

Planning Committee



Application Address	Land on the corner of The Grove and Barrack Road, Christchurch, Dorset
Proposal	Outline planning application for a block of 35 flats and 4 dwellinghouses with associated parking
Application Number	8/21/1214/OUT
Applicant	Fortitudo Ltd
Agent	Mr Brett Spiller
Ward and Ward Member(s)	Commons
Report status	Public
Meeting date	21 st July 2022
Summary of Recommendation	Refuse
Reason for Referral to Planning Committee	Received over 20 letters of representation (support) contrary to Officers recommendation of refusal.
Case Officer	Sophie Mawdsley

Executive Summary

1. The proposal for 35 flats and 4 dwelling houses. The site lies within the urban area where redevelopment of the site is acceptable in principle. The site is positioned on a Prime Transport Corridor and would make a contribution towards the five-year housing land supply. The Council cannot currently demonstrate a five-year housing land supply which stands at 2.7 years. However, the NPPF is clear that even if the relevant housing policies are considered out of date for the purposes of para 11 of the NPPF, if the site lies within a flood zone and the NPPF provides clear reasons for refusal on flood risk grounds, then the titled balance is not engaged.
2. Development on the application site is considered to raise significant issues surrounding flood risk. The site is within current medium flood risk zone (zone

2) and future high flood risk zones (3a) and therefore the Sequential Test as set out in the NPPF and Local Plan Policy ME6 needs to be applied. Given the availability of alternative sites in lower flood risk zones which could accommodate this development, it is strongly considered that the application fails the Sequential Test. Therefore, there is a fundamental objection in principle to this development. The proposal is also in conflict with the NPPF as a consequence of failing the Sequential Test which is a significant material consideration for the purposes of determining the application.

3. The Exception Test is usually only applied once the Sequential Test has been passed. Notwithstanding it is considered the scheme fails to pass the Sequential Test, consideration has been given to the Exception Test and the requirement to ensure the development is safe for its lifetime and it provides wider sustainable benefits. The floor levels of the proposed block of flats and dwellings have been set to accommodate the flood levels plus allowance for climate change within their 100 year life time in response to this.
4. Since the previously refused scheme, the height of the building has been reduced which has resulted in an improved proposal and enables the building to site more comfortably within the street scene. However, the site coverage and spread of development across the site has not altered and given the dominance of hard surfacing within the rear of the site and lack of opportunities for soft landscaping, it is still considered the proposal would have an adverse impact on the visual amenities of the locality, contrary to policies HE2, LN2 and H12 of the Local Plan.
5. Given the distances to the surrounding properties and with the reduction in height it is not considered that the living conditions of the occupiers of neighbouring properties would be harmed by this proposal. However, the living conditions of future residents is an area of concern, a number of the flats only have a single north eastern aspect and the internal layout has been contrived to provide accommodation to meet the Housing Quality Indicators in terms of unit size.
6. The applicant sought to demonstrate that the development is not sufficiently viable to make a policy-compliant Affordable housing contribution. This has been independently assessed by the District Valuer. Their conclusion is that the scheme is sufficiently viable to make a contribution of four units/10% and with this secured in a s106 agreement, the scheme complies with Policy LN3. However, in the absence of an agreement to secure the affordable housing contribution at this time, this also forms a reason for refusal of the development.
7. The proposed parking and access arrangements are considered to be acceptable. The scheme is providing a greater number of car parking spaces than is required by the Parking Supplementary Planning Document (SPD) which would allow unallocated spaces for residents but also space for deliveries and a disabled space. The cycle parking provision is also adequate for both residents and visitors. The site is on the Prime Transport Corridor with

a bus stop adjacent to the front of the site on The Grove. The applicant has agreed to make a financial contribution of £20,000 towards provision of a new Landmark Bow 3 bay shelter with Real Time Information to replace the existing bus flag and timetable information board and dedicate land for the new cycle path along Barrack Road.

