenade thus an additional 0.5m overhang would be expected (ideally on either side) therefore, a minimum effective width of 5m-5.5m is required.
27. This existing section of promenade measures between 6.3m and 6.8m however, the frequent occurrence of beach hut visitors siting table and chairs in front of their respective huts reduces the available width for public use significantly. A reduction of approximately 2m would be considered likely thereby resulting in an available width of 4.3m – 4.8m, well below the minimum width requirements detailed above.
28. This proposal would reduce the total width to between 5m and 5.6m which could potentially result in an effective width of 3m-3.6m which is significantly substandard for the volume of pedestrian and cycle traffic at this location. In light of the above, the existing section of promenade is already somewhat constrained and any further encroachment upon the width available for public use would be considered to compromise the existing walking and cycling network and is therefore unacceptable.
29. The Highway Authority recommends that the application be refused for the following reason. The proposed development, by reason of its extended size and further intrusion onto the promenade is considered to give rise to conditions prejudicial to local amenity. The promenade would be reduced to a substandard width to facilitate convenient, simultaneous, access for all thereby failing to help achieve the council's strategic objective of facilitating and increasing levels of walking and cycling and compromising the existing route network. The development is contrary to the aims of Paragraphs 110 and 112 of the National Planning Policy Framework (2021) which seek new development to provide safe and suitable access for all, to give priority first to pedestrian and cycle movements and to ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location."

BCP Destination & Culture

30. None received.

Neighbour Comments:

31. 91 representations have been received objecting to the scheme on the following grounds:

- Overdevelopment and obstructive intrusion onto the promenade
- Layout and density will be overbearing
- Detract from the character of Mudeford conservation area
- Encroachment onto public right of way and public open space
- Obstructions for other users of the promenade
- Small width of the promenade to be retained restricting other users
- Overdevelopment and obstructive intrusion onto the promenade
- Encroachment onto public right of way and public open space
- Encroachment onto Council owned land (*Officer note: Notice was served on the Council as the land owner and certificate B signed on the application form*)
- Inadequate width for emergency vehicles and safe access for all users contrary to Policies KS11 and HE2 of the Christchurch Local Plan
- Encroachment of public land
- Extension to beach huts is in breach of planning application 8/17/1748 and no enforcement action taken.
- Out of keeping with the character of this seafront
- Will set a precedent
- No evident change to the previously refused application
- Parking and traffic increase
- Congestion
- Litter and noise problems
- Retrospective application (*Officer note: Planning regulations allow for planning permission to be sought retrospectively after unauthorised works or a use have been carried out, and the Local Planning Authority is required to consider the proposals on their merits.*)
- The council's position for refusing the previous application must still stand as there has been no change to the extended huts.
- The old long Beach Huts are not on the Promenade, they are on the enclosed sandy area. This comparison is misleading and invalid.
- Promenade was widened with public funds for public use not private gain
- Other promenades like Friars Cliff may be narrower due to geographical features and thus not comparable with this proposal
- Inconsistent plans regarding the size of the huts
- Fire risk

32. 4 support representations have been received on the following grounds:

- Helps the local economy
- Wide enough for all users

33. Non-planning matters

- Leasehold and licence restriction
- Unfair rental competition
- Terms of lease not enforced

Key Issue(s)

34. The key issue(s) involved with this proposal are:

- Principle of the development
- Access and use of promenade
- Impact on character and the Conservation Area
- Flood risk

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

Policy context:

36. 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.

37. The following policies are of particular relevance in this case:

38. Christchurch and East Dorset Core Strategy 2014

- KS1: Presumption in favour of sustainable development
- KS2: Settlement Hierarchy
- KS11: Transport and Development
- HE1: Valuing and conserving our historic environment
- HE2: Design of New Development
- HE3: Landscape Quality
- ME6: Flood management, mitigation and defence

Christchurch Borough Council Local Plan (2001) saved policies

- BE4: New development in Conservation areas
- ENV9: Development in the Coastal Zone

39. Supplementary Planning Documents and guidance:

Mudford Quay Conservation Area Appraisal & Management Plan (2008)

40. The National Planning Policy Framework (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.”

41. The following chapters of the NPPF are also relevant to this proposal:

- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historical environment

Planning Assessment

Principle of development

42. The use of the promenade for the siting of beach huts has already been established. However, the forward extension of huts 63-99 took place over the last couple of years and this application seeks to regularise this situation. As stated by BCP Culture & Destination in the previous application ref no. 8/21/0346/FUL, the provisions of the Lease for Avon Beach allow the tenant to erect beach huts on the promenade.

