

# Planning Committee

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| Application Address                       | 156 River Way, Christchurch, BH23 2QU   |
| Proposal                                  | Sever rear garden of 156 River Way. Construct 1 x 4 bed dwelling with garage, associated parking and amenity space. Demolish existing garage to create access to new dwelling, to include bin presentation point to the front of the site   |
| Application Number                        | 8/24/0151/FUL   |
| Applicant                                 | D R Property Ltd  |
| Agent                                     | Mr Matt Stevens   |
| Ward and Ward Member(s)                   | Commons-<br><br>Councillor Margaret Phipps<br>Councillor Vanessa Ricketts   |
| Report Status                             | Public  |
| Meeting Date                              | 20 February 2025  |
| <b>Summary of Recommendation</b>          | <b>Grant in accordance with the details set out below for the reasons as set out in the report</b>  |
| Reason for Referral to Planning Committee | Called in by Councillor Phipps for below reasons:<br><br>Contrary to Policy ME6, no sequential test submitted. There are sequentially preferable sites outside the flood risk area within the LA planning area. Contrary to Policy HE2, not compatible with or improves its surroundings. |
| Case Officer                              | Peter Walters   |
| Is the proposal EIA Development?          | No  |

## Description of Proposal

1. The application seeks full planning permission to sever the garden of 156 River Way and construct a four bed dwelling with garage, associated parking and amenity space
2. The site would be severed approximately 19.8 metres to the rear of No.156. The new dwelling would be served by an access off River Way and would benefit from a parking and turning area to the front and a garden to the rear.
3. The proposed dwelling would be a chalet bungalow style, with accommodation in the roof. It would benefit from an integral garage and a total of four bedrooms.

## Description of Site and Surroundings

4. The application site is located to the west of River Way and includes No.156 River Way and its garden to the rear. The existing dwelling is a bungalow and surrounding development comprises of a mix of one and two storey dwelling. The wider area has in recent years seen a rise of infill cul-de-sac

developments that range in size, the nearest being No's 1-3 River Glade, sited to the rear of No's 158-162 River Way.

5. The site is located adjacent to the Green Belt, to the rear of the site. The rear of the site is also located within Flood Zone 2 and Future Flood Zone 3a and 3b, as indicated on the Strategic Flood Risk Assessment for Christchurch. Present day flood zone 3 lies to the rear of the site, however the site is not within present day flood zone 3.

### **Relevant Planning History:**

6. 8/06/0375 - 158 and land to rear of 160 & 162 River Way, application to sever land and erect three dwelling houses with access and parking and rebuild 158 River Way, approved 23/11/2006 and implemented as 1 – 3 River Glade.
7. 8/18/1773/FUL - Land to rear of 33-37 River Way, application to construct two chalet bungalows with associated landscaping, parking & access, approved 10/06/2019
8. 8/18/1549/FUL - Land to rear of 29 Cross Way and 59 River Way, application to construct six 4-bedroom properties with parking and gardens, access from Cross Way, approved 15/5/2020 .
9. 8/20/1191/FUL - Land rear of 150-156 River Way Christchurch BH23 2QU, application for subdivision of the plots and construction of three new homes to the rear of the existing buildings together with associated parking, access and landscaping. (extension at the side of no.150 River Way to be demolished). Refused 14/07/2021. Appeal lodged and dismissed. The reasons for refusal were the impact of the development on protected trees and the lack of Heathland mitigation
10. 8/21/0842/FUL- Land rear of 150-156 River Way Christchurch BH23 2QU, application Subdivision of the plots and construction of two new homes to the rear of the existing buildings together with associated parking, access and landscaping. (extension at the side of no.150 River Way to be demolished) (Revised scheme). Refused 12/05/2023. The reasons for refusal where the lack of Sequential Test.