8. The ecological interests of the site have been considered through an Ecology Appraisal and biodiversity enhancements have been put forward. Whilst it is considered that the site provides for more opportunities to improve the ecological baseline the site, the provisions set out are considered acceptable. Currently, there is no mechanism to secure the Strategic, Access, Management and Monitoring contribution for the Dorset Heathland Mitigation and whilst the applicant is content to make this, without a legal agreement in place, the proposal is contrary to policy ME2 of the Local Plan.

Description of Proposal

9. Outline planning application for a block of 35 flats and 4 dwelling houses with associated parking. Approval is sought for access, appearance, layout and scale at this outline stage with landscaping as a reserved matter for future approval.
10. The proposal provides for 39 new homes which includes 23 x 1 bed flats, 12 x 2 bed flats and 4 x 2 bed dwelling houses. The flats would be provided over three 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.
11. There are 15 unallocated parking spaces proposed which includes 1 delivery space, 1 disabled parking space and 12 spaces with electrical charging points. 56 cycle parking spaces are being provided for residents and visitors through the use of Sheffield stands and a space stacker.
12. This is a revised application following the refusal of the previous scheme for 55 units of accommodation (51 flats and 4 dwelling houses), reference 8/21/1214. The layout has not changed but a level of accommodation has been removed from the main building, bringing it down from four storeys to three storeys.

Description of Site and Surroundings

13. 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.

14. 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.
15. 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.
16. 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

17. 8/21/0410/OUT – Outline planning application for a block of 51 flats and 4 dwelling houses with associated parking. Refused on the following grounds;
 - Failing to pass the Sequential Test
 - Scale, height of building and spread of built form across site – intrusive and dominant form of development
 - Scale, layout and site coverage, amount of hard landscaping – overdevelopment with minimal soft landscaping
 - Unacceptable living conditions for future residents
 - Lack of Heathland Mitigation
 - Lack of affordable housing
 - Lack of transport mitigation
18. 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 current
- FZ3a 30cc 2093
- FZ3a 40cc 2133
- Areas Benefiting from Flood Defences

- Highways Inspected Network
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Contaminated Land
- Tree Preservation Order

Public Sector Equalities Duty

19. 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

20. 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.
21. 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.
22. 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.

Consultations

23. *Christchurch Town Council*

“RESOLVED that objection be raised due to:

- 1) The proposed development fails the Sequential Test as there are other reasonably available 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;

2) 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 (2014);

3) The proposed development would not achieve quality and sustainable design by reason of the lack of amenity space for all future occupiers due to high site coverage in hard landscaping with no amenity or green space. The lack of intuitive bin storage design contrary to waste handling standards would also create a poor living environment for future occupiers contrary to Policies HE2 and H12 of the Christchurch and East Dorset Local Plan (2014) and paragraph 130 of the NPPF;

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 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 (2014).

It was noted that at the date of consideration the LPA's online planning portal did not include the affordable housing viability report contrary to National Guidance at Paragraph: 010 Reference

ID: 10-010-20180724 which provides: "Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available". Given the overwhelming public interest in the volume of schemes in the Christchurch area avoiding affordable housing provision due to viability the Town Council impresses upon the LPA to publish as a matter of course going forwards".

24. Environment Agency

"In relation to the above proposal, we advise that the LPA should ensure that this development proposal meets their requirements, and the requirements of the National Planning Policy Framework (NPPF), with regards the Sequential Test. This site lies wholly within the present day 1 in 1000 year flood plain (Flood Zone 2), contrary to the submitted Flood Risk Assessment (FRA) (dated January 2021, Land

Adjacent to Jumpers Roundabout, Christchurch, BH23 2EX, by M. Frank Tyhurst).

We ask the Flood Risk Assessment (FRA) consultant (FRA prepared by F Tyhurst, January 2022) to check the model node that has been used within the FRA to define the design flood level. The FRA refers to node point 'if_03' as being 'just above the bridge complex', however it is possible that this node point falls downstream of the bridge, and if so could offer an underestimate of the design flood level at this site.