43. Planning permission was granted in 2017 for works to raise and widen the promenade to provide an improved flood and coast protection risk management structure of Avon Beach. The preceding Christchurch and East Dorset Council carried out these works.

44. The beach huts are consistent with their seafront location and within an area characterised by numerous similar structures. The extension of the beach huts is acceptable in principle.

Access and use of promenade

45. The proposed extension to the beach huts would retain an approximate promenade depth of between 5.0m (to the front of no.44) and 5.6m (to the front of no.23).

46. Members will recall that when the committee considered App. No. 8/21/0346/FUL, the comments of the highways authority as set out in the committee report were as follows;

“Revised comments received 10/08/21 - The applicant has submitted additional information including a revised Site Plan (Proposed) and a drawing showing an Analysis of the Promenade Width. This information confirms that the proposed 91 development of beach huts no. 23 to 63 will result in a width ranging between 5.0-5.6m for the section of promenade fronting the huts. A minimum available width of 5m is considered sufficient for the free flow of pedestrians and maintenance vehicles and does not preclude emergency service vehicles including fire engines. Pursuant to paragraph 111 of the NPPF (2021), the residual cumulative impact of this proposal is not considered to have a severe impact on the operation of the local highway network nor the safety of its users and is therefore acceptable.”

47. There has therefore been a fundamental change in the highways authority's position between the previous application and the current proposal. Whilst there are now two separate proposals; this scheme to retain the existing unauthorised beach huts and 8/21/1040/FUL for the forward extension of beach huts 23 – 62, the details of both proposals are unchanged from the earlier refusal. The highways authority (HA) have objected to both applications.

48. There has been no material changes to the site since the previous application. There has been no changes in planning policy since the previous application. There are therefore no material changes in circumstances since the consideration of the earlier application.

49. In the report to members in respect App. No. 8/21/0346/FUL back in Sept. 21, officers advised;

“Currently, the promenade is not a Definitive Public Right of Way or classified as Public Open Space under the Local Plan. BCP Rights of Way have stated that the '*nearest Public Footpath to the proposed beach hut development is E61/24, which passes along the raised path behind the beach huts, therefore the proposed development is not anticipated to affect Public Rights of Way. The objections relating to the status of the promenade also having a Public Right of Way designation refers to its status as European Long Distance Path E9, however this designation does not confer any public right of access, it is a promotional title only*'. The possible status of the promenade as a public right of way would be a separate process to the determination of this planning application.”

50. The promenade in front of the proposed beach huts is not designated as public bridleway or a BOAT (Byway Open to All Traffic), nor is part of the public highway and therefore there would be no legal right to cycle along this part of the promenade.
51. It is an objective (#6) in the Local Plan to reduce congestion in key locations, by reducing the need to travel and encouraging public transport use, walking and cycling as alternatives to the car. Policy KS9 seeks walking and cycling improvements within and between the urban areas and enhancement and protection of the existing rights of way network and trailways to provide off road walking and cycling links between suburban and rural areas. Policy KS11 seeks to provide safe, permeable layouts which provide access for all modes of transport, prioritising direct, attractive routes for walking, cycling and public transport.
52. There is no planning policy within the current development plan to protect specific promenade widths in order to support cycling along the site. There is similarly no policy within the BCP Council Parking Standards Supplementary Planning Document (January 2021) requiring a specified promenade width within the application site.
53. There is no evidence that the section within the promenade is promoted for cycling. There are “Cyclists Dismount” signs outside the Avon Beach public toilets. The Council’s Area Cycle Map [Area Cycle Map](#) (see Background Papers) do not show the promenade below Avon Run Road as a cycle route. This corresponds with the data on [Open Cycle Map](#) (Background Papers) which similarly shows both the promenade and the path above cliff top as pedestrian routes. Your officers have not been able to identify data showing the international [E9 Walking Route](#) (Background Papers) as following the promenade. Available evidence points to the route following the public right of way to the north along the clifftop.
54. The HA’s comments refer the Council’s [Seafront Strategy](#) (see Background Papers). This document has not been adopted by the Council. A Final Draft is due to be presented for adoption by Cabinet in March 2022. Whilst forming part of the Council’s strategy for the seafront, it would not have the status of a Supplementary Planning Document or Supplementary Planning Guidance as part of the development plan. It has the potential to be a material consideration in determining applications but as it would not form part of the development plan, the weight to be attached to the document would be limited. As the document is yet to be adopted, the weight to be attached to it in the planning process is very limited.
55. The strategy as currently drafted places the site within the Avon & Friars Cliff Beaches character area which the document characterises as

“Vibrant family beaches at the heart of Christchurch Bay, a zone for traditional seaside holidays at a more relaxed pace and scale.”