### **Constraints**

11. The application site is located adjacent to the Green Belt.
12. The rear of the site is located within Flood Zone 2 and Future Flood Zone 3a and 3b, as indicated on the Strategic Flood Risk Assessment for Christchurch. Present day flood zone 3 lies to the rear of the site, however the area to be developed is not within the flood risk zones.
13. The site is within 5km of Ramsar Heathland. In accordance with the Heathlands SPD mitigation is required by means of a Strategic Access, Mitigation and Monitoring payment (SAMM).
14. The site is in the catchment area of the River Avon Special Area of Conservation (SAC). Mitigation is required to offset the increase in phosphate load generated by the proposed development.

### **Public Sector Equalities Duty**

15. 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**

16. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
17. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
18. 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.
19. 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.
20. 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.
21. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

### **Consultations**

22. **BCP Highways Authority-** No highway objections, subject to the attachment of conditions to ensure the access, parking and turning areas, and the submission of details of secure cycle parking facilities and EV charging points.
23. **Planning Policy Team-** As the dwelling, parking, access and egress are all located outside the flood zone 2 and 3, a sequential test is not required.
24. **Tree Team-** No objection, subject to the attachment of conditions to ensure the development is carried out in accordance with the submitted tree reports, and full plans and particulars showing the siting of services and soak ways are submitted for approval prior to commencement of development.
25. **Biodiversity Officer-** No objection, if permission is granted biodiversity mitigation and enhancement as outlined in Preliminary Ecological Appraisal shall be implemented in full.
26. **Flooding Team-** Recommended that the LPA satisfy themselves that the Sequential Test has been satisfied.

27. **Natural England**- No objection subject to mitigation being secured
28. **Environment Agency**- No comments received
29. **BCP Waste and Recycling**- No comments received
30. **Christchurch Town Council**- No comments received
31. **Dorset & Wilts Fire & Rescue Service**- No comments received

### **Representations**

32. A site notice was erected on 14<sup>th</sup> March 2024 with an expiry date of 6<sup>th</sup> April 2024.
33. In total, 10 letters of objection have been received, commenting on the following:
  - Site is at flood risk
  - Concerns regarding impact on wildlife
  - Concerns regarding spillage into river
  - Central Government Policy does not support digging up and selling on back gardens
  - Overdevelopment already evident in area
  - Concerns regarding drainage
  - Overshadowing
  - Overlooking
  - Overbearing
  - Creation of precedent
  - Architectural style and design is not compatible with and neither improves surroundings
  - Concerns regarding height of building
  - Request for surety that additional water will be routed away from neighbours property
  - Proximity of scheme to boundaries
  - Reference to developers as a 'cartel'
  - Reference to planning system being not fit for purpose
  - Images of flooding submitted
  - Concerns regarding increase in traffic and parking dangers
  - Concerns regarding application process- names and addresses of those making representations should not be shown
  - Reference to the council being once of the worst councils open to potential planning corruption
  - Responses should not be ignored
  - Website claiming there are no associated neighbours is incorrect
  - Lack of parking in area

### **Key Issue(s)**

34. The key issue(s) involved with this proposal are:
  - Principle of development including Sequential Test for Flood Risk
  - Impact on character and appearance of area

- Impact on residential amenities
- Impact on highways and parking
- Flooding and Drainage
- Other Matters

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

### **Policy context**

36. Local documents:

#### **Christchurch and East Dorset Local Plan – Core Strategy (2014)**

- KS1: Presumption in favour of sustainable development
- KS2: Settlement Hierarchy
- KS4: Housing Provision in Christchurch and East Dorset
- KS11: Transport and development
- KS12: Parking Provision
- HE2: Design of new development
- HE3: Landscape Quality
- LN1: The Size and Type of New Dwellings
- LN2: Design, Layout and Density of New Housing Development
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Protection of the Dorset Heathlands
- ME3: Sustainable development standards for new development
- ME6: Flood Management, Mitigation and Defence

#### **Christchurch Borough Council Local Plan (2001) – saved policies**

- H12: Residential Infill
- H16 Crime Prevention and Design
- ENV1: Waste Facilities in New Development
- ENV 5 Drainage and New Development
- ENV 6 Connection of Development to Mains System
- ENV21: Landscaping in New Development