We also note however that the FRA adopts a precautionary 85% climate change allowance. A stage-discharge interpolation between the 40% and 85% allowances may also be considered to estimate the current 47% climate change allowance requirement.

As per our Flood Risk Standing Advice (FRSA) we would expect to see ground floor levels to be set at a minimum of whichever is the higher of:

- 300mm above the general ground level of the site OR
- 600mm above the 1 in 100 annual probability river flood (1%) in any year (including an allowance for climate change).

As proposed, and if using the node point (if_03) is shown to be acceptable, the above requirements are not met for the 4 No. dwellings. If this node point is found to fall below the bridge complex, node point if_02 or if_01 may be more appropriate, and if so, the ground floor level of the flats of 5.70mAOD would also not meet these requirements. Hence, clarification over the correct node point and data is required”.

25. **Natural England** - None received

26. **Wessex Water**

Not expect to see any habitable buildings within a 15m radius of the pumping station in Lodge Road.

“Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest ‘size for size’ sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

The applicant has proposed to utilise soakaways within the site boundary to capture, store and discharge surface water runoff from the proposed development, however, to date, they have not undertaken any on site testing and this may not be viable at this location. Should soakaways prove unviable an agreement has already been made between the applicant and Wessex Water to discharge surface water runoff from the development to the existing surface water sewer at a maximum rate of 1.8 l/s for all storm events up to an including the 1 in 100year event plus climate change”.

27. **Dorset Wildlife Trust** – (summary of main points) The application site is mapped as part of the potential Dorset Ecological Network alongside the River Stour. Further consideration should be given to how the application site contributes to the function of the wider ecological network and thus the potential impacts of the development, as well as the measures which could be incorporated into the scheme design to both maintain and enhance coherent ecological networks.

The local area is particularly notable for a number of records for both Hedgehog and Stag Beetle which would have been recognised if a data search had been undertaken. There has been no consideration of these species and DWT recommend that mitigation and enhancement measures for these species are also incorporated into the scheme design, as well as any other notable species which a data search might reveal.

28. **BCP Trees & Landscaping**

“The proposed development site is situated on the northeast side of Jumpers roundabout. 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.

The Officer would conclude that 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. Therefore, the Officer recommends that this application is refused as it is contrary to policies HE2 and HE3 of Christchurch and East Dorset Local Plan”.

29. **BCP Highways** - No objections subject to conditions and securing of land dedication and financial contribution.
30. **BCP Lead Flood Authority** – No objection
31. **BCP Environmental Health** - None received
32. **BCP Education** - None received
33. **BCP Urban Design**

“The reduced height since the previous refusal relates better to the suburban character of the area. However, in my view, the proposed scheme does not yet constitute high quality design as required by policy HE2 due to the cramped layout, the long continuous frontage and the architectural treatment which is not related to the area. In addition, the lack of access to outdoor space and the internal layout of the flats

would not meet the NPPF requirement to promote health and well-being, with a high standard of amenity for ...future users.

Scale and Layout – scheme presents a very long frontage which is out of character with the area. The inclusion of four houses to the rear results in a congested layout.

Amenity - Much of the accommodation would still have no outdoor space and would be single aspect including northeast facing flats, resulting in a lack of cross ventilation and limited natural light. There are also some awkwardly shaped rooms and spaces due to the amount of accommodation being fitted into a curved building.

Outdoor space and landscape – outdoor space remains dominated by parking. Other than the small back gardens for the houses the proposed green space on the site would provide only visual amenity as it is too limited to be used. I 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.

Appearance - The canted bays and quoins add some interest but don't seem particularly relevant to the local character. I understand that due to flood risk it is not possible to provide front doors on the front elevations which is unfortunate.

Sustainable construction, energy and environmental impact - There seems to be limited information on energy and sustainable construction. How would the scheme meet the requirement for 10% of the energy used to be from renewable, decentralised and low carbon sources? 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."