56. The document further notes that;

“The beach and promenade at Friars Cliff are backed by a large number of day huts which are privately owned and well used which helps give this area of the coast a village community feel. The café/restaurant and public toilets are popular with visitors.”

57. The draft Seafront Strategy supports amongst other items;

- Enhancing cycle route connectivity across cliff top to Highcliffe where practical
- Co-ordinated programme of investment in beach huts, including 'super huts' at Friars Cliff
- Exploring potential for additional day use beach huts at Friars Cliff

58. The Seafront Strategy does not contain any policy to retain specific promenade widths in order to promote cycle usage. Notwithstanding its limited weight in the planning process, the proposals are nonetheless in accordance with the Seafront Strategy.

59. As there is no evidence that the promenade is part of the public highway, is arguable whether its use falls within the legitimate scope of the authority to comment on this aspect in respect of the application. The highways authority recommendation is based on a position that the promenade in front of the extended beach huts is a shared-use (cycling and pedestrian) route and that the level of activity warrants ensuring a minimum effective width of 5m-5.5m along the promenade. However, your officers have been unable to substantiate this position in relation to the use of this part of the promenade as a shared-use path. There is also currently no evidence of the extent of usage of the route by either pedestrians or cyclists. As acknowledged by the highways authority, there is no vertical feature greater than 600mm abutting the path.

60. There is therefore difficulty in substantiating the highways authority's position that the 5m-5.5m width standard should be applied to the promenade within the application site.

61. In addition, the highways authority concern is that beach huts users may spill on the promenade with tables and chairs and other paraphernalia, further reducing the available width of the promenade to users. However, these are proposed extensions to existing beach huts. It was noted in the previous report to members that the prospect that beach hut users could obstruct the promenade is a pre-existing issue (para. 35) and this remains the case.

62. Whilst it is recognised that the forward extension of the beach huts will reduce the space for people to use the promenade, there is no policy position or other material consideration evidence to support the necessary protection of a certain

width of the promenade within the application site. There is therefore no direct evidence of the proposals unacceptably compromising the use of the promenade. It is noted that on the previous application, the BCP Tourism Liaison Officer in the previously refused application ref no. 8/21/0346/FUL was satisfied with the proposals as long as access is maintained the scheme is acceptable (para. 29).

63. It is considered that the width of between 5.0m (to the front of no.44) and 5.6m is sufficient to ensure unobstructed access for pedestrians, mobility scooters, wheelchairs and pushchairs and provide adequate emergency access. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
64. The proposals therefore do not affect the public highway and do not affect a public right of way. As the proposals relate to extending existing beach huts, it is not considered that this would result in significant traffic generation which would adversely impact on the capacity or safety of the wider highway network. The site is in an accessible, sustainable location, accessible by a range of transport modes. In the absence of policy support for the highways authority's position, it is considered that the proposals will have an acceptable impact on highway safety and complies with Policies KS9 & KS11.

Impact on character and the Conservation Area

65. The existing huts are of a traditional beach hut form with pitched roofs and a single door on the front elevation. Their overall roof height is not being altered as part of the proposals. Three pastel colours has been used in green, blue and pink/cream. It is considered the extended beach huts will not disrupt the rhythm and pattern of development along this section of the promenade and it is not considered the huts would have a detrimental impact on the character of this coastal setting. The existing extended huts at no.s 63-99 which are the subject of concurrent planning application ref no. 8/21/1068/FUL do not appear intrusive along the promenade and the proposed beach huts to be extended which would almost be in line with the front of beach huts no.s 63-99 would not result in an increase in their dominance along this section of the beach and promenade.
66. The existing extended huts do not appear intrusive along the promenade and the proposed beach huts to be extended would not result in an increase in their dominance along this section of the beach and promenade. The proposals are entirely consistent with the character and appearance of the area.

67. The beach huts lie within the Mundeford Quay Conservation Area. The preceding Council's Conservation Area Appraisal (CAA) identifies important trees in this part of the Conservation Area but does not identify any other features of note. There are no listed buildings, no locally listed buildings and no buildings positively contributing to the Conservation Area identified in the CAA within this part of the Conservation Area. The Character Areas defined in the Appraisal excludes this part of the Conservation Area. In the Boundary Revisions section (p. 45), the Appraisal advises;

“The Council may wish to consider protecting many of the significant trees along Avon Run Road and the promenade with Tree Preservation Orders, either as a blanket designation or individually for specimens of particular quality. This would then permit the removal of Avon Run Road and the promenade from the conservation area, the current purpose of which seems only to protect these trees.”