#### **Supplementary Planning Guidance (SPG):**

- Dorset Heathlands Planning Framework 2020 to 2025 SPD (March 2020)
- BCP Parking Standards SPD
- Christchurch Borough Wide Character Assessment 2003

#### **Other Documents:**

- Phosphorous in the River Avon – Position Statement (2024)

37. National Planning Policy Framework 2024 (“NPPF” / “Framework”)

Including in particular the following:

## 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.”

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

## Planning Assessment

### Principle of Development including Flooding Sequential Test

- 38. The application site is located within an established residential area. The site is within the urban area of Christchurch which is a Main Settlement in the settlement hierarchy in Policy KS2 that will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. This will include infill development as well as options for some greenfield development. The site is a sustainable location with access to the services and facilities this location provides, including the public transport links. KS2 allows for smaller scale residential development within the existing urban areas and therefore it is considered the principle of new dwellings in this location complies with the Local Plan.
- 39. Paragraph 73 of the NPPF states; *‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: d) support the development of windfall sites through their policies and decisions – giving weight to the benefits of using suitable sites within existing settlements for homes;’*
- 40. The western part of the site is situated within the existing flood risk zones 2 and 3 as well as future flood risk zones 2 and 3. As such, a Sequential Test would be required to demonstrate no alternative sites are available to accommodate the proposed development. However, the area of the site to be developed, including the access and escape routes are situated outside of both the existing and future flood zones. Paragraph 175 of the NPPF 2024 states that, *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)”* The Council’s Planning Policy officers have reviewed the application and commented that since the development will be completely outside of current and future flood zones 2 and 3, Sequential Test will not be required in this instance. The applicant has submitted a Flood Risk Assessment to demonstrate the acceptability of the proposed development. In accordance with Paragraph 175 of the NPPF, development is considered to be acceptable.

41. The Council does not have a 5-year housing land supply as it currently stands at 2.1 years. However, as the site is within flood risk zone, in accordance with paragraph 11.d.i, the tilted balance will not engage. Notwithstanding, as the proposal is sustainably located within the settlement boundary of Christchurch according to policies KS1 – Presumption in Favour of Sustainable Development, and KS2 – Settlement Hierarchy and the proposed development will be located outside of current or future Flood Zones 2 and 3, the proposal complies with policy ME6 – Flood Management, Mitigation and Defence of core strategy and is acceptable in principle.

### **Type of housing and size**

42. Policy LN1 refers to the Strategic Housing Market Assessment (2015) and the Housing Quality Indicators and in particular the size of proposed housing. The SHMA identifies that 2- and 3-bedroom properties are what is mostly required in the Christchurch area. The proposal is for 1no. 4-bedroom houses. Although the 4-bed units are not considered to technically meet this need, given the current housing land supply issues there is no justification for refusing the application on this ground alone.

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

43. Policy HE2 states that development will be permitted if its compatible with or improves its surrounding in relation to layout, site coverage, style, scale, bulk, height, mass, materials and landscaping.
44. With regards to the proposed plot severance, it is noted that the existing site will be severed approximately 19.8 metres to the rear of the existing dwelling. The resultant plots will be shorter in length in comparison to those located to the south of the site. However it is noted that plot size to the north is more varied following the approval and construction of River Glade. No's 158-162 River Way each have shorter rear gardens given the development to the rear of the site, whilst the dwellings located within River Glade are all situated on smaller plots. It is noted that the building line on the western side of River Way is not consistent, with some dwellings being notably set back (144 River Way is approximately 25m from the street), whilst others are closer to the street (148 River Way is approximately 6m from the street). River Glade, to the north is an infill development that is not related directly to River Way and does not follow the building line. The proposed dwelling is not aligned with the neighbouring property in River Glade due to the incursion into the flood risk zone. Given the varied building lines, it is considered that the proposed development would not be harmful to the character of the area in this respect. Officers note the public comments raising concerns that the proposal would represent overdevelopment of the site. However, given the site is considered to be large enough to accommodate both dwellings while providing an acceptable degree of amenity. As such, it is considered that the proposed plot severance and resultant plot sizes of both No's 156 and that of the proposed dwelling would not be at odds with the surrounding pattern of development.
45. The proposed dwelling will have a front projection closest to the northern boundary and an integral garage located towards the southern boundary. It will span most of the width of the site, however this is not uncommon within the surrounding area. Parking will be located to the frontage and a rear garden will be situated to the rear of the dwelling. Overall, the amount of plot coverage is considered acceptable and in keeping with surrounding development.
46. The proposed dwelling is a chalet bungalow style. Overall, the proposed height of the dwelling is in keeping with surrounding development, where both bungalows and two storey dwellings are evident. The dwelling will have a hipped roof with some projected and recessed elements. Both the style of the dwelling, and proposed materials are considered in keeping with surrounding development, where a range of styles and materials are evident.
47. It is noted that the previous scheme (8/21/0842/FUL) which sought permission for two dwellings to the rear of No's 150-156 concluded that the scheme had an acceptable impact on the character and appearance of the area, in accordance with policy.
48. Overall, the proposed design form is considered to be acceptable and its appearance is sympathetic to the style of properties within the road and thus considered acceptable. The scheme is considered to