- 34. **BCP Waste and Recycling** – Recommends a separate bulky goods storage space is provided. No objection subject to condition
- 35. **BCP Biodiversity** – No objection subject to conditions
- 36. **BCP Planning Policy**

"Most of the site falls within either flood zone 3a (2133) or flood zone 2 (present day 2019) as defined in the Christchurch level 2 SFRA 2019. In accordance with the NPPF, core strategy policy ME6 therefore requires application of the sequential test.

In the appeal decision (APP/R3650/W/15/3136799, Farnham, Surrey) the inspector accepts that in applying the sequential test it is acceptable to disaggregate a development proposal onto a number of smaller sites; or that the proposed development could be accommodated as part of a larger available site. Similarly appeal decision APP/E1210/W/17/3175948, Willow Way Christchurch para 37 states "there is no necessity for the Council to demonstrate the availability of

sites of exactly equivalent size, or sites which are available to the Appellant, to show the availability of sites in areas of lower flood risk than the appeal site."

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 35 flats and 4 houses. The Farnham 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".

The list of alternative sites for the sequential test listed in the applicant's FRA does not reflect the latest published list of 5 year supply sites; and indeed, BCP has previously agreed with the applicant's agent that some of the sites (now listed in the FRA) could be withdrawn from the sequential test (and these are not included in the published 5 year supply). However, based on the published 5 year supply, excluding the sites under construction, there remains two sites that could accommodate the total proposed development on a single site (Roeshot Hill and the Magistrates Court) and a further 4 sites that could accommodate 10 or more dwellings. I do not accept the applicant's conclusions that the Magistrates Court site and the Roeshot site can be discounted as no dwellings have been started on site and the Council is satisfied that evidence suggests that development will come forward on these sites in the next 5 years.

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.

The exception test (involving consideration of wider sustainability issues and lifetime safety of the proposed development) is only applied if following the application of the sequential test, it is not possible for development to be located in zones with lower flood risk. In this case the sequential test has not been passed so there is no requirement to apply the exception test. It is noted that the proposed level of additional housing would in principle make a significant contribution to delivering the housing requirements set out in policy KS4. However, I do not consider that this justifies overriding policy ME6 and the NPPF regarding the sequential test".

Representations

37. 125 representations have been received in total to the application.
38. We have received 63 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
- The Grove, a route to Christchurch hospital already very busy
- Road network cannot cope
- Highway safety and risk of more incidents at junction
- Loss of parking
- Proposed parking insufficient
- Unrealistic each flat won't have at least 1 car
- Increased parking on side streets
- Challenge access for emergency services
- Impact on pedestrians safety, in particular children
- Loss of public parking
- Loss of safe access to Beryl bikes
- Relocation of bus stop an issue
- Cancel out proposed cycle lanes along Barrack Road to enhance safety.
- 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
- Disruption to highways during construction

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
- Lack of landscaping and green space
- Failed Sequential Test
- Increased risks of flooding
- Climate change
- No thought to environmental impact
- Part of site is publicly owned land
- Lack of affordable housing
- Viability assessment not available
- Lack of family homes

Design and Amenity

- Architecturally out of keeping with the area
- Town cramming
- Building is too high and overpowering
- Size and scale out of proportion with existing buildings
- Overdevelopment and overbearing
- Monolithic building and imposing – looks like a prison
- Unacceptable high density

- Unacceptable in terms of site coverage, architectural style, scale, bulk and height – contrary to policy HE2
- Destroy gateway to Christchurch
- Claustrophobia in town
- No outside space – poor quality environment
- National minimal living standards not met
- Loss of privacy and overlooking
- Loss of light
- Noise, disturbance and dust during construction

39. We have received 50 letters of support on the following grounds;

- Deliver much needed housing
- Lack of five year housing land supply – 2.7 years
- Plans meet environmental standards and promote sustainable living
- Welcome gateway development to Christchurch
- Emphasis on sustainable travel
- Design is traditional and in keeping with local architecture
- Efficient use of brownfield site and urban land
- Use of redundant land which offers little value to area
- Affordable accommodation for local needs
- Good transport links
- Minimises future provision of homes outside settlement and in the green belt
- Provide long term economic benefits
- Several examples of properties with similar mass and bulk to the proposal along Barrack Road.