68. Consequently, the significance of the heritage asset in the vicinity of the site relates solely to the mature trees along Avon Run road providing a sylvan backdrop to this coastal locality. The proposals have no impact on these trees which lie to the north of the site and on higher ground as confirmed by the Tree Officer. Therefore the extension to the size of the beach huts would preserve the character and appearance of the Mundeford Quay Conservation Area, thereby complying with the statutory test. The scheme results in less than substantial harm to the heritage asset. Applying the guidance in paragraph 202 of the National Planning Policy Framework (2021), this impact must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The scheme will result in significant public benefits in supporting the use of the seafront and in this case the public benefits are considered to outweigh any impact to the heritage asset.

69. The proposal is considered to comply with policy HE1 & HE2 of the Local Plan and paragraph 197 of the NPPF. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Flood risk

70. The site does lie within current flood zone 2 and also within future flood zone 3a for 2093 and 2133. However, beach huts would fall under water compatible development (water-based recreation – excluding sleeping accommodation) as set out in Table 2 of para 066 of the Planning Practice Guidance for flood risk and therefore are considered appropriate within the flood zone. The BCP Lead Flood Authority was consulted and no objection to the proposed development was raised. The scheme therefore complies with Policy ME6.

Planning Balance

71. The council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the provision of recreational and amenity facilities.
72. The scheme provides economic and social benefits from encouraging and facilitating trips to the beachfront, supporting its role in providing outdoor recreation to residents and visitors alike. This supports spend at existing local businesses at the beach, supporting local employment.
73. Notwithstanding the previous decision of the committee, the scheme is wholly consistent with the character of the area and causes no harm to its appearance. It is acceptable in relation to flood risk.
74. Notwithstanding the previous decision by members, the scheme does not result in unacceptable harm to highway safety for the reasons explained above. The environmental impacts are therefore neutral. Policy ENV9 is a saved policy from the 2001 Local Plan. This requires proposals do not prejudice existing or proposed public access to the water or beach. The scheme complies with this. The Policy requires schemes respect the scale and character of neighbouring buildings and landscape features and ensure that the existing skyline is not broken and also that proposals do not detract from the visual dominance of the cliffs. The scheme complies with this. The Policy also requires trees, geological features and coast protection works to be respected. The scheme complies with this.
75. It is considered the proposal complies with the Development Plan as a whole and is in accordance with the relevant up to date Development Plan policies and is sustainable development which as per para 11c) of the NPPF 2021 means it should be approved without delay.

Recommendation:

76. Grant, subject to the following conditions:

Conditions:

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

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

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

6058-WLA-A2-XX-DR-A-0301 Location & Block Plan
6058-WLA-A2-XX-DR-A-0310 Existing Site Plan
6058-WLA-A2-XX-DR-A-0311 Proposed Site Plan
6058-WLA-A2-XX-DR-A-0315 Analysis Of Promenade Width
6058-WLA-A2-XX-DR-A-0314 Proposed Plans & Elevations
6058-WLA-A2-XX-DR-A-0312 Existing Plans Elevations

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

3. Prior to the commencement of development, a plan showing an area for the storing and/or mixing of building materials during construction works shall be submitted to and approved in writing by the Local Planning Authority. All development works shall be carried out in accordance with the approved details.

Reason: To ensure the protected trees on site are given adequate protection before and during the works on site.

Informatives:

1. The trees to the rear of the beach huts between the promenade and Avon Run Road area, consisting mainly of Holm Oaks and Pines, are situated within Mudeford Quay Conservation Area and are growing on BCP Council Land. Therefore, any works to these trees requires consent from the Council.

Background Papers

Case File ref 8/21/1040/FUL

1. App. No. 8/21/0346/FUL committee report 23.09.21.
2. BCP Draft Seafront strategy - <https://haveyoursay.bcpCouncil.gov.uk/bcp-seafront-strategy>
3. BCP Area Cycle Map - <https://www.gettingabout.co.uk/Cycling/Cycling-docs/BCP-Area-Cycle-Map.pdf>
4. Open Cycle Map - <https://www.opencyclemap.org/>
5. E9 Walking Route - https://ldwa.org.uk/ldp/members/show_path.php?path_name=E-Route+9+UK+Section+Plymouth+to+Dover

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

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. This excludes (1) all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972; (2) published works.