comply with the test in Policy HE2 to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.

### **Future residential amenity**

49. In relation to the residential amenity of future occupiers, the dwelling will measure a total of 151.5 sqm. This is well above the threshold set out in the minimum space standards for a 4 bedroom single storey dwelling accommodating 8 people. 3 of the 4 bedrooms exceed the minimum floorspace required by the Technical Space Standards (which requires one of the double rooms to exceed the threshold). Each room has natural lighting, provided by either windows or rooflights. The building will not be overshadowed by other buildings and therefore will receive adequate sunlight. It will benefit from a spacious open plan kitchen/living/diner on the ground floor. There will also be a lounge to the front of the property. In total there will be four bedrooms, with one located on the ground floor. Private amenity space will be provided to the rear, which is 17m in length and considered to be sufficient. Overall, it is considered that the proposed dwelling will provide an acceptable standard of amenity for future occupiers. The proposal will be in accordance with policy HE2 with regard to future residential amenity.

### **Neighbouring residential amenity**

50. In terms of impact on neighbouring amenity, all side elevation windows above ground floor level are rooflights set at 1.7 metres above finished floor level. The submission of boundary treatment details can be conditioned in the event of an approval, to ensure no loss of privacy from windows at ground floor level on the side elevations. Given the above, the scheme will not result in overlooking to No.154 or No.156 or the properties in River Glade. Furthermore, it is noted that the dwelling will sit mostly adjacent to part of the access road to the properties in River Glade to the northern boundary. There are no residential properties located to the rear of the site, therefore the rear elevation windows will not result in overlooking. The only windows above ground floor level on the front elevation are also roof lights set at 1.7 metres above finished floor level- they will therefore not result in material harm by way of overlooking to the residents of No.156 River Way. Overall, it is considered that the scheme will not result in any unacceptable overlooking.
51. Given separation distances from neighbouring dwellings, and the acceptable size of the proposed dwelling (chalet bungalow) it is unlikely to appear oppressive or overbearing to neighbouring dwellings. Given its siting in relation to neighbouring dwellings, it is unlikely to result in any loss of light or overshadowing.
52. The additional pedestrian movements from the new dwellings although noticeable to the neighbours, the noise and disturbance arising would be of a residential nature and scale not so great as to materially harm the amenities of these neighbours.
53. It is noted that the previous refusal at the site (8/21/0842/FUL) concluded that the scheme would have an acceptable impact on the living conditions of adjoining neighbours.
54. Overall, the proposal is considered to have acceptable impacts on the residential amenities of neighbouring residents. The scheme is therefore considered to comply with Policy HE2 in this regard.

### **Impact on highways and parking**

55. The proposed dwelling would be provided with sufficient parking within the site to meet guidelines (The Parking Standards SPD 2021). The existing dwelling would also retain enough parking on the existing driveway/frontage to meet SPD guidelines. Onsite turning would be possible.
56. The Parking Standards SPD outlines the requirements for electric vehicle (EV) charging in new development. In order to future proof development ahead of the expected transition to electric vehicles, the Council expects the inclusion of charging points for electric vehicles in all new developments.