40. We have received 2 comments relating to increased traffic, loss of green space, quality of surroundings and density.

Key Issues

41. 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 and Heathland

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

Policy Context

43. 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.

44. **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
HE4: Open Space Provision
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
LN3: Provision of Affordable Housing

45. **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

46. **Supplementary Planning Documents and Guidance**

BCP Parking Standards SPD 2021
Dorset Heathlands Planning Framework 2020-2025
Housing and Affordable Housing SPD
Christchurch Borough-wide Character Assessment (2003)

47. **National Planning Policy Framework (“NPPF”/“Framework”)**

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.”

48. The relevant sections are;

Section 2 Achieving sustainable development
 Section 8 Promoting healthy and safe communities
 Section 12 Achieving well-designed places
 Section 14 Meeting the challenge of flooding, climate change and coastal change
 Section 15 Conserving and enhancing the natural environment

Planning Assessment

Principle of development

- 49. 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 fundamental objections to the principle of development on flood risk grounds.
- 50. The Council does not have a 5 year housing land supply as it currently stands at 2.7 years (2020/21) 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 39 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

51. 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.
52. 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.”*
53. The National Planning Policy Guidance goes onto explain;
- “The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed. The main steps to be followed are set out below which, in summary, are designed to ensure that if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted.....”*
54. 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 not negate the need for the sequential test, nor mean that it has been passed.
55. 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 35 flats and 4 houses”.*
56. 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 on alternative sites that were in the five year supply within the Christchurch area alone and not the whole of BCP and could accommodate 10 or more dwellings. They have carried out a thorough assessment of all potential sites. 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, 4 alternative sequentially preferable sites that could accommodate the development as a whole or as a combination of smaller sites have been identified. These are; Hoburne Farm Estate – Phase 8; Roeshot Hill; 217-225 Barrack Road and the Magistrates/Police site, Barrack Road.

57. 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 and pass the Sequential Test as set out in the NPPF.
58. 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. The NPPF classification for this type of development is “more vulnerable” and the lifetime of the development 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.
59. 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. The Environment Agency stipulate in their Standing Advice that finished floor levels should be 600mm above estimated river level to allow for uncertainty. 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 stand at 5.11m AOD. In their consultation response the Environment Agency have questioned some of the data and raised concerns that the floor levels of the dwellings are not sufficient and if the chosen nodal point is incorrect, then the floor levels of the main flat building are not appropriate either.
60. In response, the agent has submitted amended plans where the floor levels of 4 houses been raised to overcome EA concerns and chosen nodal point of 03 been explained. However, the increased floor levels of the 4 houses to the rear of the site means that it is only possible to access all of the properties from the front and rear via a number of steps. This serves to add to the contrived design of these dwellings (see para. 74 below) and also limits their suitability for occupiers with mobility issues. As noted in para. 19, the Council

has a duty under the Equality Act to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and the design of the dwellings would appear therefore not to comply with this duty.

61. 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 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 layout and amenity. 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.
62. 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.
63. Notwithstanding this, given the application fails the Sequential Test, the proposal is contrary to policy ME6 of the Local Plan and the guidance in the NPPF.

Type and size of housing

64. 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.
65. 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.
66. 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 HQL. 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 and contributes to concerns over a poor living environment within the development. The proposal is not considered to be technically contrary to policy LN1.

Affordable housing

67. 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. This would equate to 16 units of affordable housing. However, a viability assessment was submitted with the application which concludes there is no financial viability to provide affordable housing, with the development resulting in a deficit.
68. This has been assessed independently by the District Valuation Service. Their conclusion is that the scheme is sufficiently viable to provide a contribution of 10% affordable housing units – equivalent to 4 units in the development. This could potentially be provided on site – or if demonstrated to not be practicable, a financial contribution taken towards affordable housing provision elsewhere within BCP.
69. Currently there is no mechanism in place to secure this affordable housing contribution in perpetuity which would be necessary to ensure the development complies with Policy LN3 of the Core Strategy. Therefore, until this is secured, this would also form a reason for refusal of the application.