Proposals for houses with at least one designated parking space within the curtilage of its own plot must ensure the installation of at least one 'active' EV charging point (active and passive charging points are defined within the Parking Standards SPD (page 23)). As such, the proposed dwelling would need to have an active EV charge point. This matter could be dealt with by way of planning condition.

57. Furthermore, the SPD requires new dwellings, including houses, to be provided with cycle parking. It is noted that the proposed plan suggests cycle parking would be provided within the garage, however, the garage would not be large enough to accommodate formal cycle parking and car parking, and therefore the proposed dwelling should be provided with a cycle store, with suitable cycle stands, and sufficient capacity for at least four cycles (one cycle per bedroom). This matter can be secured by condition.
58. BCP Highways Authority have confirmed that they have no objection to the scheme, subject to conditions to ensure the access, parking and turning areas, and the submission of details of secure cycle parking facilities and EV charging points.
59. Overall, with the attachment of conditions, the scheme will not result in a detrimental impact to highway safety or parking provision, in accordance with policy KS12 – Parking Provision and the BCP Council Parking SPD.

### **Flooding and drainage**

60. The rear of the site is located within Flood Zone 2 and Future Flood Zone 3a and 3b, as indicated on the Strategic Flood Risk Assessment for Christchurch. Present day flood zone 3 is situated adjacent to the rear boundary of the site. Numerous objections have stated that a Sequential Test is therefore necessary. It is however evident that the dwelling, access and egress are located outside of the flood zone. Paragraph 175 of the NPPF allows for development to take place where the development is outside of the area that is at risk of flooding. A Sequential Test is therefore not necessary, this has been confirmed by the Planning Policy Team. It is noted that the flooding team have suggested a Sequential Test is necessary- such an issue is however a planning policy matter. The LPA are content that no Sequential Test is necessary in this instance, for the reasons explained above.
61. The flood risk assessment has outlined a number of measures to incorporate flood resilience into the new build. Some of these measures include using flood resilience materials and making sure doors are flood proof. Such measures can be secured via a condition in the event of an approval. Given the actual dwelling itself will be situated in flood zone 1, further details of drainage are not deemed necessary.
62. Overall, the LPA are content that the scheme complies with the test in the NPPF to direct development towards areas at the least risk of flooding and Policy ME6.

### **Biodiversity**

63. A Preliminary Ecological Appraisal (PEA) was submitted alongside the application. This confirms that there are no protected habitats or records of any protected species within the site, or within 100 metres of the site. It is noted that a garage will be demolished to accommodate the new dwelling. A walkover survey found no Potential Roost Sites for bats or bird nests on the garage and that the site largely consists of a closely cut lawn, and mature non-native shrubs and non-native evergreen Leyland cypress hedges along the site boundaries.
64. The PEA advises that the development provides an opportunity to achieve a significant biodiversity net gain within the site through enhancements for: bats; bees; birds; and hedgehogs. New planting within the site can also be carried out that would create new habitats. The recommendations outline a number of mitigation and enhancement measures.

65. The Biodiversity Officer has been consulted on the scheme and has no objection subject to the attachment of a condition to ensure the outlined mitigation and enhancement measures are implemented in full. The application was submitted prior to the requirements of the Environment Act 2021 coming into force. As a result, this proposal is not required to provide 10% Biodiversity Net Gain.
66. Overall, with the use of the above condition, it is considered that the scheme will be in accordance with Policy ME1.

### **Heathland Mitigation**

67. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation). Working in collaboration with Dorset Council and with advice from Natural England, BCP Council has adopted the Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document, the purpose of which is to set out the approach to avoid or mitigate harm to these protected sites. In this instance, it is considered that the proposal is likely to have a significant effect on the Dorset Heathlands; however, having undertaken an appropriate assessment it is believed that the integrity of these sites can be maintained provided appropriate mitigation is secured. In this case, a financial contribution of £510 plus an administration fee of £75 is considered necessary for the purposes of such mitigation; such contribution to be secured by way of an appropriate planning obligation.