Design, Form and Layout

70. 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 12 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;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

71. 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. The revisions to the height of the building have improved the scale of the building and it is now considered the proposed 2 ½ and 3 storey building is more acceptable. However, the overall site coverage has not altered and the spread of development across the site and the consequent site coverage remains excessive and as such fails to have sufficient respect for the surrounding settlement pattern.
72. 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.
73. The density of the site is 156 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 two 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.
74. The design of the houses at the rear is considered to be contrived with an extensive mansard-style roof instead of a traditional pitch, presumably to keep the height of these units down. The proposed raising up of these houses to address the flood risk issues (see para 60 above) with individual stepped access front and rear to the four properties, adds to its incongruous nature when view against the prevailing pattern of development. The density and resulting site layout and amount of built form proposed results in an environment overwhelmingly characterised by hard surfacing with the parking

for vehicles and cycles and bin storage dominating the area to the rear of the main building.

75. 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 Officer would conclude that 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”*. 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.
76. Whilst a level of accommodation has been removed from the scheme and the overall height of the building is improved from the previous refused scheme, this revised 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

77. 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.
78. To the north and west of the site, there are residential properties. The building directly adjacent to the main access (9 The Grove) is divided into flats with a number of openings facing the northern elevation of the proposed flat building. There are proposed openings at ground and first 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.
79. 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 in the north-east corner would be of an adequate separation distance from the Lodge Road properties and the only window at first floor level would serve a bathroom. It is not considered the proposal would have an unacceptable impact on the living conditions of the occupiers of the dwellings in Lodge Road.

80. 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 and it is noted that the National Model Design Code advises that there would not normally be a privacy distance at the front of the property. There are concerns by reason of the scale of the proposed building that 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.
81. 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.
82. 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 living conditions. 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.
83. To the rear of the proposed dwelling houses is an 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.
84. 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.

85. 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.73 above. The reduction in height of the building has improved the relationship to some degree but there is still concern that during the winter months, the houses will be in shadow from the main 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.
86. It is considered the scheme is contrary to the aims of policies HE2 & H12 of the Local Plan in respect of the future living conditions of the occupiers of the development.

Access and parking arrangements

87. 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 14 car parking spaces which is an excess of 10 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 and also walking distance of Christchurch station for rail services (1.5km/20 min). However, this level of parking provision is considered to be acceptable.
88. The 56 space cycle parking provision is being provided through the use of Sheffield stands and a space stacker adjacent to the south eastern boundary of the site within the building. In addition, 5 external cycle stands are being provided for visitors which can provide cycle parking for 10 bikes. This level of provision is considered to be acceptable.
89. 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.
90. 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'.

91. It is considered that the financial contribution for the bus stop ensures the continuation of frequent bus route corridor and given the location of the development, the future occupiers can be expected to utilise local bus services. 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.
92. 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 to 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.
93. 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 impacts on the capacity of the highway network from the proposal. Therefore, it is concluded that the scheme complies with policies KS11 and KS12 of the Local Plan, the Parking SPD and the NPPF.
94. In terms of waste and recycling provision, the proposals include an area at ground floor level at the rear of the main building for the flats and bins will be stored in the gardens of the individual properties. There appears to be adequate capacity for the residents. The applicant has indicated that a private collection will be implemented on a weekly basis. To ensure this occurs or suitable methods are in place, it would be necessary to condition the submission of a Waste Management Plan and identify the private collector.

Open Space

95. 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 CIL-labile and

as such, this provision does not need to be considered. 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. The scheme therefore complies with Policy HE4.

Biodiversity

96. 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”.*
97. 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).
98. Unlike the previous proposal which triggered the requirement for a Sustainable Alternative Available Greenspace (SANG) or HIP, this scheme is under the 40 unit trigger point and therefore it is no longer required. This application will be subject to the Community Infrastructure Levy (CIL) and as such part of the heathland mitigation will be provided through this mechanism. However, the applicant will still be required to enter into a s106 agreement to secure the SAMM contribution. This is not currently secured but the applicant has stated they would be willing to make this contribution.
99. The submitted Ecological Appraisal illustrates that the application site which consists of amenity grassland and hardstanding has a low ecological value. 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. This application therefore provides opportunities to provide biodiversity net gain in line with the NPPF. 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

100. 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.

Sustainable construction and energy

101. Policies ME3 and ME4 refers to sustainable standards for new development and renewable energy provision. Developments will be required to incorporate carbon emissions reduction, water and energy efficiency measures and to demonstrate they have explored a range of sustainable and low carbon options. The provision of renewable, decentralised, and low carbon energy will be encouraged in residential development of 10 or more dwellings.
102. The application has minimal submission on the above aspects but states that the layout of the development maximises opportunities for use of common walls to limit winter heat loss and confirms that 10% of the regulated energy used in the development to be from renewable sources can be secured by condition. Since the original submission, it has been confirmed that it is the intention to utilise air source heat pumps and locally sourced materials will be used where possible. It is frustrating that limited information has been provided on this matter given the current climate emergency but accept that this could be secured by condition if the application was recommended for approval.

Other matters

103. 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

104. 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. Having applied the sequential test as required by the NPPF it has been concluded above that the test has not

been passed and therefore this provides a clear reason for refusal and therefore the tilted balance is not engaged.

105. 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 result in significant environmental harm. The development fails the Sequential Test and having regard to the Exception Test, the proposal does not provide sufficient wider sustainability benefits. A viable affordable housing contribution has not been secured.
106. 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 with 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. 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.
107. The scheme also fails to provide suitable mitigation for its impacts on protected heathlands, contrary to Local Plan policy ME2. The development is not considered to be a sustainable form of development and is considered to be contrary to the Development Plan as a whole and is recommended for refusal.

Recommendation

78. Refuse planning permission for the following reasons;

1. The proposed development by reason of the layout and spread of built form across the site will result in an intrusive and dominant form of development and the incongruous design of the four houses to the rear, would have an adverse impact on the character of the area 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 - Core Strategy (2014).
2. The proposed development by reason of its 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 - Core Strategy (2014).
3. The proposed development fails the Sequential Test as there are other reasonably alternative sites with lower flood risk that could accommodate this development. In addition, the proposal fails the Exception Test as the applicant has not demonstrated that the scheme can be made safe for the lifetime of the development. As such the proposal is contrary to policy ME6 of the Christchurch and East Dorset Local Plan - Core Strategy (2014) and paragraph 162 of the National Planning Policy Framework 2021.

4. The development, by reason of the lack of amenity space for 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 - Core Strategy (2014).
5. The proposed development is sufficiently viable to make an affordable housing contribution of 10% of the development or 4 units. No mechanism has been submitted to secure this affordable housing contribution. By reason of the lack of affordable housing provision, the scheme is considered to be contrary to Policy LN3 of the Christchurch and East Dorset Local Plan - Core Strategy (2014).
6. The site lies between 400m and 5km of Dorset heathlands which are protected under European legislation for their wildlife importance. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 sets out the means by which the cumulative impacts of additional residential development in this zone can be mitigated. In this instance the proposal fails to secure the mitigation measures identified as necessary in the SPD such that it would be contrary to policy ME2 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy, Adopted April, 2014 and the provisions of the National Planning Policy Framework, particularly paragraph 118.
7. The proposed development by reason of the 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.

Informative Note

1. In the case of an appeal or any resubmission the applicant is advised that reasons 5 - 7 could be overcome by the submission of a completed legal agreement securing an affordable housing contribution, the Strategic Access, Management and Monitoring contribution in accordance with the Dorset Heathlands SPD 2020-2025 and transport improvements.

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.