### **Phosphates into the River Avon SAC**

68. The site is situated within the catchment area of the River Avon Special Area of Conservation (SAC). Natural England have identified that phosphates released into the SAC from waste water generated by human occupation is harming the SAC. Accordingly, all development that involves a net increase in the number of dwellings must provide mitigation to prevent the phosphate load into the SAC being increased. This is achieved by purchasing credits from two providers that own sites formerly used for fish farming (which released phosphates into the SAV). The applicant has calculated the phosphate load generated by the net increase of one dwelling and has an agreement to purchase the equivalent credits. A Grampian planning condition will be added to ensure that the agreement credits will be purchased prior to commencement of the development. Subject to this condition, the proposal is considered to be acceptable.

### **Impact on trees**

69. Trees on the application site are not protected by any statutory protection but trees off site are protected by TPO 1993 no.16 and 1982 no. 4 with individual designations. The application has been supported by an arboricultural impact assessment and method statement with tree protection plan, which identifies the constraints of trees on site and any off site tree which would impact the site, along with possible impacts to trees from the development and methods of tree protection to avoid accidental damage during development. Tree on an off site remain clear of the proposed development and it has been demonstrated in the arboricultural information that there is adequate space to locate new services drains.
70. The Tree Team have been consulted and have confirmed that they have no objection to the scheme subject to attachment of conditions to ensure the development is carried out in accordance with the submitted tree reports, and full plans and particulars showing the siting of services and soak ways are submitted for approval prior to commencement of development. Consequently the proposal is in accordance with policy H3 Landscape Quality subject to conditions.

### **Other Matters**

71. It is noted that a representation raises a number of queries and requests various assurances from the Council. The same neighbour states that they do not wish for their queries to be ignored. The

Statement of Community Involvement however clearly advises that it is not possible to respond to specific points raised in representations.

72. A representation refers to previous applications and developers as a 'cartel.' They also suggest corruption within the Council. The application has however been assessed against planning policy and any other material considerations, as required by the NPPF, and as any other planning application received by the LPA is.
73. It is noted that bin storage is indicated on the site plan, to the side of the dwelling. Bins could easily be pulled up to the kerbside on collection day, then returned. This is considered acceptable. It is noted that the waste team were consulted however no comments were received.

### **Planning Balance / Conclusion**

74. 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 creation of much needed housing. The proposal would provide for 1 additional dwelling.
75. The scheme has an acceptable impact on the character and appearance of the area, and also an acceptable impact on the amenity of future occupiers and that of neighbouring residents. It will not increase flood risk and will have an acceptable impact on highway safety and parking provision.
76. Given the shortfall of the number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal.
77. Having recognised the collective benefits of the proposed scheme, it is concluded that the scheme would achieve the economic, social and environmental objectives of sustainable development, in line with the adopted local policies and the provisions of the NPPF.
78. The scheme is therefore recommended for approval, subject to conditions and the completion of a Section 106 agreement to secure Heathlands mitigation.

### **Recommendation**

79. **GRANT** permission for the reasons as set out in this report subject to:
- the following conditions with power delegated to the Head of Planning Operations (including any officer exercising their powers if absent and/or the post is vacant, and any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
  - a deed pursuant to **section 106** Town and Country Planning Act 1990 (as amended) securing the terms below with power delegated to the Head of Planning (including any officer exercising their powers if absent and/or the post is vacant and any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant officer) does not result in a reduction in the terms identified in this report.

### **S106 Heads of Terms:**

Unilateral Undertaking by the developer to provide a SAMM payment of £510.00 plus £75.00 administration fee in relation to mitigating the harm caused by the development to heathlands as set out above.

## **Conditions**

1. The development to which this permission relates shall 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 the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

Location & Block Plan, Drg No. ASP.24.014.001 received 01/03/2024  
Proposed Site Plan, Drg No, ASP.24.014.002 received 01/03/2024  
Proposed Floor Plans, Drg No. ASP.24.014.100 received 01/03/2024  
Proposed Elevations, Drg No. ASP.24.013.100 received 01/03/2024

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

3. No development shall commence unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the Local Planning Authority. Such proposals must: (a) Provide for mitigation which achieves a phosphorous neutral impact from the development; and (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures. The development shall be carried out in accordance with and subject to the approved proposals.

Reason: To ensure that the development does not increase the phosphate load on the River Avon SAC, which has been demonstrated to cause harm to the SAC.

4. Notwithstanding details already submitted, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of groundworks on site.

Reason: To ensure that the neighbouring tree, its rooting environment is afforded adequate physical protection during construction in accordance with Policy HE3 – Landscape Quality.

5. No work shall be carried above ground level unless particulars of the materials to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the manufacturers specifications of the materials proposed.

Reason: In the interest of ensuring the character of the area is maintained in accordance with Policy HE2 - Design of New Development of the Christchurch and East Dorset Local Plan 2014.

6. The development hereby permitted shall not be occupied or utilised until the access, parking, and turning areas shown on the approved plans have been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for those purposes specified.

Reason: In the interests of highway safety, in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (April 2014), and the Parking Standards SPD (2021).

7. Prior to the first occupation of the development, details of secure cycle parking facilities shall be submitted to, and approved in writing by, the Local Planning Authority, implemented in accordance with the agreed details and thereafter retained.

Reason: In order to secure the provisions of appropriate facilities for cyclists in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (April 2014), and the Parking Standards SPD (2021).

8. Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the first occupation of the residential unit hereby approved. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policies KS1 and KS11 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (April 2014), and the Parking Standards SPD (2021).

9. The development hereby approved shall be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement, by KJF Consultancy ref TR.V1.156.RW.C version 1, dated 20/03/23, unless otherwise agreed in writing with the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement detailing the installation of the driveway, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: To ensure the protected trees on site are given adequate protection before and during the works on site in accordance with Policies HE2 and HE3 of the Local Plan.

10. All biodiversity and mitigation measure as outlined in section 4 of 'Preliminary Ecological Appraisal (PEA) on Land at 156 River Way, Christchurch BH23 2QU' by KJF Consultancy Ltd shall be implemented in full prior to first occupation of the dwelling hereby approved.

Reason: To ensure that the proposed development enriches biodiversity and wildlife habitat in accordance with Policy ME1 Safeguarding Biodiversity and Geodiversity.

11. Prior to first occupation of the dwelling, details of boundary treatment shall be submitted for approval to the LPA, they must also be implemented prior to first occupation of the dwelling.

Reason: To ensure privacy for neighbouring residents in accordance with Policy HE2 – Design of New Development

12. The flood risk management measures, as outlined in section 9.0 of Meridan Civil Engineering Consultancy, 156 River Way, Flood Risk Assessment, shall be implemented in full prior to first occupation of the dwelling.

Reason: To ensure flood resilience in the new development in accordance with Policy ME6 – Flood Management, Mitigation and Defence

13. Removal of domestic PD rights

Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.

Reason: To ensure that the development does not increase the risk of flooding elsewhere and in the interest of the neighbouring amenity in accordance with policy ME6 and HE2 of the Core Strategy 2014.

#### **Informative Notes:**

1. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated [TBC], the obligations in which relate to this development.
2. The applicant is informed that the “first” part of the 4.5 metres of the access crossing in any case falls within the highway and is subject to the direct jurisdiction of the local highway authority. The remaining proportion of the 4.5 metres is also required to be surfaced to ensure free and easy access to and from the highway and to ensure stones, mud, gravel and the like do not result in a hazard on or near the highway.
3. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance, the applicant/agent was provided with the opportunity to address issues identified by the case officer and the application has been recommended for approval.

4. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission does not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed is relevant.

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.

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.

Case Officer Report Completed

Officer: Peter Walters

Date: 22/01/2025

Agreed by:

Date:

Comment: